



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**11 – 25 Industrial Street – OMB Hearing – Request for Direction**

<b>Date:</b>	June 30, 2015
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 26 – Don Valley West
<b>Reason for Confidential Information:</b>	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.
<b>Reference Number:</b>	

**SUMMARY**

---

At its meeting of February 10, 2015, City Council adopted a Notice of Motion directing the City Solicitor to appeal four minor variances granted by the North York Committee of Adjustment on January 8, 2015 which permitted a fitness centre use at 11 – 25 Industrial Street. The motion further authorized the City Solicitor and other appropriate City staff to attend at the Ontario Municipal Board (OMB) hearing in opposition to the appealed variances. The City Solicitor appealed the variances as instructed and the appeal is scheduled to be heard by the OMB at a three day hearing beginning July 15, 2015.

The purpose of this report is to set out the results of discussions between the owner's solicitors, Legal and City staff.

**RECOMMENDATIONS**

---

The City Solicitor recommends that:

1. Council adopt the confidential recommendations in Attachment 1.

2. Council authorize the public release of the confidential recommendations in Attachment 1, if adopted, with the balance of the Confidential Attachment 1 to remain confidential at the discretion of the City Solicitor.

### **Financial Impact**

There is no financial impact associated with the adoption of the recommendations in this report.

### **DECISION HISTORY**

At its meeting of February 10, 2015, City Council adopted a Notice of Motion directing the City Solicitor to appeal four minor variances granted by the North York Committee of Adjustment on January 8, 2015. The City Solicitor appealed the variances and the OMB hearing of that appeal is scheduled for three days commencing on July 15, 2015.

### **DISCUSSION**

After reviewing the minor variances originally proposed by FCR, City Planning staff were concerned that the proposed addition of the fitness centre may be incompatible with the existing employment uses to the east of the site. Likewise the use was inconsistent with the permissions which Council had approved for this site in Official Plan Amendment 231, which has been adopted by Council, but is currently under appeal at the OMB.

Additionally, Planning staff were concerned with protecting the existing employment uses to the east of the site from any potential interference from additional vehicular traffic to the FCR site as well as the addition of vehicular access points from the site onto Industrial Street. These staff concerns with the proposal were identified and explained to FCR in the City's appeal letter and throughout the process of preparing for the OMB hearing. In response to all of these concerns raised by City staff, FCR through its' solicitors, has had discussions with City staff, the particulars of which are set out in Confidential Attachment 1.

### **CONTACT**

Brendan O'Callaghan, Solicitor, Planning and Administrative Tribunal Law  
Tel: 416-392-7786; Fax: 416-397-5624; e-mail: [bocallag@toronto.ca](mailto:bocallag@toronto.ca)

### **SIGNATURE**

---

Anna Kinastowski, City Solicitor

### **ATTACHMENTS**

Attachment 1 – Confidential Information