



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

1638 – 1644 Bloor Street West – Settlement Offer

Date:	October 28, 2008
To:	City Council
From:	Anna Kinastowski, City Solicitor
Wards:	Ward 14 – Parkdale-High Park
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	File Nos. 08 108093 STE 14 OZ (Rezoning) and 08 10802 STE 14 SA (Site Plan Control)

SUMMARY

The applicant has appealed its Zoning By-law and Site Plan applications to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the *Planning Act*. A hearing has been scheduled for November 12 - 14, 2008.

On October 27, 2008, the applicant/appellant submitted a “without prejudice” settlement offer, based on revised plans, to the City (the “Settlement Offer”). The confidential attachment presents and comments on the Settlement Offer, for Council’s consideration. This Report must be considered on an urgent basis given the upcoming hearing date.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council not adopt the recommendations of Toronto and East York Community Council;
2. City Council consider the Settlement Offer summarized in Attachment 1 and adopt the confidential recommendations in Confidential Attachment 1; and
3. If adopted, the confidential instructions together with Appendix 1, be released at the end of the Council meeting.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impact.

DECISION HISTORY

On October 14, 2008, Toronto and East York Community Council (TEYCC) adopted the recommendations contained in the October 2, 2008 Staff Report from the Acting Director, Community Planning, Toronto and East York District (the “Acting Director”).

The Staff Report can be accessed at the following link:

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-16054.pdf>

ISSUE BACKGROUND

The applicant appealed its Zoning By-law and site plan applications on June 23, 2008.

On October 27, 2008, the applicant submitted the Settlement Offer. Attachment 1 comments on the merits of the Settlement Offer.

COMMENTS

A hearing has been set for November 12-14, 2008 and as such, the City Solicitor requires direction with respect to the Settlement Offer on an urgent basis.

CONTACT

Abbie Moscovich, Solicitor

Tel. No. 416-392-6905

E-mail: amoscov@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information and Appendix 1