



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachments**

**2 True Davidson Drive – Official Plan Amendment,
Rezoning, Site Plan Control Applications – Mediation
Direction Report for Ontario Municipal Board Hearing**

Date:	February 4, 2011
To:	City Council
From:	City Solicitor
Wards:	Ward 29 – Toronto-Danforth
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege in connection with the outcome of mediation related to appeals currently at the Ontario Municipal Board
Reference Number:	05-102723 STE 29 OZ

SUMMARY

This report provides information as to the outcome of the mediation sessions that took place January 17 and 18, 2011 in connection with the official plan, rezoning and site plan appeals on 2 True Davidson Drive. Direction is requested for the purpose of the Ontario Municipal Board hearing now scheduled to proceed February 8-11, 2011.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1; and
2. Authorize the public release of the confidential instructions to staff including Confidential Attachment 2 if adopted by Council;

Financial Impact

The recommendations will have no financial impact.

DECISION HISTORY

At its meeting August 25, 26 and 27, 2010, Council considered a Direction Report from the Director of Community Planning, Toronto and East York District, dated July 29, 2010 as well as a Supplementary Report from the Chief Planner and Executive Director, and the City Solicitor, dated August 24, 2010, which included Confidential Attachments. As a result of Council's direction, the City Solicitor brought a motion and obtained an adjournment of the October 25-28, 2010 hearing to allow for community consultation. A new hearing date of February 8-11, 2011 was scheduled peremptory on the City.

At its meeting December 16, 2010, Council considered a Supplementary Report from the Director of Community Planning, Toronto and East York District, dated November 23, 2010, reporting on the community consultation and seeking final direction on the appeals. Staff recommended support of a site specific OPA and ZBA. Council did not adopt the recommendations but directed the City Solicitor to retain consultants as necessary and attend at the OMB opposing the applications. Council also directed that the Applicant be requested to participate in mediation, at the City's expense. If necessary, a further adjournment of the OMB hearing was to be requested if mediation was successful.

The reports can be accessed through the City Clerk's website through the following links:

Direction Report dated July 29, 2010

<http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-32475.pdf>

Supplementary Report dated August 24, 2010

<http://www.toronto.ca/legdocs/mmis/2010/cc/bgrd/backgroundfile-33339.pdf>

Supplementary Report dated November 23, 2010

<http://www.toronto.ca/legdocs/mmis/2011/te/bgrd/backgroundfile-34012.pdf>

ISSUE BACKGROUND

The appeals relate to a large block of land within the Governor Bridge subdivision (Block 63, Plan 66M-2374). The proposal contemplates a single detached dwelling on a parcel of surplus tableland that will be created pursuant to the Subdivision Agreement through conveyance of parts of Block 63 to the City (Bayview Avenue widening) and to TRCA (slope protection). The proposed lot will be surrounded on two sides by top-of-bank staked by TRCA which is currently considered stable given the extent of healthy mature vegetation on the adjacent slope.

To protect the surrounding slopes the draft OPA and ZBA previously recommended by City Staff included a buffer zone that surrounded an interior developable area of the lot. A building envelope further restricted building location. Although in private ownership,

the buffer area was to remain designated Parks and Open Space – Natural Area under the Toronto Official Plan and Conservation G in the former East York Zoning By-law (No. 6752). The balance of the proposed lot would be designated Neighbourhood and zoned Residential. The buffer was to be a no build zone and, in addition to the designation and zoning distinction, it would be protected using various mechanisms through the site plan approval process. The bulk of the proposed building envelope was within the 10 m development setback from top-of-bank line now expressed in the Toronto Official Plan. At the time, City Staff had identified the need for additional supporting documentation and a revised site plan submission as well as completion of the conveyances to the City and TRCA to create the lot prior to any final planning approvals. For this reason and in the context of the appeals, Staff had recommended that the City Solicitor be directed to request the Ontario Municipal Board (OMB) to withhold any Order granting approvals pending satisfaction of these requirements.

The area residents continued to have concerns and were opposed to development on the proposed lot. At its meeting in December Council did not adopt the recommendations of City Staff but directed the City Solicitor to retain consultants and attend the hearing in opposition. Mediation, at the City's expense, was put forward as an option. The Applicant agreed to participate. Sessions were scheduled January 17 and 18, 2011. The Applicant, the City and TRCA as well as the area residents were represented as had been contemplated by Council. This report outlines the outcome of the mediation and seeks Council direction for the pending OMB hearing scheduled to commence February 8, 2011.

COMMENTS

Discussion on the mediation and recommendations as to the outcome are included in Confidential Attachment No. 1. A document prepared in the context of the mediation is attached as Confidential Attachment No. 2.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment No. 1: Confidential Information
Attachment No. 2: Confidential Document - Mediation