



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**3100 Keele Street – Zoning By-law Amendment Appeal
NY5.38, Request for Direction
Without Prejudice Settlement Offer**

Date:	June 9, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 9 – York Centre
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 241316 NNY 09 OZ

SUMMARY

Item NY5.38, a Request for Direction Report from the Director of Community Planning, North York District on the Zoning By-law amendment application was deferred to the June 10 and 11, 2015 meeting of Council because the City received a without prejudice settlement offer for a revised development proposal prior to the May 5, 6 and 7, 2015 Council meeting. Direction is required from City Council on the without prejudice offer.

This matter is deemed urgent as the offer to settle expires on June 12, 2015.

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 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 on May 5, 6 and 7, 2015 City Council deferred Item No. NY5.38 to the June 10 and 11, 2015 meeting of City Council. Below is a link to the deferral of NY5.38:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY5.38>

ISSUE BACKGROUND

On December 15, 2014 the applicant appealed their Zoning By-law amendment application to the Ontario Municipal Board, based on City Council's failure to make a decision on the application within 120 days of the City providing notice of a complete application.

On April 27, 2015 the City received a without prejudice settlement offer from the appellant for a revised development on the property. At its meeting on May 5, 6 and 7, 2015 City Council deferred Item No. NY5.38, a Request for Direction Report for the current development proposal from the Director, Community Planning, North York District dated March 25, 2015, to the June 10 and 11 meeting of Council so that the City Solicitor could report to Council and provide recommendations on the without prejudice settlement offer concurrently with Council's consideration of the Request for Direction Report.

A second pre-hearing has been scheduled at the OMB on August 18, 2015. This pre-hearing will be converted into a settlement hearing if Council accepts the without prejudice offer to settle. If the matter does not settle a hearing has been scheduled at the OMB for November 23 to 27, 2015.

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 regarding the without prejudice settlement offer and should be considered by Council in camera.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information