



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

2425 - 2427 Bayview Avenue - Rezoning and Site Plan Applications - Request for Direction Report

Date:	December 2, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 25 – Don Valley West
Reason for Confidential Information:	This report contains advice on communications that are subject to solicitor-client privilege and pertains to litigation or potential litigation that affects the City.
Reference Number:	14 209080 NNY 25 OZ & 14 209092 NNY 25 SA

SUMMARY

The purpose of this report is to seek further instructions for the Ontario Municipal Board ("OMB") hearing on the above-noted matters. A hearing is scheduled for January 4, 2016.

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, at the end of the Council meeting, of the Confidential Recommendations in Attachment 1 and Appendices, 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 applicant has appealed the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time prescribed by the *Planning Act*. A hearing has been scheduled to begin January 4, 2016.

Staff wrote a Directions Report regarding the appeal which City Council considered on July 7, 2015. City Council adopted three recommendations at that meeting which were:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Ontario Municipal Board (OMB) hearing to oppose the Official Plan and Zoning By-law amendments and Site Plan Control application in their current form.
2. Should the Ontario Municipal Board (OMB) approve the applications, City Council authorize the City Solicitor to request that the OMB withholds its Order(s) approving the applications until such time as:
 - a. the Board has been advised by the City Solicitor that the proposed zoning by-law amendment is in a form satisfactory to the City; and
 - b. all pre-approval conditions have been met for the Site Plan Control Application.
3. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in the report (May 28, 2015) from the Director, Community Planning, North York District.

The Directions Report can be found on-line at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-80964.pdf>

ISSUE BACKGROUND

Further information has been received from the applicant, which has resulted in the need for further direction from City Council prior to the January 4, 2016 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 Direction regarding the OMB hearing