

City Council

Motion without Notice

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| MM54.36 | ACTION | | | Ward:27 |
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625, 629 and 637 Yonge Street and 1, 3, 5, 7 and 9 Isabella Street - Request for directions regarding the July 24, 2014 Ontario Municipal Board Hearing - by Councillor Kristyn Wong-Tam, seconded by Councillor Mary-Margaret McMahon

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege

Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Mary-Margaret McMahon, recommends that:

1. City Council adopt the following recommendations in the report (July 8, 2014) from the City Solicitor.
 1. City Council adopt the confidential instructions to staff in Attachment 1.
 2. City Council authorize the public release of Recommendations No.1 and No. 2 as well as Appendix "1" of the confidential Attachment 1, if adopted by Council, the remainder of Attachment 1 to remain confidential as it contains advice that is subject to solicitor-client privilege and information regarding pending litigation before the Ontario Municipal Board.

Summary

The owner of the site has appealed to the Ontario Municipal Board from Council's failure to make a decision on the owner's zoning application to permit redevelopment of the site with a mixed-use 40-storey building.

The Ontario Municipal Board had previously scheduled a two-week hearing commencing on July 14, 2014, but this was deferred and a second pre-hearing set for July 24, 2014, at which time the Ontario Municipal Board expects to be informed as to the City's position.

Discussions between staff and the applicant have now resulted in the City Solicitor submitting a report dated July 8, 2014, seeking directions for the July 24, 2014, Ontario Municipal Board pre-hearing. As this matter is therefore urgent, requiring immediate litigation instructions, it should be considered by City Council at its July 8 and 9, 2014, meeting.

(Submitted to City Council on July 8 and 9, 2014 as MM54.36)

Background Information (City Council)

Member Motion MM54.36

(July 8, 2014) Report from the City Solicitor on 625, 629 and 637 Yonge Street and 1, 3, 5, 7 and 9 Isabella Street - Request for directions regarding the July 24, 2014 - Ontario Municipal Board Hearing

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-71356.pdf>

Attachment 1 - Confidential Information

Appendix 1 - Confidential Communication dated July 4, 2014