



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

1926 Lake Shore Boulevard West – Request for further Direction

Date:	July 8, 2014
To:	City Council
From:	City Solicitor
Wards:	Ward 13 – Parkdale – High Park
Reason for Confidential Information:	This report relates to a litigation matter before the Ontario Municipal Board and includes advice that is subject to solicitor-client privilege.
Reference Number:	13 125924 WET 13 OZ

SUMMARY

The applicant has appealed its rezoning application to the Ontario Municipal Board citing Council's failure to make a decision within the time required by the *Planning Act*. An eight day hearing has been scheduled to begin on September 2, 2014. The procedural order, as issued by the Ontario Municipal Board, requires the parties to submit witness statements on August 1, 2014.

On June 25, 2014 the parties participated in a one-day mediation session at the Ontario Municipal Board and the City Solicitor is now seeking further instruction.

RECOMMENDATIONS

The City Solicitor recommends:

1. City Council adopt the instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release only of the recommendation adopted by Council and, if confidential recommendation 1 is adopted, also authorize the public release of Appendices 1 and 2 to the Confidential Attachment 1. The remainder of the Confidential Attachment 1 shall remain confidential in all

circumstances 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 February 19 and 20, 2014, considered a Final Report from the Director, Community Planning, Etobicoke District recommending that Council authorize the City Solicitor, together with appropriate staff, attend the Ontario Municipal Board hearing to oppose the appeal of the rezoning application. City Council adopted the staff recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY30.5>

ISSUE BACKGROUND

This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the redevelopment of 1926 Lake Shore Boulevard West with two residential towers of 42 and 48 storeys connected by a 4 storey podium. The proposed development would contain 847 residential units and have a floor area of 77,840 m², representing a Floor Space Index (FSI) of 17.45 times the lot area. 835 parking spaces are proposed on 5 levels of below grade parking, with further parking to be contained in the building's podium.

The purpose of the zoning by-law amendment is to establish appropriate performance standards for the development of the lands for the proposed built form.

The application was appealed early in the process and as such, City Planning submitted a directions report to Council for its consideration, recommending that the City oppose the appeal. City Council adopted the staff recommendations at its meeting of February 19-20, 2014.

The City Solicitor and City Planning staff participated in a one-day mediation session on June 25, 2014. An eight day hearing has been scheduled to commence on September 2, 2014.

CONTACT

Abbie Moscovich
Solicitor, Planning and Administrative Tribunal Law
Tel: 416-392-6905; Fax: 416-397-5624; Email: amoscov@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information
Appendix "1" – Confidential Communication dated June 27, 2014
Appendix "2" – Confidential Section 37 Remainder Allocation
Appendix "3" – Confidential Residents' Position