TORONTO

STAFF REPORT
ACTION REQUIRED

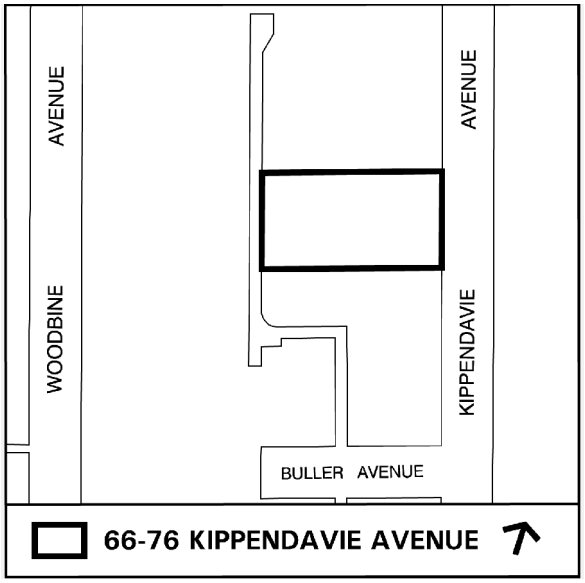
66 to 76 Kippendavie Ave - Rezoning – Supplementary - Request for Direction Report

Date:	November 24, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 32 – Beaches-East York
Reference Number:	09-174933 STE 32 OZ

SUMMARY

The applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. The Site Plan application has also been appealed. A pre-hearing has been scheduled for December 1, 2010 and a full hearing will likely be scheduled for early in 2011.

This report seeks Council's direction with respect to the Zoning By-law Amendment given that a decision was never made on the Final Report dated July 21, 2010, which was before Toronto and East York Community Council at its meeting of August 17, 2010, but was held over for completion of the public meeting until the December 10, 2010 meeting.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and necessary City staff to attend at the Ontario Municipal Board hearing in support of the draft Zoning By-law Amendment attached as Attachment 6 to the July

21, 2010 report from the Director, Community Planning, Toronto and East York District;

2. City Council authorize the City Solicitor and necessary City staff to take such necessary steps to implement the foregoing.

Financial Impact
There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The Final Report from the Director, Community Planning, Toronto and East York District, dated July 21, 2010, was before Toronto and East York Community Council at its meeting of August 17, 2010, but was held over for completion of the public meeting until the December 10, 2010 meeting.

ISSUE BACKGROUND

On August 18, 2010 the owner of 66 to 76 Kippendavie Avenue appealed their application for a zoning by-law amendment to the Ontario Municipal Board on the basis of Council's failure to make a decision on the requested amendment within the 120 days prescribed in the *Planning Act*.

The Ontario Municipal Board has scheduled a pre-hearing conference respecting this matter on December 1, 2010. It is anticipated that a full hearing will be scheduled for some time in early 2011.

Staff require instructions regarding what position, if any, to take at the Ontario Municipal Board hearing in respect of this matter.

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SIGNATURE

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Raymond David, Director
Community Planning, Toronto and East York District

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