



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

### 86, 100 - 108 Lombard Street, 103 Richmond Street East - Zoning By-law Amendment - Ontario Land Tribunal Hearing - Request for Directions

**Date:** January 24, 2025

**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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The purpose of this report is to request instructions in respect of the proceedings before the Ontario Land Tribunal ("OLT"). The applicant appealed the proposed Zoning By-law Amendment Applications for 86, 100 - 108 Lombard Street and 103 Richmond Street West to the OLT as a result of Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.

The property municipally known as 86 Lombard Street is designated under Part IV, Section 29 of the *Ontario Heritage Act*.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential instructions to staff contained in Confidential Attachment 1, Confidential Appendix "A" and Confidential Appendix "B" 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 is about litigation before the Ontario Land Tribunal and contains advice or communications that are 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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### Development Application

On October 9, 2024, City Council directed the City Solicitor and appropriate City staff to attend the OLT to oppose the Zoning By-law Amendment applications for 86, 100-108 Lombard Street and 103 Richmond Street East. The decision of City Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE16.9>

### Designation of the Property at 86 Lombard Street

City Council passed City of Toronto By-law 846-1979 designating the property under the *Ontario Heritage Act* on October 1, 1979. By-law 846-1979 is in effect. The designation by-law can be found here:

<https://www.toronto.ca/legdocs/pre1998bylaws/toronto%20-%20former%20city%20of/1979-0846.pdf>

### Heritage Permit Applications

On January 31, 2025, the Toronto Preservation Board considered a report from the City Solicitor regarding alterations to a Designated Property and removal of a building on a Designated Property municipally known as 86 Lombard Street under Sections 33 and 34(1)2 of the *Ontario Heritage Act*. The advice of Toronto Preservation Board can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PB24.2>

### Appeal to Ontario Land Tribunal

On March 26, 2024, the applicant appealed the Zoning By-law Amendment application to the OLT due to Council not making a decision within the time frame in the *Planning Act*.

The OLT conducted two Case Management Conferences on the appeal and scheduled a two-week hearing commencing on October 27, 2025. The Tribunal granted participant status to several area residents and the St. Lawrence Residents Neighbourhood Association. The Tribunal has scheduled a third CMC on March 13, 2025 and the Tribunal has requested a status update by February 27, 2025.

## COMMENTS

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The lands municipally known as 86 Lombard Street are designated under Part IV, Section 29 of the *Ontario Heritage Act* and require an application under Section 33 and 34(1)2 of the *Ontario Heritage Act* to address any proposed changes to the heritage property and removal and relocation of the heritage building on the designated property. Applications to Alter a Designated Heritage Property and Removal of a Building from a Designated Heritage Property was submitted to Heritage Planning staff and is being considered at the same time as this report. A City Solicitor's Report on the Heritage Permit Applications will be considered by the Toronto Preservation Board on January 31, 2025 and that advice will be considered at the same City Council meeting as this report.

On August 26, 2022, a Zoning By-law Amendment application was submitted to permit a 59-storey (216 metres, including mechanical penthouse) mixed-use building containing 480 dwelling units, 4,321 square metres of office space, and 616 square metres of retail space. The former City Morgue building at 86 Lombard Street is proposed to be relocated to the eastern portion of the site. A mid-block connection between Richmond Street East and Lombard Street and a public open space are proposed.

This report seeks further direction from City Council on this matter in advance of the March 13, 2025 Case Management Conference and the OLT hearing set to commence on October 27, 2025, with procedural order deadlines commencing in advance of the next Council meeting and therefore this matter is urgent.

## 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
3. Confidential Appendix "B" – Confidential Information