



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

467-479 Wellington Street West and 33 Draper Street – Ontario Land Tribunal Hearing – Request for Directions

Date: July 9, 2024

To: City Council

From: City Solicitor

Wards: Ward 10 – Spadina-Fort York

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

On July 20, 2022, the City received a Zoning By-law Amendment application for 467-479 Wellington Street West and 33 Draper Street (the "Site") to permit the construction of a 23-storey mixed-use building containing 225 dwelling units.

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 December 1, 2023.

The City Solicitor requires further directions for the upcoming OLT CMC scheduled for August 6, 2024 and the upcoming 10 day OLT hearing scheduled for March 4, 2025. This matter is urgent in light of procedural deadlines and for reasons set out in Confidential Attachment 1.

RECOMMENDATIONS

The City Solicitor recommends that:

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

2. City Council authorize the public release of the confidential recommendations contained in the 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 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

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

On July 20, 2022, the City received a Zoning By-law Amendment application to permit the construction of a 23-storey mixed-use building containing 225 dwelling units.

On December 1, 2023, the applicant appealed City Council's neglect or failure to make a decision on the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on February 6, 2024 and second Case Management Conference on April 25, 2024. The Wellington Place Neighbourhood Association ("WPNA") and the Draper Street Residents Association Inc. ("DSRA") sought and obtained party status. A 10 day hearing is scheduled for March 4, 2025.

A Request for Direction Report on the application was adopted by City Council on April 17, 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:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE12.12>

COMMENTS

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

Wendy Walberg
City Solicitor

ATTACHMENTS

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