



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**5799-5915 Yonge Street, 45 and 53 Cummer Avenue,
46 and 47 Averill Crescent - Appeal of Official Plan
Amendment, Zoning By-law Amendment, and Draft Plan
of Subdivision Applications - Request for Direction
Regarding OMB Hearing**

Date:	July 8, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 24 - Willowdale
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:	11 287471 NNY 24 OZ and 11 287481 NNY 24 SB

SUMMARY

The purpose of this report is to seek further instructions for the Ontario Municipal Board (OMB) hearing on the above-noted matters. A pre-hearing conference for the matters was held on July 22, 2014 and the hearing is scheduled to commence on September 15, 2015.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release, at the end of the Council meeting, of the Confidential Recommendations in Attachment 1, including Appendices "A" and

"B", if adopted by City Council. All other information contained in the Confidential Attachment 1 is to remain confidential.

Financial Impact

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The applicant has appealed Council's failure to make a decision on the applications within the timeframe established by the *Planning Act*. A pre-hearing was held on July 22, 2014, and a full hearing is scheduled for September 15, 2015.

In August 2014, Community Council received a Status Report from the Director of Community Planning and directed that:

"1. City Planning staff continue discussions, in consultation with the local Councillor, with the applicant and other parties to the hearing, towards a revised application that appropriately addresses the issues identified in the report (July 24, 2014) from the Director, Community Planning, North York District, and any others that may be identified through the continuing review of the application, and to report back to North York Community Council prior to the commencement of the Ontario Municipal Board (OMB) hearing that may also include potential future mediation.

2. Neither the consultant's report on the Yonge Street North Planning Study nor the draft Official Plan Amendment be given any status by City staff in dealing with the Ontario Municipal Board Appeal for 5799-5915 Yonge Street, 45 and 53 Cummer Avenue, 46 and 47 Averill Crescent."

This report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.71>

ISSUE BACKGROUND

City staff has since had continued discussions with the applicant regarding the issues identified in the Status Report including density, density incentives, land uses, built form and transition to the *Neighbourhoods*, parks and open space, streets and blocks.

COMMENTS

As a result of the discussions, it is necessary to obtain directions from City Council in advance of the September 15, 2015 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