



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**2400 Bathurst Street – Zoning and Official Plan
Amendment Appeal Re: TE20.20, Request for Directions**

Date:	November 28, 2012
To:	City Council
From:	City Solicitor
Wards:	Ward 21 – St. Paul's
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The Ontario Municipal Board (the “OMB”) has set a prehearing conference for Thursday, February 7, 2013 to hear the appeal regarding a zoning amendment for 2400 Bathurst Street. Discussions have been held among the parties and further direction from City Council is required in advance of the prehearing conference.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential Recommendations to staff in Attachment 1 and authorize the public release of those Recommendations and Appendix 1, together with all attachments, if adopted by Council. The balance of confidential attachment 1 remain confidential.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year’s budget.

DECISION HISTORY

On November 6, 2012, Toronto and East York Community Council considered Item TE20.20, dealing with an application to construct a new 16-storey residential building with 165 units (28 rental and 137 condominium units), and 4 levels of below-grade parking with 202 parking spaces at 2400 Bathurst Street. A Rental Housing Demolition and Conversion application under Section 111 of the *City of Toronto Act, 2006* was also submitted for the 31 residential rental units proposed for demolition.

The Toronto and East York Community Council submitted the item to City Council without recommendation.

For more detailed Decision History, see the Request for Directions report of October 16, 2012 from the Director, Community Planning, Toronto and East York District, at the following link:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-51317.pdf>

ISSUE BACKGROUND

Discussions have been held among the parties, which have resulted in the need for directions from City Council for the February 7, 2013 OMB prehearing conference.

COMMENTS

This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege, the attachment to this report contains confidential information and should be considered by Council in camera.

CONTACT

Amanda S. Hill, Solicitor, Planning & Administrative Law; Telephone: (416) 338-5790; Fax: (416) 397-5624; E-mail: ahill@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Confidential Recommendations and Confidential Information - Request for directions regarding the February 7, 2013 OMB prehearing regarding 2400 Bathurst Street.