



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**259 and 270 The Kingsway and 1144 Royal York Road –
Ontario Municipal Board Appeal and Mediation Process**

Date:	December 9, 2013
To:	City Council
From:	City Solicitor
Wards:	Ward 4 – Etobicoke Centre
Reason for Confidential Information:	This report contains advice or communication that is subject to solicitor-client privilege. This report contains information regarding potential litigation.
Reference Number:	12 111249 WET 04 OZ

SUMMARY

This report is to advise Council of the outcome of the Ontario Municipal Board mediation process regarding a zoning and site plan appeal by the owner of the property at 259 and 270 the Kingsway and 1144 Royal York Road.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report; and
2. the recommendations contained in the Confidential Attachment 1 to this report and the information contained in Appendix "A" be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

Financial Impact

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

DECISION HISTORY

This is an application by First Capital Realty to redevelop the Humbertown Plaza in the former City of Etobicoke. The original application for this mixed use retail and residential development was submitted in January 2012. The application was for an amendment to the former City of Etobicoke Zoning Code to allow 682 residential units and 21,837 square metres of retail space on five development blocks and in several towers up to 21 storeys in height.

This proposal was modified during the course of the rezoning process to a total of 650 residential units and 21,837 square meters of retail space in towers of up to 12 storeys in height. In its report on the rezoning to Etobicoke York Community Council dated April 26, 2013, City Planning staff supported the application and recommended that the rezoning be approved. This Planning staff recommendation was not accepted by City Council, which instead directed the City Solicitor to retain outside consultants and to oppose the application before the Ontario Municipal Board.

COMMENTS

On September 5 2013, the Ontario Municipal Board held its first pre-hearing conference for this appeal and also conducted a mediation assessment on the same day. At the pre-hearing conference four parties to the hearing were identified and granted party status. The four parties are the proponent, First Capital Realty, the City of Toronto, the Humber Valley Village Residents Association (HVVRA) and a second ratepayers group, Residents Against Irresponsible Development (RAID). At the mediation assessment all four parties consented to participate in Board assisted mediation on the understanding that the mediation would be confidential and without prejudice and that any agreement reached by the parties would be subject to the approval of City Council.

The Board assisted mediation process was conducted by a Vice-Chair of the Municipal Board over a number of days in October and November of this year with the consent of all four parties and with all four parties being represented by legal counsel and assisted by retained planning and urban design consultants.

CONCLUSION

The purpose of Confidential Attachment 1 is for the City Solicitor to provide a full report to Council on the outcome of the Board-assisted mediation process for this appeal and to make recommendations to Council regarding the outcome of that process.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information
Attachment 2 – Confidential Appendix "A" - Settlement Proposal