



**STAFF REPORT
ACTION REQUIRED
Confidential Attachments**

**Appeals to the Ontario Municipal Board
Evril Properties Limited and West Mall Investments
2, 4 and 6 Eva Road Zoning Amendment Application and
Official Plan Amendment 85**

Date:	September 21, 2009
To:	City Council
From:	City Solicitor
Wards:	Ward 3 – Etobicoke Centre
Reason for Confidential Information:	This report seeks instructions regarding pending Ontario Municipal Board hearings. Accordingly, this report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.
Reference Number:	File Nos. 08 112855 WET 03 OZ, 09 110161 WET 03 OZ

SUMMARY

The purpose of this report is to seek instructions respecting upcoming Ontario Municipal Board (“OMB”) hearings regarding Evril Properties Limited (“Evril”) and West Mall Investments (“West Mall”) of By-law 600-2009, a zoning by-law amendment for the lands located at 2, 4 and 6 Eva Road (the “Evril Lands”), and By-law 685-2009, an Official Plan amendment for a proposed new mid-block north/south public road linking Eva Road with Civic Centre Court (the “Proposed Road”). A pre-hearing conference at the OMB dealing with both matters is scheduled for October 22, 2009.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendation contained in Attachment 1 of this report; and

2. Council's instructions to staff be authorized for public release after this item has been decided by City Council.

FINANCIAL IMPACT

The recommendations of this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On May 27, 2009, City Council enacted By-law 600-2009 to rezone the Evral Lands to permit the replacement of existing low-rise office buildings with a high-rise residential condominium building containing approximately 900 apartment and townhouse-style units (the "ZBA"). West Mall has appealed the ZBA to the OMB. The Final Report from the Director, Community Planning, Etobicoke York District, dated January 22, 2009 is found at the following link:

<http://www.toronto.ca/legdocs/mmis/2009/ey/bgrd/backgroundfile-18537.pdf>

On August 6th, 2009, City Council enacted By-law 685-2009, Amendment No. 85 to the City's Official Plan, to provide for a proposed new mid-block north/south public road linking Eva Road with Civic Centre Court ("OPA 85"). West Mall has appealed OPA 85 to the OMB and the appeal is to be consolidated with the ZBA appeal. The Final Report from the Chief Planner and Executive Director, City Planning Division, dated May 15, 2009 is found at the following link:

<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-21279.pdf>

ISSUE BACKGROUND

The ZBA provides for a phased development of the Evral Lands. An "H" Holding Symbol was applied to the northerly half of the site (Phase 2 of the development), and one of the conditions for removing the Holding Symbol is that Evral must dedicate approximately 50% of the property required for a portion of the Proposed Road. The Proposed Road is the subject of OPA 85.

West Mall, the registered owners of the neighbouring property to the west municipally known as 24 Eva Road and 361 The West Mall (the "West Mall Lands"), have appealed both the ZBA and OPA 85. In order to construct the Proposed Road the City would also require the acquisition of additional lands from a portion of the West Mall Lands. West Mall objects to the location of the Proposed Road, and have reached a settlement with Evral that includes a shift in the location of the Proposed Road.

The City Solicitor now requires instructions as detailed in the confidential attachment to this report.

COMMENTS

The shifting of the Proposed Road results in changes to some of the parameters in the ZBA as approved by Council and a change to OPA 85 as approved by Council. This report seeks the instructions from Council on these changes.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

1. Confidential Attachment: Appeals to the Ontario Municipal Board, Evral Properties Limited and West Mall Investments, 2, 4 and 6 Eva Zoning Amendment Application and Official Plan Amendment 85.