



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

2265 – 2279 Bloor Street West and 116 & 240 Durie Street, EY35.11, Request for Direction Official Plan Amendment, Zoning By-law Amendment and Site Plan Control

Date:	March 24, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 13 – Parkdale – High Park
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	13 271048 WET 13 OZ and 13 271055 WET 13 RH

SUMMARY

The City and the other parties to the proceedings participated in mediation at the Ontario Municipal Board (the “OMB”) on January 6 and 7, 2015, and as a result further direction from City Council is required.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. The recommendations contained in the Confidential Attachment 1 to this report and the information contained in Appendices "A" and "B" be made public at the discretion of the City Solicitor. 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

At its meeting of August 25, 26, 27 and 28, 2014, City Council considered and adopted item EY35.11, directing the City Solicitor and other City Staff to attend at the OMB in opposition to the Official Plan and Zoning By-law amendment applications for the above-noted properties. Below is the link to item EY35.11

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY35.11>

At its meeting on December 11, 2014, City Council considered a report with a confidential attachment from the City Solicitor dated December 11, 2014 that contained a revised proposal from what was originally submitted by the applicant. City Council directed the City Solicitor to oppose the revised proposal and instructed the City Solicitor to request that the January 6 to 9 hearing dates be converted into mediation. Below is a link to item MM2.10

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM2.10>

ISSUE BACKGROUND

Applications to amend the Official Plan and Zoning By-law were submitted on November 27, 2013, proposing to redevelop the lands at 2265-2279 Bloor Street West and 116 & 240 Durie Street with a 9-storey mixed use building comprised of 83 residential dwelling units, 19 of which would be replacement residential rental units. The applicant has also submitted a Rental Housing Demolition and Conversion application under Section 111 of the *City of Toronto Act*.

On May 25, 2014, the Zoning By-law Amendment application was appealed by the applicant to the OMB. On July 14, 2014, the applicant appealed the Official Plan Amendment application to the Ontario Municipal Board and the City Solicitor was subsequently directed to oppose the Official Plan and Zoning By-law amendment applications.

The Site Plan application was appealed and consolidated with the Zoning By-law Amendment and Official Plan Amendment appeal.

A 4-day hearing at the OMB was converted to a 2-day mediation that took place on January 6 and 7, 2015.

As a result of the mediation further direction from City Council is required.

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

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1: Confidential Information