



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**Request for Direction for OMB Hearing – 17 Island Road**

<b>Date:</b>	March 31, 2014
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 44 – Scarborough East
<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 139597 ESC 44 OZ

**SUMMARY**

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The applicant has appealed Council's refusal of its rezoning application to the Ontario Municipal Board. A 5-day hearing has been scheduled to begin on May 6, 2014.

The purpose of this report is to seek instructions from City Council with respect to the upcoming Ontario Municipal Board hearing.

**RECOMMENDATIONS**

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The City Solicitor recommends:

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

## **Financial Impact**

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

## **DECISION HISTORY**

City Council on October 8, 9, 10 and 11, 2013, considered a Final Report from the Director, Community Planning, Scarborough District recommending that Council amend the zoning by-law to permit the proposed stacked townhouse development at 17 Island Road. City Council refused the Zoning Amendment Application for the lands.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.SC26.30>

## **ISSUE BACKGROUND**

The application proposes to amend Zoning By-law No. 1978 to permit the development of a fifty (50) unit, three-storey stacked townhouse development in two (2) twenty-five (25) unit development blocks having a total gross floor area of 5,395 square metres (58,060 square feet). A total of 65 parking spaces are proposed. The development is to be condominium tenure. The purpose of the zoning by-law amendment is to establish an appropriate residential zoning category and associated performance standards for the development of the lands for the proposed use.

The City Planning Division recommended approval of the application, but it was refused by City Council on October 8, 9, 10 and 11, 2013.

An appeal to the Ontario Municipal Board was filed by Sherman Brown on behalf of the applicant. A 5-day hearing has been scheduled to commence on May 6, 2014.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1 – Confidential Information