



## STAFF REPORT INFORMATION ONLY

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

<b>Date:</b>	August 28, 2013
<b>To:</b>	Etobicoke and East York Community Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 12 – York South-Weston
<b>Reference Number:</b>	12 166387 WET 12 OZ

#### SUMMARY

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At its meeting of July 16, 17, 18 and 19, 2013, a Request for Direction Report was introduced without notice for Council's consideration and in order to obtain instructions with respect to an Ontario Municipal Board appeal hearing that had been scheduled to commence on August 12<sup>th</sup>. A motion was moved by the local Councillor to refer the matter back to Etobicoke and East York Community Council for further consultation and clarification. The purpose of this report is to provide an update with respect to the status of the appeals.

#### Financial Impact

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

#### DECISION HISTORY

On June 13, 2012, Etobicoke York Community Council considered a Preliminary Report outlining the initial proposed development, planning policy context and outstanding issues. The Preliminary Report can be viewed at:

<http://www.toronto.ca/legdocs/mmis/2012/ey/bgrd/backgroundfile-47656.pdf>

At its meeting of July 16, 17, 18 and 19, 2013, a Request for Direction Report was introduced without notice for Council's consideration, but it was not considered by Council as a motion was moved by Councillor Di Giorgio to refer it back to Etobicoke and East York Community Council for further consultation and clarification.

## **ISSUE BACKGROUND**

The landowner appealed the applications to the Ontario Municipal Board at the end of April, 2013, before staff had completed its processing of the applications, and before a final report had been presented to Council.

In light of the appeal, which was scheduled for a 5 day hearing commencing on August 12, the City Solicitor and staff needed instruction from Council with respect to what position to take at the hearing. Accordingly, a Request for Direction Report from City Planning was introduced at the July 16, 17, 18 and 19, 2013, City Council meeting.

Because the Request for Direction Report was not considered by Council, the City Solicitor and City Planning staff had no direction from Council with respect to the hearing.

## **COMMENTS**

The Board hearing took place as scheduled on August 12, 2013. As the City Solicitor had no instructions in respect of the appeal and no authority to attend at the hearing, City Legal did not attend.

The City Planner who had authored the Preliminary and Request for Directions Reports was summonsed to attend and give evidence by the applicant. Councillor Di Giorgio also attended and was granted Participant status.

The Board heard the evidence of the applicant, and granted an oral decision approving the development as proposed, but withholding its final Order on the rezoning until such time as the form of the by-law had been finalized, and withholding its final Order on the site plan until such time as the notice of approval conditions had been finalized and any pre-approval conditions had been met. A written decision of the Board will follow, but has not yet been issued.

Given that the Ontario Municipal Board appeal hearing has already taken place and the matter has been decided by the Board, it is no longer necessary to obtain direction with respect to the appeals, as the matter is moot.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor