



**STAFF REPORT  
ACTION REQUIRED  
Confidential Attachments**

**Directions Report – Potential Section 37 Benefits  
1325-1365 Bayview Avenue - Ontario Municipal Board  
Hearing**

<b>Date:</b>	September 24, 2009
<b>To:</b>	City Council
<b>From:</b>	Director, Planning and Administrative Tribunal Law
<b>Wards:</b>	Ward 26 – Don Valley West
<b>Reason for Confidential Information:</b>	This report contains legal advice regarding litigation involving the City. Accordingly, this report is about litigation or potential litigation and contains advice that is subject to solicitor-client privilege
<b>Reference Number:</b>	

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**SUMMARY**

This report seeks instructions from Council with respect to the appropriate community benefits that should be provided under section 37 of the *Planning Act* in the event that the Ontario Municipal Board approves an increase in height or density with respect to Context Development Inc.'s Official Plan Amendment and Zoning By-law appeals for 1325 – 1365 Bayview Avenue. This matter must be considered at this Council meeting because witness statements for the November 2 hearing must be exchanged on October 5, 2009.

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**RECOMMENDATIONS**

The Director, Planning and Administrative Tribunal Law, recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. Council's instructions to staff be authorized for public release at the conclusion of the Council meeting

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

On March 13, 2008 Context Development Inc. ("Context") submitted applications to amend the Official Plan and Zoning By-law for 1325-1365 Bayview Avenue. The applications would provide for an 8-storey apartment building and 54 townhouses. Of the 194 units proposed, 116 would constitute rental units to replace existing rental units and there 24 would be new rental units. City Council at its meeting July 15, 16, and 17, 2008 refused the applications for the reasons outlined in the Report of the Director, Community Planning, North York District dated June 17, 2008 (see <http://www.toronto.ca/legdocs/mmis/208/ny/bgrd/backgroundfile-14079.pdf>).

In addition, Context filed an application to demolish the buildings on the property, which Council has designated under Part IV of the *Ontario Heritage Act*. Council refused that demolition application. Context has appealed Council's refusal of the demolition application together with Council's refusal of the Official Plan Amendment and zoning by-law applications. A 3-week hearing will commence on November 2, 2009.

## **ISSUE BACKGROUND**

The Refusal Report did not address appropriate community benefits under section 37 of the *Planning Act* which might be applicable should the development proposal be approved by the Board. At a pre-hearing conference on April 3, 2009 the Municipal Board directed the City to provide Context with a list of proposed community benefits by April 30, 2009. Community Planning staff, and Policy and Research Planning staff, in consultation with the local Councillor, forwarded a list of potential benefits to Context

and Context responded. Subsequently, the parties have engaged in further discussion toward clarification of potential benefits.

## **CONTACT**

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## **SIGNATURE**

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John A. Paton, Director, Planning and Administrative Tribunal Law

## **ATTACHMENTS**

Attachment 1 – Confidential Information