



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

556, 558 Scarlett Road and 13 Chapman Road – Zoning Appeal - Request for Direction

Date:	March 9, 2009
To:	Etobicoke York Community Council
From:	City Solicitor
Wards:	Ward 2 – Etobicoke North
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	File No. 08 149633 WET 02 OZ

SUMMARY

The applicant wishes to construct eleven dwelling units on the subject property. By the adoption of Item EY21.2 at its meeting on December 1, 2 and 3, 2008, City Council opposes the development. An Ontario Municipal Board hearing has been scheduled for April 16th and 17th, 2009.

The purpose of this report is to seek further directions from City Council with respect to the hearing. This is a time sensitive matter as those directions are required prior to the commencement of the hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the Recommendations embodied in the confidential report (Attachment 1); and
2. City Council authorize the public release of the recommendations once adopted by City Council, together with Attachment “A”. The balance of the report remains confidential.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impact.

DECISION HISTORY

In April 2008, the applicant filed a rezoning application for the subject property to permit the construction of eleven dwelling houses, consisting of six detached dwelling units on Chapman Road, and one detached dwelling and two pairs of semi-detached dwellings on Scarlett Road. On August 21, 2008, the applicant appealed the application to the Ontario Municipal Board due to Council's failure to make a decision within the time allotted by the Planning Act.

At its meeting of December 1, 2 and 3, 2008, City Council adopted the recommendations of Community Planning to oppose the application and to offer settlement based on a total of six to eight dwelling units consisting of four detached dwellings on Chapman Road and either two detached dwellings or four semi-detached dwellings on Scarlett Road. Council also endorsed the retention of a one-foot reserve along the south side of Chapman Road. See <http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-12-01-cc27-dd.pdf> page 129, for the link to City Council's adoption of Item EY21.2.

ISSUE BACKGROUND

City Council's position has been discussed with the applicant in advance of the OMB Hearing. As a result of those discussions, the City Solicitor requires further direction from City Council.

COMMENTS

The OMB Hearing has been set for April 16th and 17th, 2009, and therefore this is a time sensitive matter for which Council direction is being requested.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS - Attachment 1 – Confidential Information