



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

7 Lynn Road- OMB Hearing

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| Date: | February 26, 2008 |
| To: | Scarborough Community Council |
| From: | City Solicitor |
| Wards: | Ward 36 Scarborough Southwest |
| Reason for Confidential Information: | This report is about litigation or potential litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege. |
| Reference Number: | COA File No. A084/06SC |

SUMMARY

By Decision/Order dated August 17, 2007 ("Decision"), the Ontario Municipal Board ("Board") allowed the appeal by the City of Toronto from the decision of the Committee of Adjustment Scarborough Panel ("COA") and refused a minor variance to the minimum parking space dimensions under Scarborough Birchcliff Community Zoning By-law No. 8786 for the lands known municipally as 7 Lynn Road ("Subject Lands"). The owners then brought an application to the Board for a review of the Decision. By decision dated February 19, 2008, the Board ordered that the Decision be rescinded and a new hearing be held.

RECOMMENDATIONS

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 in Attachment 1 at the end of the Council meeting in the event they are adopted by Council.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

[http://www.toronto.ca/legdocs/2006/agendas/council/cc060627/nomj\(15\).pdf](http://www.toronto.ca/legdocs/2006/agendas/council/cc060627/nomj(15).pdf)

At its meeting of June 27, 28 and 29, 2006, City Council adopted the Notice of Motion by Councillor Ashton to appeal the COA decision and authorized the City Solicitor to attend the OMB hearing and to retain an outside planning consultant.

COMMENTS

The Board will be scheduling a new hearing in this matter and Council direction is being requested.

CONTACT

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SIGNATURE

Anna Kinastowski
City Solicitor

ATTACHMENTS

Confidential Recommendations and Confidential Information