



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 295 Jarvis Street - Zoning By-law Amendment and Official Plan Amendment Applications - Request for Direction Report

**Date:** May 8, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 13 - Toronto Centre

### REASON FOR CONFIDENTIAL INFORMATION

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This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

### SUMMARY

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On November 15, 2022, the applicant submitted Official Plan and Zoning By-law Amendment applications (the "Development Application") respecting 295 Jarvis Street (the "Site") to permit a 60-storey residential building, containing 618 dwelling units with a total of 44,530 square metres of residential gross floor area. The Site currently contains a 3-storey licensed rooming house known as the Inglewood Arms with approximately 95 dwelling-rooms.

On May 16, 2023 the applicant appealed the Development Application to the Ontario Land Tribunal (the "OLT") due to Council not making a decision within the time frame in the *Planning Act*.

The purpose of this report is to request further instructions for the appeal that remains outstanding at the OLT. The matter is urgent and cannot be deferred because hearing dates are set in June, 2024.

City Planning has been consulted in the preparation of this report.

### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to the Report from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations in Confidential Attachment 1, and Confidential Appendix "A" to this Report from the City Solicitor, if adopted by City Council.

3. City Council direct that all other information contained in Confidential Attachment 1 to the Report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice and information, which is subject to solicitor-client privilege.

## **FINANCIAL IMPACT**

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

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On April 1 & 2, 2015, City Council adopted Amendment 82 to the Official Plan of the City of Toronto respecting the Garden District Area Specific Policy (SASP 461), which included the Site in the plan area. OPA 82 was appealed to the OLT and approved on May 23, 2018, save and except for certain lands including the Site. City Council's original decision on OPA 82 can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2015.TE4.8>

On May 22, 23, & 24, 2018, City Council adopted Amendment 406 to the Official Plan of the City of Toronto being the Downtown Plan. The Minister of Municipal Affairs and Housing approved OPA 406 with modifications on June 5, 2019. The in-force Downtown Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2022/06/962d-cityplanning-official-plan-41-secondary-plan-downtown-plan.pdf>

On June 18 & 19, 2019, City Council adopted Amendment 453 to the Official Plan of the City of Toronto to address the loss of dwelling rooms through redevelopment proposals (OPA 453). OPA 453 was appealed to the OLT and approved on November 8, 2021 save and except for certain lands including the Site. City Council's original decision on OPA 453 can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2019.PH6.1>

On November 15, 2022, the applicant submitted the Development Application respecting 295 Jarvis Street to permit a 60-storey residential building proposing 618 dwelling units with a total of 44,530 square metres of residential gross floor area. The Development Application proposes to demolish the 3-storey licensed rooming house known as the Inglewood Arms that contains approximately 95 dwelling-rooms.

On May 16, 2023 the applicant appealed the Development Application to the OLT due to Council not making a decision within the time frame in the *Planning Act*.

On November 8 & 9, 2024, City Council directed the City Solicitor and appropriate City staff to attend the OLT in opposition to the Zoning By-law Amendment appeal for the Site. The Council item can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE8.8>

The OLT conducted a first case management conference on September 12, 2024, during which it granted party status to Infrastructure Ontario and The Hospital for Sick Children. The OLT conducted a second case management conference on February 7, 2024, where it granted party status to the Toronto Community Housing Corporation. This matter is urgent as the City Solicitor requires further directions respecting the OLT appeal.

## COMMENTS

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The City Solicitor requires further instructions on this matter. This report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege and litigation privilege. Confidential Attachment 1 and Confidential Appendix "A" to this report contain confidential advice and information and should be considered by City Council *in camera*.

## CONTACT

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## SIGNATURE

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Wendy Walberg  
City Solicitor

## ATTACHMENTS

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1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information