



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 2, 7 and 10 Queen Elizabeth Boulevard, 506, 514, 516, 520 and 522 Royal York Road and 3, 5 and 15 Sinclair Street – Zoning By-law Amendment Application – Ontario Land Tribunal Hearing – Request for Directions

**Date:** June 14, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 3 - Etobicoke - Lakeshore

### **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 January 9, 2023, the City received a Zoning By-law Amendment application for 2, 7 and 10 Queen Elizabeth Boulevard, 506, 514, 516, 520 and 522 Royal York Road and 3, 5 and 15 Sinclair Street (the "Site") to permit a mixed-use development with a 10-storey mid-rise building and three towers with heights ranging from 17-35 storeys with a total of 1,000 square metres of non-residential gross floor area and 5,000 square metres of non-residential (employment-industrial) gross floor area. The proposal includes a 646.5 square metre encumbered outdoor open space with frontage on Queen Elizabeth Boulevard. The development would have a total gross floor area of 86,602 square metres with a Floor Space Index of 6.1.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on June 19, 2023.

The City Solicitor requires further directions for an upcoming OLT hearing scheduled to commence on August 6, 2024. Given imminent procedural filing dates, this matter is urgent and cannot be deferred.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of Confidential Appendix "A", Confidential Appendix "B" and the confidential recommendations contained in the Confidential Attachment 1 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 this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice 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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At its meeting on December 16, 17 and 18, 2013, City Council adopted Official Plan Amendment 231 ("OPA 231") with respect to the economic health policies and the policies, designations and mapping for Employment Areas following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands.

The Site is subject to Site and Area Specific Policy 807 ("SASP 807"). SASP 807 resulted from a subset of the OPA 231 appeals that were approved by the OLT on January 19, 2023. On July 19, 20, 21 and 22, 2022, City Council adopted a Request for Directions Report on the OPA 231 appeal for the Site. The City Council decision is available at:

[Agenda Item History - 2022.CC47.29 \(toronto.ca\)](#)

A Request for Direction Report on the application was adopted by City Council on February 6 and 7, 2024, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Zoning By-law Amendment application, and to continue discussions with the applicant in an attempt to resolve outstanding issues. The Request for Direction Report can be found at:

[Agenda Item History - 2024.EY10.4 \(toronto.ca\)](#)

## COMMENTS

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The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

## 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
3. Confidential Appendix "B" - Confidential Information