



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**123 Torrens Avenue – Rezoning Application – Request  
for Direction Report**

<b>Date:</b>	September 26, 2013
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 29 – Toronto-Danforth
<b>Reason for Confidential Information:</b>	This report relates to a litigation matter before the Ontario Municipal Board and includes advice that is subject to solicitor-client privilege.
<b>Reference Number:</b>	12 196897 STE OZ

**SUMMARY**

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The Ontario Municipal Board (the “OMB”) has scheduled a hearing for November 6 & 7, 2013 to hear a rezoning appeal for 123 Torrens Avenue. Further direction from City Council is required in advance of the hearing.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the confidential instructions in Attachment 1.
2. City Council authorize the public release of the confidential instructions adopted by Council in Attachment 1, with the remainder of Attachment 1 to remain confidential as it contains advice that is subject to solicitor-client privilege and information regarding pending litigation.

## **Financial Impact**

There are no financial implications arising from the adoption of this report.

## **DECISION HISTORY**

On June 12, 2012, the applicant submitted a zoning by-law amendment application to permit a pair of semi-detached dwellings on the subject property, 123 Torrens Avenue. The current zoning on the subject property only permits single detached dwellings. A consent application which would allow the division of the lot has not yet been submitted to the Committee of Adjustment.

Planning Staff wrote a Planning Report dated December 11, 2012 recommending approval of the zoning by-law amendment. City Council on February 20 and 21, 2013, adopted the following:

1. City Council refuse the application for Zoning By-law Amendment at 123 Torrens Avenue as the proposal is not in keeping with the character of the neighbourhood, and would create a negative precedent in the area.
2. City Council authorize the City Solicitor to retain outside planning consultants and appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
3. City Council receive the report (December 11, 2012) from the Director, Community Planning, Toronto and East York District, entitled "123 Torrens Avenue - Zoning Amendment Application - Final Report".

The City Solicitor has retained an outside planning consultant in accordance with Council's instructions. The OMB has scheduled the hearing of this matter for November 6 & 7, 2013. The City Solicitor requires further direction on this appeal prior to the hearing date.

## **COMMENTS**

This report concerns 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**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment1: Confidential Information