

65 Ookwemin Street (Formerly 309 Cherry Street) – Amendment to 2024 CC19.9 – Ontario Land Tribunal Hearing – Request for Directions

Date: July 10, 2025

To: City Council

From: City Solicitor

Wards: Ward 14 - Toronto - Danforth

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 March 5, 2012 and December 30, 2016, the City received a Zoning By-law Amendment application for the north block and south block respectively of the lands then known as 309 Cherry Street, now known as 65 Ookwemin Street (the "Site"). The Site is centrally located within Ookwemin Minising in the Port Lands. The applications collectively proposed mixed use development, with a 26- storey residential tower atop an 8-storey podium and the partial retention of existing heritage buildings on the north block, and an 11-storey building and 52-storey building atop a 4-12 storey 'u-shaped' podium.

The applicant appealed City Council's neglect or failure to make a decision on its applications for the Zoning By-law Amendment to the predecessor Ontario Land Tribunal (the "Tribunal") on October 31, 2014 for the north block and June 1, 2017 for the south block (the "Appeals"). In March 2023, the applicant submitted revised plans for the Site, proposing a tower on each of the north and south block with heights of 47 and 39 storeys respectively. On April 23, 2024, the applicant circulated further updated development plans to the Tribunal and other parties consisting of three residential towers of 27, 49 and 39 storeys, on podiums of various configurations ranging from 3 to 10 storeys. They also advised of their intention to provide 5 percent of the proposed residential units as affordable housing for a period of 25 years.

At its meeting on June 26 and 27, 2024, City Council accepted a settlement proposal on this matter and directed the City Solicitor attend at the OLT in support of the settlement.

The City Solicitor requires further directions to respond to an issue that arose since City Council provided staff instructions.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council amend its previous decision on Item 2024 CC19.9 in accordance with 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", Confidential Appendix "B", and Confidential Appendix "C" 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

At its meeting on June 26 and 27, 2024, City Council considered a Request for Directions Report from the City Solicitor in respect of the 309 Cherry applications and related appeals, accepting a settlement offer and authorizing the City Solicitor to attend the Tribunal in support of the settlement. Council's decision and the City Solicitor's report can be found [here](#). The decision history within that report outline the subsequent history for the Site and the Port Lands more broadly.

At its meeting on June 26 and 27, 2024, City Council considered a report titled "309 Cherry Street - Alterations to Heritage Attributes on a Designated Heritage Property Under Part IV, Section 33 of the *Ontario Heritage Act* and Authority to Enter into a Heritage Easement Agreement" from the Acting Senior Manager, Heritage Planning through which City Council consented to an alteration permit application for the Site, subject to Council's conditions. City Council's decision and the report can be found [here](#).

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

Lauren Pinder, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 392-0797; Fax: (416) 397-5624; Email: lauren.pinder@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
4. Confidential Appendix "C" - Confidential Information