



## STAFF REPORT ACTION REQUIRED

### 939 Lawrence Avenue East, 1090 Don Mills Road, 49 and 75 The Donway West – Ontario Municipal Board Hearing

<b>Date:</b>	February 16, 2010
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 25- Don Valley West
<b>Reference Number:</b>	

#### SUMMARY

---

The purpose of this report is to advise that the City Solicitor will be reporting to the February 22 and 23, 2010 meeting of City Council to seek further instruction for the upcoming Ontario Municipal Board Hearing on the above noted matter scheduled to commence on April 19, 2010, with motions to be heard on March 10 and 11, 2010.

#### RECOMMENDATIONS

---

The City Solicitor recommends that:

1. The City Solicitor, in consultation with the Chief Planner & Executive Director, City Planning, the Director, Urban Design, and the General Manager, Parks, Forestry & Recreation, be requested to report directly to City Council at its meeting of February 22 and 23, 2010, for direction in advance of the March 10 and 11, 2010 preliminary motions and April 19, 2010 Ontario Municipal Board Hearing.

#### FINANCIAL IMPACT

---

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

#### DECISION HISTORY

At its meeting of September 30 and October 1, 2009, City Council rejected a settlement offer from the applicant, and directed that any further negotiations with the applicant, in

an attempt to resolve this appeal, include the Chief Planner and Executive Director, City Planning, and that he lead such negotiations in conjunction with the City Solicitor.  
<http://www.toronto.ca/legdocs/mmis/2009/ny/reports/2009-09-15-ny27-cr.htm#NY27.54>

Two days of preliminary motions are scheduled for March 10 and 11, 2010, and a multi-week hearing is scheduled to commence April 19, 2010.

## **ISSUE BACKGROUND**

In accordance with the direction of City Council, the Chief Planner has been in negotiations with the appellant. Legal Services staff expect to receive either a settlement offer or detailed minutes of settlement from the appellant, based on those principles discussed during the confidential negotiation sessions, at some time during the week of February 16<sup>th</sup>. Once the City Solicitor has received this further information, a confidential report will be prepared commenting on a potential settlement for consideration by Council at its February 22 and 23, 2010 meeting.

## **CONTACT**

Brian Haley, Solicitor  
Planning & Administrative Tribunal Law  
Telephone: (416) 392-6757  
Fax: (416) 397-5624  
E-mail: [bhaley@toronto.ca](mailto:bhaley@toronto.ca)

Abbie Moscovich, Solicitor  
Planning & Administrative Tribunal Law  
Telephone: (416) 392-6905  
Fax: (416) 397-5624  
E-mail: [amoscov@toronto.ca](mailto:amoscov@toronto.ca)

## **SIGNATURE**

---

Anna Kinastowski, City Solicitor