SUMMARY

On October 31, 2007, the Ontario Municipal Board ("OMB") allowed appeals to the City of Scarborough Official Plan and to the City of Scarborough Zoning By-law No. 24982, to permit the development of 1030 McNicoll Avenue for a mixed use development including senior citizen residences and institutional and community facilities. At the request of the parties, the OMB deferred making any decision on the issue of the appropriate section 37 contribution, leaving this issue to the parties to come to an agreement, failing which the OMB would convene a continuation of the hearing to settle the section 37 issues.

City Planning and the City Solicitor have had ongoing discussions with the appellant regarding an appropriate section 37 contribution, in view of the unique nature of the proposal.
RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. Council authorize the public release of the Confidential Recommendations in Attachment 1 and Attachment 2 remains confidential at the end of the Council meeting.

FINANCIAL IMPACT

The adoption of these recommendations will have no financial impact beyond what has already been approved in the current year’s budget.

DECISION HISTORY

In 2005, the owner of the subject property made application for amendments to the City of Scarborough Official Plan and to the City of Scarborough Zoning By-law No. 24982 (Employment Districts Zoning By-law) to permit a mixed use development consisting of 578 apartment dwelling units for seniors, commercial and institutional uses (place of worship) and community facilities within integrated buildings.

On May 23, 24 and 25, 2006, City Council adopted a Refusal Report from the Chief Planner, dated March 14, 2006. The Refusal Report did not address the issue of appropriate s.37 benefits in the event the applications were approved by the Board. On June 6, 2006, the owner appealed the matter to the Ontario Municipal Board.

On October 31, 2007, the Ontario Municipal Board issued its decision allowing the appeals and approving the proposed amendments to the City of Scarborough Official Plan and the City of Scarborough Zoning By-law No. 24982.

ISSUE BACKGROUND

At the request of the parties, the Ontario Municipal Board deferred hearing evidence and making a decision on the issue of the appropriate level of section 37 contribution, thus leaving this issue to the parties to come to an agreement. If the parties fail to come to an agreement, the OMB will hold a continuation of the hearing to settle and make a final determination on section 37 issues.
COMMENTS

City Planning and the City Solicitor have had ongoing discussions with the appellant regarding an appropriate section 37 contribution. Attachment 1 to this report discusses the section 37 issues.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

1. Confidential Information – 1030 McNicoll Avenue – Ontario Municipal Board – Section 37 Contribution

2. Letter dated April 8, 2010 from Davies Howe Partners