



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**2114 - 2130 Bloor Street West - Zoning By-law
Amendment Application and 2800 Bloor Street West -
Zoning By-law Amendment Application, Rental Housing
Demolition and Conversion Application and Site Plan
Approval Application - Request for Directions**

Date:	July 9, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 5 – Etobicoke-Lakeshore Ward 13 – Parkdale – High Park
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:	

SUMMARY

Further direction from City Council is required on two matters that have been appealed to the Ontario Municipal Board ("OMB").

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the Confidential Recommendations in Attachment 1; and
2. Council authorize the public release of the Confidential Recommendations and Appendices A, B and C, if adopted, with the balance of the Confidential Attachment 1 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

There are two matters that have been appealed to the Ontario Municipal Board that are the subject of this report: 2114-2130 Bloor Street West and 2800 Bloor Street West.

City Council on June 10, 11 and 12, 2015, directed staff to continue negotiations in accordance with the April 14, 2015 Etobicoke York Community Council direction regarding 2114 – 2130 Bloor Street West and 2800 Bloor Street West and report back when the negotiations have concluded. (EY6.3 and EY6.2)

The full decisions can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY6.3>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY6.2>

City Council on May 5, 6 and 7, 2015, adopted the following recommendations regarding 2114-2130 Bloor Street West which also related to the development at 2800 Bloor Street West (EY5.2):

1. City Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the Ontario Municipal Board Pre-Hearing Conference on June 5, 2015 regarding 2114-2130 Bloor Street West to request a further prehearing conference to allow for further negotiations, and in the event the deferral request is not successful, to seek mediation with the Applicants, City Staff, and identified Parties at the Ontario Municipal Board.
2. City Council authorize the appropriate City staff to continue discussions with the applicant and the Residents' Associations involved to negotiate an appropriate development proposal for the subject lands.
3. City Council request the Director, Community Planning, Etobicoke York District, to include the Residents' Associations involved in the 2114-2130 Bloor Street West Working Group in any future working group(s) pertaining to the proposed development at 2114-2130 Bloor Street West. City staff shall receive and consider input from these Residents' Associations on the future site plan control application for this development in the event any rezoning and/or Official Plan amendments are approved.
4. City Council direct staff to ensure any potential settlement for both 2114-2130 Bloor Street West and 2800 Bloor Street West is contingent upon securing a satisfactory arrangement with the Ward 5 Councillor to resolve outstanding issues with the redevelopment of 2800 Bloor Street West.

5. City Council direct staff to work with the applicant on appropriate Rental Housing Replacement that allows for the full replacement of 10 rental units at 2800 Bloor Street West or alternatively off-site at 2114-2130 Bloor Street West, that includes, among other usual matters, the following details:
 - i. seven two-bedroom units with a minimum size of 900 square feet
 - ii. three three-bedroom units with a minimum size of 1000 square feet
 - iii. a mix of affordable and mid-range units with a minimum of three affordable units
 - iv. contiguous units, distributed throughout the building.
6. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the report (May 4, 2015) from the City Solicitor.
7. City Council authorize the public release of the confidential instructions and City Council direct that the balance of Confidential Attachment 1, Appendix "A" and Appendix "B" to the report (May 4, 2015) from the City Solicitor remain confidential.

Further the following confidential instructions to staff in Confidential Attachment 1 to the report (May 4, 2015) from the City Solicitor were adopted by City Council and are now public:

1. City Council direct the City Solicitor to continue negotiations with the proponent in order to resolve concerns related to the built form of 2114-2130 Bloor Street West, the access to the underground parking garage at 2114 -2130 Bloor Street West and the concerns respecting the option for rental replacement required for 2800 Bloor Street West being provided off-site at 2114-2130 Bloor Street West.
2. City Council authorize the City Solicitor and other appropriate City Officials to take the necessary steps to implement Council's decision.

The full decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY5.2>

The OMB has scheduled a third pre-hearing conference for 2800 Bloor Street West on July 29, 2015 and a full hearing has been set to commence on October 5, 2015. For the 2114-2130 Bloor Street West matter, a further prehearing conference is scheduled for August 7, 2015 and no date has yet been set for a full hearing.

Staff have continued discussions with the proponent.

ISSUE BACKGROUND

There are two separate matters that have been appealed to the OMB that require further direction from City Council.

COMMENTS

This report is about litigation 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