



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**2 Wilket Road – Rezoning and Site Plan Applications –
Request for Direction Report**

Date:	December 10, 2015
To:	City Council
From:	City Solicitor
Ward:	25 – Don Valley West
Reason for Confidential Information:	This report contains advice and communications that is subject to solicitor-client privilege and pertains to litigation that affects the City.
Reference Number:	

SUMMARY

The Ontario Municipal Board (OMB) will hear the appeals of the Rezoning and Site Plan applications on January 18, 2016, in respect of 2 Wilket Road. Further directions are needed by the City Solicitor for that hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report; and
2. City Council authorize the public release, at the end of the Council meeting, of the Confidential Recommendations in Attachment 1 and Schedule 5, 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 this year's budget.

DECISION HISTORY

The owner of the property at 2 Wilket Road appealed the Zoning By-law Amendment and Site Plan Control application to the OMB due to Council's failure to make a decision within the time allotted by the *Planning Act*. A pre-hearing conference was held on September 8, 2015. A one-week hearing is scheduled to begin on January 18, 2016.

The Applicants proposes to construct seven townhouse units fronting onto Bayview Avenue and one detached dwelling fronting onto Wilket Road.

City Council considered Staff's Request for Directions Report on September 30, 2015. City Council adopted the three recommendations at that meeting, which were:

1. To direct the City Solicitor and any appropriate staff to attend at the OMB and oppose the Zoning By-law Amendment and Site Plan Control applications in their current form;
2. To direct the City Solicitor, should the OMB approve the applications, to request that the OMB withhold its Orders until such time as:
 - a. The OMB 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. To authorize the City Solicitor and appropriate staff to continue discussions with the Applicant to address the issues outlined the report from the Director, Community Planning, North York District.

The Request for Directions Report can be found online at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82891.pdf>

ISSUE BACKGROUND

Staff require further directions from City Council prior to the January 18, 2015 OMB hearing.

COMMENTS

The attachment to this report should be considered by Council *in camera*. It contains confidential information about litigation before the OMB. It contains advice and communications that are subject to solicitor-client privilege.

CONTACT

Thomas Wall, Solicitor, Legal Services

Tel: (416) 392-1561; Fax: (416) 397-5624; E-mail: twall@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information and Recommendations – Request for Direction regarding the OMB Hearing