



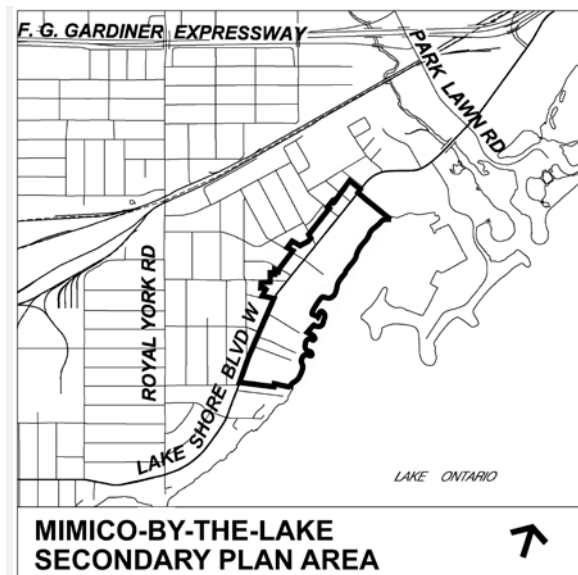
**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**Mimico-by-the-Lake Secondary Plan (OPA 197) -  
Request for Direction Report – OMB Hearing (Phase II)**

<b>Date:</b>	October 1, 2015
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Reason for Confidential Information:</b>	This report contains advice/communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.
<b>Wards:</b>	Ward 6 – Etobicoke - Lake Shore
<b>Reference Number:</b>	07 103514 STE 30 TM

**SUMMARY**

The Mimico-by-the-Lake Secondary Plan (OPA 197) was approved by City Council at its meeting on July 16, 17, 18 & 19, 2013 and was subsequently appealed to the Ontario Municipal Board. The first phase of the hearing addressed general appeals and in its decision, dated March 31, 2015, the Board approved the OPA 197 subject to certain modifications, all of which had been supported by the City. The next phase of the hearing is scheduled to commence November 16, 2015. It will deal with one of the site specific appeals that relates to 2313 and 2323 Lake Shore Boulevard West as well as the general appeal relating to the shoreline road in Precinct B. The purpose of this report is to advise Council of the outcome of mediation sessions and to seek instruction for proceeding. City Planning has been involved in preparation of this report.



## RECOMMENDATIONS

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### The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. The Recommendations in Confidential Attachment 1 to this report as well as the information contained in Appendix "A" of Confidential Attachment 1 be made public if Council adopts Recommendation 1.
3. Except as provided in Recommendation 2 above, all other information contained in the Confidential Attachment 1 is to remain confidential.

### Financial Impact

There are no financial implications resulting from the adoption of this report.

### Decision History:

The link to EYCC Item 25.15 adopted by City Council July 16, 17, 18 & 19, 2013 is:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY25.15>

The link to MM 3.39 adopted by City Council February 10 & 11, 2015 is:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM3.39>

## COMMENTS

City Council approved the Mimico-by-the-Lake Secondary Plan at its meeting July 16, 17, 18 & 19, 2013 by enactment of By-law No. 1103-2013. Its approval was the culmination of a process that began in approximately 2006 and involved significant community involvement through workshops and charettes. After Council adoption there were general and site specific appeals filed. Parties to the matter include community members and groups who are supportive of the Secondary Plan and other community members have been granted participant status.

The hearing was phased and Phase I proceeded in March of this year in connection with the general appeals. Ultimately, in its decision dated March 31, 2015, the Board approved OPA 197 with modifications that had either been endorsed by Council in partial settlement of some of the issues (MM 3.39 adopted by Council at its meeting February 10 and 11, 2015) or had been supported by the City in evidence. OPA 197, as modified, is now in full force and effect subject to one general appeal relating to the shoreline road in Precinct B as well as two site specific appeals in connection 2313 and 2323 Lake Shore Boulevard West as well as 2491 Lake Shore Boulevard West. The Phase II hearing is scheduled to commence November 16, 2015 and will address the remaining general appeal as well as the site specific appeal in connection with 2313 and 2323 Lake Shore

Boulevard West. The hearing of the site specific appeal in connection with 2491 Lake Shore Boulevard West is now being scheduled for a later date.

All Parties had initially agreed to participate in Board assisted confidential and without prejudice mediation. These discussions have been ongoing. As a result of the sessions and for the purpose of the Phase II hearing, Council's direction is required.

## **Conclusion**

The purpose of Confidential Attachment 1 is for the City Solicitor, in consultation with City Planning, to provide a report to Council on the outcome of the Board assisted mediation process and to seek instruction for the second phase of the hearing commencing November 16, 2015.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

Attachment 1 – Confidential Information