TORONTO

STAFF REPORT
ACTION REQUIRED
With Confidential Attachment

Review of OMB Decision
RE: 1465 Lawrence Avenue West Condominium Conversion

Date:	July 7, 2007
To:	City Council
From:	City Solicitor
Wards:	Ward 12- York South-Weston
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

To report on the Ontario Municipal Board (OMB) decision issued on June 17, 2008 regarding a condominium conversion appeal respecting 1465 Lawrence Avenue West (the Site) allowing an existing rental building to be converted to a condominium and to seek additional instructions to protect the City's planning initiatives.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations in Attachment 1; and
2. City Council authorize the public release of the confidential recommendations in Attachment 1 if adopted by Council.

Financial Impact

The financial impact is discussed in the confidential information attachment 1 of this report.

DECISION HISTORY

There are staff reports respecting the Site and related matters that have been considered by Council. City Council at its meeting of September 25, 26 and 27, 2006, referred the matter back to the Etobicoke York Community Council for further consideration, and at its meeting of February 5, 6, 7 and 8, 2007 refused the Official Plan Amendment and Condominium applications to convert the 161 affordable residential rental units to condominium in accordance with the recommendations of City planning staff.

A hearing was held by the OMB over a number of days. The OMB issued its Decision on June 17, 2008, allowing the conversion appeal and approving the draft plan of condominium subject to certain conditions. The OMB found there was no need for an Official Plan Amendment and dismissed that appeal for administrative reasons.

ISSUE BACKGROUND

This matter involved an application to convert 161 affordable residential rental units at 1465 Lawrence Avenue to condominium together with an application for an official plan amendment to permit the conversion.

These lands were previously the subject of an OMB hearing and decisions issued in January and May 2002 approving Official Plan Amendment No. 488 to the former City of North York Official Plan and Section 64.20-A(98) RM6(98) to the North York Zoning By-law No. 7625. These amendments, which were supported by the City, permitted the development of a 10 storey, 63 unit rental apartment buildings in addition to the retention of the existing rental units, on the property. The zoning amendment requires that the existing affordable rental building be retained as rental for a period of 20 years and that the new building comprises rental housing for a period of 20 years.

Subsequent to the 2002 amendments coming into force under the Board Order, the owner made a consent application to the Committee of Adjustment to sever the property into two separate lots, one for the existing rental building and one for the proposed building. The applicant indicated to the Committee that the purpose of the severance was to create two properties and the proposed severance would ultimately implement the OMB's decision. The Committee approved the severance at its meeting of January 20, 2005. The lots created by the severance are lawful under the site specific zoning by-law (RM6(98)) pursuant to the Board's 2002 Orders.

Subsequent to obtaining the severance, the owner filed an application to convert the existing building to condominium and filed an application for an official plan amendment as then required by City staff. Consistent with the recommendations of City staff, City Council refused the applications and instructed the City Solicitor together with other appropriate City staff to attend the OMB hearing in opposition to the appeals.

The hearing occurred over a number of days in November and December, 2007. On June 17, 2008, the OMB issued its decision allowing the condominium conversion appeal and determined an official plan amendment was not required.

COMMENTS

A copy of the OMB decision has been filed with the Clerk.

The Confidential Attachment to this report provides further information.

CONTACT

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SIGNATURE

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Anna Kinastowski
City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information – Review of OMB Decision Re: 1465 Lawrence Avenue West Condominium Conversion