



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

296-300 King Street East and 56-60 Berkeley Street – Ontario Land Tribunal Hearing – Request for Directions

Date: September 24, 2024

To: City Council

From: City Solicitor

Wards: Ward 13 - Toronto Centre

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 November 9, 2021, the City received an Official Plan and Zoning By-law Amendment application for 296-300 King Street East and 56-60 Berkeley Street (the "Site") to permit the construction of a 34-storey mixed-use building with 1,188 square metres of commercial uses and 364 residential units.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Official Plan and Zoning By-law Amendments (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on September 26, 2022.

The City Solicitor requires further directions for upcoming OLT case management conference scheduled for November 4, 2024. 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 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

A Request for Direction Report on the application was adopted by City Council on February 7, 2023 directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the Official Plan and Zoning By-law Amendment applications, 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=2023.TE2.11>

The OLT held the first Case Management Conference on February 13, 2023. A second Case Management Conference is scheduled for November 4, 2024.

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