



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Official Plan Settlement – Hyde Park Limited Partnership

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| Date: | July 25, 2007 |
| To: | Planning and Growth Management Committee |
| From: | Chief Planner and Executive Director, City Planning and City Solicitor |
| Wards: | 26 |
| Reason for Confidential Information: | This report relates to a litigation matter before the Ontario Municipal Board |
| Reference Number: | |

SUMMARY

McCarthy Tetrault on behalf of Hyde Park Limited Partnership which includes General Partner Hyde GP Inc., Linway Developments Ltd., Kosmor Contracting Inc., Credit Meadow Holding Inc., 870769 Ontario Limited and Amphere Construction Inc. appealed the Official Plan as it relates to their property bounded by Eglinton Avenue, Brentcliffe Road, Vanderhoof Avenue, Research Road and the West Don River Valley. Following negotiations with the appellant and staff, this report recommends a modification to Site and Area Specific Policy No. 142 in Chapter 7, Site and Area Specific Policies in the Official Plan in order to settle the appeal.

RECOMMENDATIONS

The City Planning Division and City Solicitor recommend that:

1. City Council adopt the recommendations set out in Attachment 1.
2. City Council authorize the public release of the confidential information in Attachment 1, subsequent to the Ontario Municipal Board issuing its Order on this matter and in the absence of any appeals or review of the Board's Decision/Order.

FINANCIAL IMPACT

The adoption of this report will eliminate the need for a hearing of the appeal.

DECISION HISTORY

The majority of the new Official Plan was brought into force in July, 2006. The only remaining general policy that is not yet in force, relates to floodplain 'Special Policy Areas'. A number of outstanding Site Specific appeals, including the appeal subject to this report remain to be resolved.

ISSUE BACKGROUND/COMMENTS

McCarthy Tetrault appealed the entire Official Plan as it relates to the lands bounded by Eglinton Avenue, Brentcliffe Road, Vanderhoof Avenue and Research Road and the West Don River Valley. Their appeal related to the following issues:

1. Site and Area Specific Policy No. 142 only selectively includes the site specific Official Plan Amendment policies which presently govern the Lands;
2. The boundary between the Mixed Use Area and Employment Area designation should occur mid block between Vanderhoof Avenue and Research Road rather than at Vanderhoof Avenue;
3. Eglinton Avenue should be identified as an 'Avenue'; and
4. A number of other technical issues were raised.

The proposed modification resolves the appeal by McCarthy Tetrault on behalf of Hyde Park Limited Partnership which includes General Partner Hyde GP Inc., Linway Developments Ltd., Kosmor Contracting Inc., Credit Meadow Holding Inc., 870769 Ontario Limited and Amphere Construction Inc. The adoption of the recommendation will result in the settlement of the appeal and eliminate the need for a hearing.

CONTACT

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SIGNATURE

Ted Tyndorf
Chief Planner and Executive Director
City Planning Division

Anna Kinastowski
City Solicitor
City Legal Services

ATTACHMENT

Attachment 1: Confidential Information

