



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Development Charges By-law OMB Appeals

Date:	June 2, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 35 – Scarborough Southwest
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City.
Reference Number:	12 139597 ESC 44 OZ

SUMMARY

The purpose of this report is to seek instructions from City Council with respect to two Ontario Municipal Board appeals filed in respect of the City's Development Charges By-law No. 1347-2013.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1; and
2. 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

The financial implications arising from the adoption of this report are discussed in the Confidential Attachment.

DECISION HISTORY

On October 8, 9, 10 and 11, 2013, City Council enacted Development Charges By-law No. 1347-2013:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EX34.1>

Six owners submitted appeals of the by-law to the Ontario Municipal Board.

ISSUE BACKGROUND

Each of the six appeals to the Ontario Municipal Board of the City's Development Charges By-law is site-specific. Four appeals relate to the availability of development charge credits for development on those sites, while the other two appeals challenge the quantum of the development charge rates set out in the Development Charges By-law. This report deals with these latter two appeals that challenge the quantum of the development charge rates. City staff is actively engaged in discussions with the other four remaining appellants to resolve their appeals.

The Deputy City Manager & Chief Financial Officer have been involved in this matter and the preparation of this report, and supports the recommendations set out in the Confidential Attachment.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1: Confidential Information