



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 10 Huntley Street – Ontario Land Tribunal Hearing – Request for Directions

**Date:** July 11, 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 December 14, 2021, the City received Official Plan and Zoning By-law Amendment applications to permit a 29-storey infill residential building containing 213 dwelling units on the portion of the site at 10 Huntley Street currently occupied by a surface parking lot.

On December 16, 2022 a revised proposal was submitted which increased the proposed height to 45-storeys and 334 dwelling units.

On September 1, 2023 a further revised proposal was submitted proposing improvements to the tower setbacks and vehicular access in response to staff comments.

On October 3, 2023, the applicant appealed the Zoning By-law Amendment and Official Plan Amendment applications to the Ontario Land Tribunal (the "OLT") due to Council not having made a decision within the statutory timeframe (the "Appeals"). A 10-day OLT hearing is scheduled to commence on October 16, 2024.

The City Solicitor requires further direction for the upcoming OLT hearing. This matter is urgent and cannot be deferred as it is the last opportunity to get instruction from City Council in advance of established procedural exchange dates.

## **RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 and Confidential Appendix "A" to this report, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report 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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On April 17, 2024, an Appeal Report was adopted by City Council, directing the City Solicitor and appropriate City staff to attend the OLT in opposition to the Official Plan and Zoning By-law Amendment applications, and to continue discussions with the applicant in an attempt to resolve the outstanding issues. The Appeal Report can be found at the following link:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE12.14>

## **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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Ultra Gautam, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 396-7986;  
Fax: (416) 397-5624; Email: [uttra.gautam@toronto.ca](mailto:uttra.gautam@toronto.ca)

Sarah O'Connor, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5378;  
Fax: (416) 397-5624; Email: [sarah.oconnor@toronto.ca](mailto:sarah.oconnor@toronto.ca)

## **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