



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 1437-1455 Queen Street West – Ontario Land Tribunal Hearing – Request for Directions

**Date:** January 22, 2025

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 4 - Parkdale-High Park

#### 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 May 19, 2023, the City received a Zoning By-law Amendment application for 1437-1455 Queen Street West (the "Site") to permit the construction of a 12-storey mixed-use building comprised of 1 level of underground parking, retail uses on the ground level and 249 residential units located on the upper floors.

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 November 27, 2023. A hearing was scheduled to commence on January 28, 2025, but was adjourned on consent of the parties.

The City Solicitor requires further directions for the OLT proceedings. The OLT case coordinator has directed the parties to provide an update in February 2025 respecting scheduling of a hearing.

#### 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 May 19, 2023, the City received a Zoning By-law Amendment application to permit a 12-storey mixed use building comprised of 1 level of underground parking, retail uses on the ground level and 249 residential units located on the upper floors.

On November 27, 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 29, 2024.

An Appeal Report on the application was adopted by City Council on March 21, 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 Appeal Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2024/te/bgrd/backgroundfile-242789.pdf>

The OLT held a second Case Management Conference on September 11, 2024. A hearing was scheduled for January 28, 2025 to February 5, 2025. The hearing dates were released and the parties were directed to provide a further update to the Tribunal in February 2025.

## **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