



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### **595 Bay Street, 304 - 316 Yonge Street and 14 - 40 Dundas Street West – Ontario Land Tribunal Hearing – Request for Directions**

**Date:** December 5, 2024

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 11 - University-Rosedale

#### **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 November 8, 2021, the City received an Official Plan and Zoning By-law Amendment application for 595 Bay Street, 304-316 Yonge Street and 14-40 Dundas Street West (the "Site") to permit the construction of a 34-storey mixed-use building containing 317 dwelling units and 2,998 square metres of non-residential gross floor area.

The applicant appealed City Council's neglect or failure to make a decision on its application for the Official Plan and Zoning By-law Amendment (the "Appeal"), to the Ontario Land Tribunal (the "OLT") on January 12, 2024.

The City Solicitor requires further directions for upcoming OLT hearings scheduled for June 9-13, 2025. 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 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**

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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 November 8, 2021, the City received an Official Plan and Zoning By-law Amendment application to permit a 34-storey mixed-use building.

On January 12, 2024, the applicant appealed City Council's neglect or failure to make a decision on the Official Plan and Zoning By-law Amendment application to the OLT. The OLT held the first Case Management Conference on April 10, 2024. A second Case Management Conference was held on November 25, 2024. A hearing is scheduled for June 9-13, 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 Official Plan and 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.TE12.13#>

## **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