



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**700 Bay Street and 77 Gerrard Street West - Appeal of
Zoning By-law Amendment Application - Request for
Direction Regarding OMB Hearing**

Date:	July 2, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 27 – Toronto Centre Rosedale
Reason for Confidential Information:	This report contains advice or communications that are 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.
Reference Number:	File No. 14 222791 STE 27 OZ

SUMMARY

The purpose of this report is to seek instructions for an upcoming Ontario Municipal Board (OMB) hearing on the above-noted matters. A hearing has not yet been scheduled.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the Confidential Recommendations in Attachment 1, including Appendices "A" and "B", 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 of 700 Bay St. and 77 Gerrard St. W. appealed the zoning by-law amendment applications to the Ontario Municipal Board (**OMB**) on May 21, 2015, due to Council's failure to make a decision within the time allotted by the *Planning Act*. A hearing has not yet been scheduled.

The application proposes a 45-storey mixed use building having a height of 149.13 metres with the addition of 252 rental units to the existing 223 rental dwelling units. The proposed development would reduce the existing office space from 18,041 m² to 17,097 m².

For more detailed Decision History, see the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE3.32>

ISSUE BACKGROUND

Further information has been received from the applicant, which has resulted in the need for further directions from City Council prior to an 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