



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

70-86 Lynn Williams Street – Zoning By-law Amendment Application– Ontario Land Tribunal Hearing – Request for Directions

Date: August 16, 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 October 18, 2023, a Zoning By-law Amendment application was submitted for a development at 70-86 Lynn Williams Street to permit a 43-storey mixed-use building containing 588 rental units, demolishing the north half of the heritage building located on the 80-86 Lynn Williams Street portion of the site, and retaining the south half fronting onto Lynn Williams Street. On April 17, 2024, City Council refused the Zoning By-law Amendment application and the applicant appealed City Council's decision on the application to the Ontario Land Tribunal (OLT).

The City Solicitor requires further directions on this matter. For reasons set out in Confidential Attachment 1 to this report, this matter is urgent and cannot be deferred.

RECOMMENDATIONS

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 the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor, and Confidential Appendix "A", 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 February 2, 2006, City Council included the property at 80 - 86 Lynn Williams Street on the City of Toronto's Heritage Register.

<https://www.toronto.ca/legdocs/2006/agendas/council/cc060131/cofa.pdf>

On March 20-22, 2024, City Council stated its intention to designate the property at 80 - 86 Lynn Williams Street (including the structure address of 130 East Liberty Street) under Part IV, Section 29 of the *Ontario Heritage Act*.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH10.7>

On April 17, 2024, City Council adopted TE12.10 - 70-86 Lynn Williams Street - Zoning By-law Amendment Application - Decision Report - Refusal which includes the subject property at 80-86 Lynn Williams Street.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE12.10>

At its meeting of June 26, 2024, City Council enacted a by-law designating the property at 80-86 Lynn Williams Street under Part IV, Section 29 of the *Ontario Heritage Act*, after considering the objection to the designation.

<https://www.toronto.ca/legdocs/bylaws/2024/law0701.pdf>

COMMENTS

The City Solicitor requires further instructions on this matter no later than the completion of the City Council meeting which starts on September 5, 2024. 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