

MM8.54 - Confidential instructions to staff previously adopted by City Council on July 7, 8 and 9, 2015 and made public on April 3, 2017

1. City Council direct the City Solicitor to reject the settlement offer and present the "Without Prejudice Counter Offer to Settle" contained in Attachment "1" to the instructions adopted by City Council.
2. If the Counter Offer is not accepted, City Council:
 - a. Instruct the City Solicitor to request an adjournment of the hearing set to commence on August 11, 2015;
 - b. If the request for an adjournment is not accepted, instruct the City Solicitor to request that the hearing set to commence on August 11, 2015 be transformed into a prehearing and a mediation session with the applicant, school community and interested neighbourhood parties; and,
 - c. If the Ontario Municipal Board holds a mediation session, City Council authorize the City Solicitor to settle the applicant's appeal on such basis as is reasonable arising from the mediation, in the opinion of the City Solicitor and the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
3. If the counter offer is not accepted, and no adjournment or mediation session is granted, City Council instruct the City Solicitor and any other City staff, as appropriate, to attend the OMB hearing in opposition to the proposal in its current form and authorize the City Solicitor to retain outside experts as necessary.
4. In the event that the Ontario Municipal Board allows the appeal on the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request the OMB to withhold its Order until such time as:
 - a. An appropriate Zoning By-law amendment is prepared to the satisfaction of the Director, Community Planning, North York District and the City Solicitor.
 - b. The Owner has entered into an agreement with the City to secure community benefits pursuant to Section 37 of the *Planning Act* to the satisfaction of the Director, Community Planning, North York District and the City Solicitor, in consultation with the Ward Councillor.
 - c. The Board has been advised by the City Solicitor that the City's Notice of Approval Conditions has been finalized.

5. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final orders approving a Zoning By-law Amendment until approval has been granted for the demolition under Chapter 667 pursuant to Section 111 of the City of Toronto Act for the demolition of 6 residential rental dwelling units on the site and secure a Tenant Relocation and Assistance Plan through Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning.

6. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as the City and the owner have presented a draft by-law to the Board that provides for securing the rental housing matters as outlined in Recommendation 5 to the report (June 30, 2015) from the Chief Planner and Executive Director, City Planning and a Section 37 Agreement incorporating these matters has been executed.

Attachment 1 to the Instructions Previously Adopted by City Council

Without Prejudice Counter Offer to Settle

Accept the "Without Prejudice Offer to Settle" dated July 3, 2015 from Adam J. Brown with the following modifications:

1. Reduce the height of the tower to a midrise height (maximum 12 stories).
2. Maintain at-grade podium and tower setbacks of at least:
 - a. 7.5 metres to the south; and,
 - b. 5.0 metres to north, east and west.
3. No above-grade parking.
4. Make such other modifications as are recommended by City Planning staff as found in Appendix "3" attached to the Confidential Attachment to the City Solicitor's Report of July 9, 2015, so long as they do not conflict with 1, 2 or 3 above.
5. A Section 37 Contribution in an amount satisfactory to the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.