



**STAFF REPORT
ACTION REQUIRED
With Confidential Attachment**

**1880-1882 Queen Street East - Request for directions
regarding the February 24, 2014 OMB hearing**

Date:	February 14, 2014
To:	City Council
From:	City Solicitor
Wards:	Ward 32 Beaches - East York
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:	12-142308 STE 32 OZ

SUMMARY

The purpose of this report is to seek further instruction for the upcoming Ontario Municipal Board (OMB) Hearing on the above-noted matter. The hearing is scheduled to commence on February 24, 2014 for ten days.

RECOMMENDATIONS

The City Solicitor recommends that:

1. That Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. That 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

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

DECISION HISTORY

The owner of the property at 1880 and 1882 Queen Street East and 196 Woodbine Avenue has appealed its zoning amendment application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*. A two week hearing is scheduled to begin on February 24, 2014. A site plan application was also submitted by the applicant and appealed to the OMB. The Greater Beach Neighbourhood Association (the "GBNA") is an incorporated umbrella association made up of local residents groups and is also a party to this hearing, represented by counsel.

The application proposes to amend the former City of Toronto Zoning By-law No. 438-86 to permit the construction of a new 6-storey mixed-use building with 29 residential units and 450 square metres of retail use.

At its meeting of May 7-10, 2013, City Council adopted item TE23.16, directing the City Solicitor and other City Staff to attend the OMB hearing for the above-noted matter to oppose the proposed Zoning By-law Amendment. The Staff Report recommended opposing the proposal because it was inconsistent with the planning vision for the area, as supported by the City's Official Plan policies, the in-force zoning and most notably, the newly adopted Queen Street East – Coxwell Avenue to Nursewood Road – Urban Design Guidelines (the "Queen Street East Guidelines") and related Zoning By-law 2013-607, which is currently under appeal. Staff were of the view that the proposal should be more consistent with the Queen Street East Guidelines, notwithstanding that these were adopted by Council after the application had been submitted.

For more detailed Decision History, see the Request for Directions report of March 19, 2013 from the Director, Community Planning, Toronto and East York District, at the following link:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-56846.pdf>

ISSUE BACKGROUND

Further information has been received which has resulted in the need for directions from City Council prior to the February 24, 2014 OMB hearing.

COMMENTS

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

Jessica Braun, Solicitor, Planning & Administrative Law;
Tel: (416) 392-7237; Fax: (416) 397-5624; Email: jbraun@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

Attachment 1 - Confidential Information and Recommendations – Request for directions regarding the February 24, 2014 OMB hearing re 1880-1882 Queen Street East

Attachment 2 - Appendix "A"