



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**361 The West Mall and 24 Eva Road – Zoning Appeal
Request for directions regarding the February 3, 2014,
OMB hearing**

Date:	December 9, 2013
To:	City Council
From:	City Solicitor
Wards:	Ward 3 – Etobicoke Centre
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 two week hearing commencing on February 3, 2014 to hear the appeal of a zoning amendment for 361 The West Mall and 24 Eva Road. Discussions have been held among the parties, which have resulted in the need for further directions from City Council for the OMB hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1.
2. Council authorize the public release of Recommendations No.1, No. 2 and No. 3 as well as Appendix "1" of the confidential attachment, if adopted by Council.

Financial Impact

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

DECISION HISTORY

At its meeting of March 21, 2013, City Council considered Item EY22.2, regarding the appeal to the OMB of a zoning application to amend the former City of Etobicoke Zoning Code to permit the construction of two 23 storey (71 m) residential towers connected by a 3 to 4 storey podium fronting The West Mall and a third 5 storey (15.8 m) residential building on the eastern side of the property in addition to the existing residential buildings on the site. City Council authorized the City Solicitor to oppose the applicant's appeal and to seek certain Section 37 matters in the event the OMB allowed the appeal. For more detailed Decision History, see the Request for Directions report of February 6, 2013 from the Director, Community Planning, Etobicoke York District, at the following link:

<http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-55928.pdf>

ISSUE BACKGROUND

Discussions have been held among the parties, which have resulted in the need for directions from City Council for the February 3, 2014 OMB hearing.

COMMENTS

As 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

Stephen M. Bradley, Solicitor, Planning & Administrative Law, Legal Services
Tel: (416) 392-7790; Fax: (416) 397-5624; Email: sbradley@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENT

Attachment 1 - Confidential Information