



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**1-17 Anndale Drive, 31-35 Bales Avenue and 22-70
Glendora Avenue – Rezoning and Site Plan Control
Appeals**

Date:	September 23, 2009
To:	City Council
From:	City Solicitor
Wards:	Ward 23 – Willowdale
Reason for Confidential Information:	This report considers a potential settlement of the appeals currently before the Ontario Municipal Board. Accordingly, this report is about litigation or potential litigation and advice that is subject to solicitor-client privilege
Reference Number:	

SUMMARY

This Report references the applicant's request that the Ontario Municipal Board schedule a hearing in the fall of 2009 to settle the details of a section 37 agreement.

RECOMMENDATIONS

The City Solicitor recommends that:

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

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

The applications propose a 22-storey residential building and 3 blocks of 3-storey townhouses on the eastern portion of the block bounded by Anndale Drive, Tradewind Avenue, Glendora Avenue and Bales Avenue. The site is located east of Yonge Street, north of Highway 401 and south of Sheppard Avenue East.

On September 9, 2008 North York Community Council amended and adopted the recommendations of the Directions Report, by the Director, Community Planning, North York District dated August 18, 2008 (Item NY18.51)

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-14831.pdf>

The report set out the parameters for approval of the development proposal. One recommendation provided that the value of the proposed density incentive of approximately 4,517 m² should be provided at the time when the zoning by-law was approved and that the amount should be equal to the market value of the density for the North York Centre as recommended by the Director of Real Estate Services.

On September 30, 2008 City Council adopted those recommendations, together with certain instructions to staff relating to a parkland issue, arising from the confidential report of the City Solicitor dated September 25, 2008.

Subsequently, the Ontario Municipal Board conducted a hearing and on April 15, 2009 issued an interim Order approving the zoning and site plan notice of approval conditions. The Board's final Order is withheld until the parties notify the Board that the section 37 and site plan agreements have been executed.

ISSUE BACKGROUND

The applicant wishes to proceed with its development proposal and has requested the City to determine the value of the density contribution. The zoning by-law and section 37 agreement filed as exhibits with the Municipal Board provide that the density value:

“... shall be determined by the City's Director of Real Estate Services, Corporate Services, acting reasonably, as of the day before the by-law is passed”

The issue to be considered relates to the calculation of density value for the purposes of the section 37 community benefits contribution.

COMMENTS

The City Solicitor's comments are addressed in the Confidential Attachment to this Report.

This matter must be considered at this Council meeting because a hearing to consider this matter is proposed to be scheduled in October 2009.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information