



STAFF REPORT INFORMATION ONLY

2522 - 2542 Keele Street - Zoning Amendment Application – Status Update

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|--------------------------|-----------------------------|
| Date: | September 20, 2013 |
| To: | City Council |
| From: | City Solicitor |
| Wards: | Ward 12 – York South-Weston |
| Reference Number: | 12 166387 WET 12 OZ |

SUMMARY

At its meeting of September 10, 2013, Etobicoke York Community Council had before it an Information Report from the City Solicitor providing a status update regarding the zoning and site plan appeals for 2522-2542 Keele Street. A link to the Ontario Municipal Board ("OMB") decision dated August 27, 2013 which approved the zoning by-law amendment and site plan in principle was provided in connection with the Etobicoke York Community Council Agenda item.

Etobicoke York Community Council recommended that City Council "approve the zoning instrument for 2522 Keele Street provided the lot area is limited to a maximum of 4497 square metres". As the zoning by-law amendment was appealed to the OMB and has already been approved, City Council is no longer the approval authority, and there is nothing for City Council to approve.

There were some errors in the August 27, 2013 OMB decision. These included the parties at the hearing being incorrectly identified and the final sentence of the decision causing some confusion regarding the status of the approval of the zoning by-law. An amending decision was subsequently issued on September 16, 2013 which corrects the errors and eliminates the confusion.

The purpose of this report is to update City Council with respect to the amended OMB decision dated, which is attached.

Financial Impact

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

DECISION HISTORY

The Information Report and August 27, 2013 OMB Decision that were before Etobicoke and York Community Council can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY26.5>

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENT

OMB Decision dated September 16, 2013

ISSUE DATE:

September 16, 2013



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL130416

Mizen Holdings Corporation has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 7625 of the city of Toronto to rezone lands respecting 2522-2542 Keele Street from "Local Shopping Centre (C2)" to "Residential Multiple Dwelling Zone 6-RM6(xxx)" to permit the development of an eight-storey mixed-use building
OMB File No. PL130416

IN THE MATTER OF subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

| | |
|-------------------------------|----------------------------|
| Subject: | Site Plan |
| Referred by: | Mizen Holdings Corporation |
| Property Address/Description: | 2522-2542 Keele Street |
| Municipality: | City of Toronto |
| OMB Case No.: | PL130416 |
| OMB File No.: | PL130416 |

APPEARANCES:

Parties

Mizen Holdings Corporation

Counsel

Ira Kagan/Alexandra DeGasperis
(student-at-law)

AMENDING DECISION DELIVERED BY R. ROSSI

[1] In accordance with Rule 108 of the Board's Rules of Practice and Procedure, whereby the Board may at any time and without prior notice to the parties correct a technical or typographical error made in a decision or order, the Decision and Order issued on August 27, 2013, is hereby amended by removing Alexandra DeGasperis as a party to this hearing. The Board has confirmed that Ms. DeGasperis is a student at Kagan Shastri LLP (Mr. Kagan's office), Counsel for Mizen Holdings Corporation.

[2] As referenced in the first sentence of paragraph [2], "Neither the City, which did not appear, nor any other entity was granted party status." Therefore, the Board's

Decision and Order issued on August 27, 2013 is further amended by removing the City of Toronto as a party from the Appearances section of the Decision and Order.

[3] Lastly, the Board's Decision and Order issued on August 27, 2013 is further amended by replacing the final sentence of paragraph [14] with the following:

The Order will remain withheld until the Applicant provides the Board with the final form of Zoning By-law (which is acceptable to the Applicant and City staff), the final site plan drawings and the NOAC conditions referred to above.

[4] In all other respects, the Board's Decision and Order remains the same.

"R. Rossi"

R. ROSSI
MEMBER