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**City Council**

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**Motion without Notice**

MM49.16	ACTION			Ward: 27
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**102 Shuter Street – Official Plan Amendment & Rezoning Application – OMB Hearing - by Councillor Rae, seconded by Councillor Vaughan**

*\* This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

**Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege**

**Recommendations**

Councillor Rae, seconded by Councillor Vaughan, recommends that:

1. City Council adopt the recommendations contained in the report dated May 10, 2010, from the City Solicitor.

**Summary**

City Council at its meeting on October 26 and 27, 2009 authorized the City Solicitor, the Chief Planner and other appropriate staff to attend the Ontario Municipal Board hearing in opposition to the original proposal.

On December 4, 2009, prior to the second pre-hearing conference, the applicant's solicitor submitted a settlement offer to the City. At its meeting of March 31 and April 1, 2010, City Council authorized staff to oppose the revised proposal.

The City Solicitor has prepared a report seeking instructions.

This is a time sensitive issue as the hearing before the Ontario Municipal Board is scheduled for May 17, 2010 for 3 weeks with disclosure exchanges on May 12, 2010.

(Submitted to City Council on May 11 and 12, 2010 as MM49.16)