



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**3083-3101 Dufferin Street and 770 Lawrence Avenue
West - Request for directions re February 23, 2010 OMB
hearing**

Date:	January 25, 2010
To:	City Council
From:	City Solicitor
Wards:	Ward No. 15 – Eglinton Lawrence
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	File Nos. 07 283458 NNY 15 OZ and 07 288511 NNY 15 SB

SUMMARY

As noted in my report of January 15, 2010 (Item CC45.2), the purpose of this report is to seek further instruction for the upcoming Ontario Municipal Board (OMB) Hearing on the above noted matter scheduled to commence on February 23, 2010.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions in Attachment 1.
2. Council authorize the public release of the confidential instructions together with Appendix A, if adopted by Council.

FINANCIAL IMPACT

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

DECISION HISTORY

The applications before the Board are for a Zoning By-law Amendment and Draft Plan of Subdivision and propose a mixed-use development including retail space.

At its meeting of December 1, 2, 4, and 7, 2009, City Council adopted item NY29.33, directing the City Solicitor and other City Staff to attend the OMB hearing for the above noted matter to oppose the proposed Zoning By-law Amendment and Draft Plan of Subdivision. City Council also directed the City Solicitor and City Staff to meet with the applicant and the community to scope out a possible settlement for the matter.

For more detailed Decision History, see the Request for Directions report of November 3, 2009 from the Director, Community Planning, North York District, at the following link:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-25260.pdf>

ISSUE BACKGROUND

In accordance with the direction of City Council, City Staff have met with the applicant and members of the community.

COMMENTS

As a result of these discussions, it is now necessary to obtain further directions from City Council in advance of the February 23, 2010 OMB hearing.

As this report concerns litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege, the attachment to this report contains confidential information and should be considered by Council in camera.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information