



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**2885 Bayview Avenue – Appeal of Minor Variance
Decision – Settlement Offer**

Date:	April 6, 2009
To:	City Council
From:	City Solicitor
Wards:	Ward 24 - Willowdale
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	File Nos. A0017/09NY (Minor Variance)

SUMMARY

The applicant successfully applied to the Committee of Adjustment for a minor variance to permit a financial institution (bank) to be located on the ground floor of the mixed use residential condominium building situated at 2885 Bayview Avenue, whereas a financial institution is not a permitted use.

City Council directed the City Solicitor to appeal the Committee of Adjustment’s decision, and to attend at the Ontario Municipal Board hearing in support of the appeal. Legal Services submitted a notice of appeal on behalf of City Council, and a hearing has been scheduled for April 30, 2009.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council consider the recommendations set out in the Confidential Attachment and provide instructions for the upcoming OMB hearing; and
2. If adopted, the confidential instructions be released at the end of the Council meeting.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impact.

DECISION HISTORY

On February 19, 2009, the North York Panel of the Committee of Adjustment allowed minor variance application A0017/09NY, thereby permitting a financial institution (bank) to be located on the ground floor of the mixed use residential condominium building situated at 2885 Bayview Avenue, whereas only retail uses are permitted at-grade, and a financial institution is not.

On February 23 and 24, 2009, City Council adopted Motion MM31.13, thereby directing the City Solicitor to appeal the Committee Decision, and to attend at the Ontario Municipal Board hearing in support of the appeal.

Legal Services submitted a notice of appeal on behalf of City Council on March 9, 2009. A hearing date has been set for April 30, 2009.

COMMENTS

This report is further to the City Solicitor's report of April 3, 2009. The City Solicitor requires urgent instructions as the hearing is scheduled for April 30, 2009.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

1. Attachment 1 – Confidential Information
2. Letter