



October 17, 2013

To: Chair and Members of Etobicoke York Community Council

c.c.: Rosemary MacKenzie – Committee Administrator

Re: 2522 Keele Street

Transparency in the Planning Process

Summary

Respect for due process is a significant component of the planning process under the Planning Act. Transparency is a vital component of the planning process under the City of Toronto Act.

The protection of the public interest relies on both due process and transparency. Access to due process ensures that something that is not available through the normal planning process does not become available through circumvention of the planning process. Proper and transparent notification ensures that projects that affect the quality of life of residents are decided on merit and not access to legal back doors. Where due process is not followed, then the notion of mitigating the consequences must prevail.

There are numerous legal and other relevant issues identified in the subject development proposal that remain unresolved despite two different OMB decisions issued on August 27, 2013 and September 16, 2013. The issues that must be reconciled include, but are not limited to, the applicability of Section 37, the applicability of Section 36 and whether an official plan amendment is required to change Council protocol on the use of Section 37.

In light of unresolved details, it is appropriate that City Council advise the OMB that on the issue of adherence to due process and the requirement for a statutory public meeting at Community Council, the position of City Council remains unchanged.



Recommendation

That City Council reconfirm the decision of July 19th, 2013 to refer the matter to Etobicoke York Community Council to ensure site plan approval was consistent with the applicable zoning by law.

Sincerely,

Councillor Frank Di Giorgio
York South – Weston, Ward #12