



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

36 Park Lawn Road – OMB Hearing

Date:	April 11, 2011
To:	City Council
From:	City Solicitor
Wards:	Ward 6 – Etobicoke-Lakeshore
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	10 104813 WET 06 OZ and 10 104817 WET 06 SA

SUMMARY

The City received an application to amend the Zoning By-law on 14 January 2010 for the lands known as 36 Park Lawn Road. A related site plan application was also submitted. The applicants have appealed these applications to the Ontario Municipal Board because of the City’s failure to make a decision within the time required by the *Planning Act*. The OMB hearing starts on 25 May 2011 and is scheduled for 15 days. Witness statements are required to be exchanged between the parties by 27 April 2011.

The applicants propose to construct a 36-storey residential tower with an approximate height of 116 metres, containing 314 dwelling units.

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 instructions in Attachment 1 at the end of the Council meeting in the event they are adopted by Council.

Financial Impact

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

DECISION HISTORY

A Preliminary Report was considered at the Etobicoke York Community Council meeting of 27 April 2010. The report can be found at:

<http://www.toronto.ca/legdocs/mmis/2010/ey/bgrd/backgroundfile-28969.pdf>

COMMENTS

City staff have been in direct negotiations with the applicant and have resolved all outstanding planning, servicing and transportation issues.

CONTACT

Ray Kallio, Solicitor, Legal Services; tel: 416-397-4063, fax: 416-397-5624

Email: rkallio@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information