



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

500 Sheppard Avenue East – Appeal of Official Plan and Zoning By-law Amendments Application - Request for Direction Regarding OMB Hearing

Date:	June 9, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 23 – Willowdale
Reason for Confidential Information:	This report contains advice or communications that is subject to solicitor-client privilege. This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions. [Litigation includes matters before administrative tribunals.]
Reference Number:	File No. 11 173715 NNY 23 OZ

SUMMARY

The purpose of this report is to seek further instructions for the Ontario Municipal Board (OMB) hearing on the above-noted matters. A pre-hearing conference for the matters was held on July 15, 2014. A hearing is scheduled to commence on June 15, 2015.

RECOMMENDATIONS

The City Solicitor recommends that:

1. That City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release, at the end of the Council meeting, of the Confidential Recommendations in Attachment 1, if adopted by City Council. 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

The owner of the property at 500 Sheppard Avenue East appealed the official plan and zoning by-law amendment applications to the Ontario Municipal Board (**OMB**) due to Council's failure to make a decision within the time allotted by the *Planning Act*. A prehearing was held on July 15, 2014. A three-week hearing is scheduled to begin on June 15, 2015.

The application proposes a 29-storey mixed use building (91 metres high excluding mechanicals and rooftop architectural feature) with 310 dwelling units and 3,364 square metres of commercial floor space.

At its meeting of May 12, 2015, North York Community Council considered a Request for Directions Report dated April 24, 2015 from the Director, Community Planning, North York District. North York Community Council submitted the report to City Council without recommendation. The Request for Direction Report dated April 24, 2015 from the Director, Community Planning, North York District is on the agenda for the City Council meeting of June 10 and 11, 2015 under Item NY6.17.

For more detailed Decision History, see the Request for Direction Report dated April 24, 2015 from the Director, Community Planning, North York District, at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY6.17>

ISSUE BACKGROUND

Further information has been received from the applicant, which has resulted in the need for further directions from City Council prior to the June 15, 2015 OMB hearing.

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 and Recommendations – Request for Directions regarding the OMB hearing re: 500 Sheppard Avenue East.