



**STAFF REPORT  
ACTION REQUIRED  
Confidential Attachment**

**102 Shuter Street – Official Plan Amendment & Rezoning  
Application - OMB Hearing**

<b>Date:</b>	May 10, 2010
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 27 – Toronto Centre - Rosedale
<b>Reason for Confidential Information:</b>	This report is about litigation that affects the City and concerns advice that is subject to solicitor-client privilege

**SUMMARY**

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The applicant has appealed the Official Plan Amendment and Zoning By-law Amendment to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the Planning Act. Council has instructed the City Solicitor, the Chief Planner and Executive Director City Planning and other appropriate City staff to attend the Ontario Municipal Board (OMB) hearing in opposition to the current proposal. Pre-hearing conferences were held on September 28<sup>th</sup>, 2009, December 17<sup>th</sup>, 2009 and April 15<sup>th</sup>, 2009. The Ontario Municipal Board hearing in this matter is set to commence May 17, 2010 for 3 weeks with hearing disclosure exchanges on May 12, 2010.

Further instruction is sought for the purposes of the hearing.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Attachment 1; and
2. City Council authorize the public release of the confidential recommendations and Appendix 1 if adopted.

## **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**

There are staff reports respecting the Site and related matters that have been considered by Council.

City Council at its meeting on October 26 and 27, 2009 adopted the recommendations of the Chief Planner and Executive Director, City Planning, authorizing the City Solicitor, the Chief Planner and other appropriate staff to attend any Ontario Municipal Board hearing in opposition to the original proposal. That proposal was for a 20 storey residential condominium building, with the north portion of the building stepping down to 18 storeys and with 2 storey townhouses fronting on Shuter Street at the base.

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-10-26-cc41-dd.htm>

Prior to the second pre-hearing conference before the OMB, the applicant's solicitor submitted a settlement offer to the City regarding the appeals, which was made public on December 4, 2009. That proposal was for a 16-storey residential condominium building, with the north portion of the building stepping down to 14 storeys and with 2 storey townhouses fronting on Shuter Street at the base. At its meeting of March 31 and April 1, 2010, Council authorized the City Solicitor, the Chief Planner and other appropriate staff to attend any Ontario Municipal Board hearing in opposition to the revised proposal.

<http://www.toronto.ca/legdocs/mmis/2010/cc/decisions/2010-03-31-cc47-dd.htm>

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1- Confidential Attachment  
Attachment 2 – Appendix 1 - letter