



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

137-141 Isabella Street – Ontario Land Tribunal Hearing – Request for Directions

Date: March 12, 2025

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 February 27, 2024, the City received a Zoning By-law Amendment application for 137-141 Isabella Street (the "Site") to permit the construction of a 69-storey residential building containing 823 dwelling units, including 61 replacement rental units.

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 June 19, 2024.

The City Solicitor requires further directions for the upcoming OLT hearing scheduled for June 2, 2025. 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, 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 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 27, 2024, the City received a Zoning By-law Amendment to permit the construction of a 69-storey residential building containing 823 dwelling units, including 61 replacement rental units.

A Refusal Report was adopted by Toronto and East York Community Council on May 7, 2024, and then City Council on May 22 and 23, 2024, which refused to approve the application and directed the City Solicitor to attend the OLT in opposition to the application with appropriate City Staff in the event of an appeal. The decision of the Toronto and East York Community Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2024.TE13.11>

On June 19, 2024, the applicant appealed City Council's refusal to pass the Zoning By-law Amendment to the OLT. The OLT held the first Case Management Conference on December 6, 2024. A hearing is scheduled for June 2, 2025.

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

Jason Davidson, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-4835; Fax: (416) 397-5624; Email: Jason.Davidson@toronto.ca

Amrit Sandhu, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 338-1617; Fax: (416) 397-5624; Email: Amrit.Sandhu@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Confidential Attachment 1 - Confidential Information
2. Confidential Appendix "A" - Confidential Information
3. Confidential Appendix "B" - Confidential Information