



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**2 St. James Court – Minor Variance Application –
Direction Report for Ontario Municipal Board Hearing**

Date:	July 8, 2011
To:	City Council
From:	City Solicitor
Wards:	Ward 28
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege in connection with appeals currently at the Ontario Municipal Board. This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.
Reference Number:	

SUMMARY

The Owner of 2 St. James Court has made an application under the *Planning Act*, to permit a redevelopment of the property. The City Solicitor and other staff require instructions in advance of an Ontario Municipal Board hearing on the matter.

A hearing date has not yet been set for this matter, but could be set at any time. Given the amount of time before the next City Council meeting, staff need instructions on an urgent basis.

RECOMMENDATIONS

The City Solicitor recommends that Council:

1. Adopt the confidential recommendations in Confidential Attachment No. 1 to this Report from the City Solicitor; and
2. Authorize public release of the confidential instructions in Confidential Attachment No. 1 if adopted by Council with the remainder of Confidential Attachment No. 1 and all of Confidential Attachment No. 2 to stay confidential.

Financial Impact

The recommendations will have no financial impact.

DECISION HISTORY

The owner of 2 St. James Court has appealed a decision of the Committee of Adjustment refusing requested variances to Zoning By-law 438-86 to permit the redevelopment of an existing property located within the Cabbagetown North Heritage Conservation District. The subject property is listed in the City's heritage property inventory.

The property was the subject of a previous application for minor variances which were refused by the Committee of Adjustment and appealed to the Ontario Municipal Board. City Council opposed that application and in a decision dated May 23, 2008, the Ontario Municipal Board refused the appeal and did not authorize the variances.

In 2009, the owner made the current application which proposes the following variances:

- a gross floor area of 1.168 times the area of the lot whereas a maximum of 1.0 times is permitted;
- an east side yard setback of 0.00 metres whereas a minimum of 0.9 metres is required;
- a west side yard setback of 0.33 metres whereas a minimum of 0.45 metres is required;
- a rear yard setback of 0.53 metres whereas a minimum of 7.5 metres is required; and
- no parking space whereas at least one parking space is required.

Background documents can be accessed through the City Clerk's website through the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE34.68>

COMMENTS

Discussion and recommendations regarding the proposed redevelopment of 2 St. James Court are included in the Confidential Attachment to this report.

CONTACT

Kelly Matsumoto, Solicitor, Tel. No.: 416-392-8042; Fax No.: 416-397-5624
E-mail: kmatsum@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment No. 1: Confidential Information
Attachment No. 2: Confidential Information