



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**Appeals before the Ontario Municipal Board related to  
20, 22A and 24 Bathurst Street (Blocks 2, 3, 4, and 4A  
Fort York Neighbourhood Part II Plan)**

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| <b>Date:</b>                                | March 13, 2007   |
| <b>To:</b>                                  | Toronto and East York Community Council  |
| <b>From:</b>                                | City Solicitor   |
| <b>Wards:</b>                               | Trinity-Spadina Ward 19  |
| <b>Reason for Confidential Information:</b> | This report relates to a litigation matter before the Ontario Municipal Board (“OMB”). |
| <b>Reference Number:</b>                    |  |

**SUMMARY**

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The City requires lands formerly owned by St. Mary’s Cement Inc. (Canada) (“St. Mary’s”) in the Fort York Neighbourhood for a small portion of Fort York Boulevard as constructed. Wittington Properties Limited (“Wittington”) is now the registered owner of the St. Mary’s holdings (including the lands required by the City) and also owns adjacent lands. The OMB has approved, in principle, the planning applications related to the associated development blocks (Blocks 2, 3, 4, 4A, 6 and 6A in the Fort York Neighbourhood). The requirement to convey lands for Fort York Boulevard was identified in a settlement report adopted by Council related to OMB proceedings. Council clarification and direction on matters related to acquisition of the lands is required.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. Council authorize the public release of the confidential Recommendations included in Attachment 1 at the conclusion of the Council meeting.

## **FINANCIAL IMPACT**

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There are no direct financial implications that result from adoption of this report.

## **DECISION HISTORY**

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## **ISSUE BACKGROUND**

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Council direction is required to finalize the Section 37 Agreement and official plan and zoning amendments related to Blocks 2, 3, 4 and 4A in the Fort York Neighbourhood. Once finalized, pursuant to an earlier decision of the OMB, an Order will follow completing the planning approvals for these remaining blocks.

## **COMMENTS**

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Council direction in connection with the acquisition of certain lands required for Fort York Boulevard is required. Staff's analysis of the circumstances and recommendations are set out in the confidential attachment to this report.

Community Planning and Facilities and Real Estate Services concur with this report.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski

## **ATTACHMENTS**

Attachment 1 – Confidential Information