



STAFF REPORT
ACTION REQUIRED
With Confidential Attachment

2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue: Proposed Zoning By-law; Request for Directions regarding OMB Hearing

Date:	January 28, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 16 – Eglinton-Lawrence
Reason for Confidential Information:	This report contains advice or communication that is subject to solicitor-client privilege. This report contains information regarding litigation.
Reference Number:	12 168197 NNY 16 OZ and 12 141927 NNY 16 OZ

SUMMARY

The purpose of this report is to seek further instruction for an Ontario Municipal Board (OMB) hearing on the above-noted matter. Council previously authorized a settlement in principle for a zoning by-law for the development proposal. A schedule was established to finalize the proposed zoning by-law in consultation with other affected parties and participants. However, evolution of certain elements of the development proposal requires Council's further input. An OMB hearing date to consider the matter is currently being scheduled.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. That the recommendations contained in the Confidential Attachment 1 to this report be made public at the end of the Council meeting. All other information contained in 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 adjacent owners of the properties at 2360-2378 Yonge Street and 31, 33, 35 and 37 Helendale Avenue each filed and then subsequently appealed their zoning amendment applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on each within the time allotted by the *Planning Act*.

Subsequently, the owners of the Yonge Street site purchased the Helendale Avenue site and filed a consolidated application. Council provided approval in principle to that development proposal at its meeting on July 8, 2014. Further information on that approval in principle is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM54.21>

The OMB had established a hearing date in November 2014 for the original appeals. The parties advised the OMB that they had a settlement in principle. The full week of hearing days was released. In a teleconference on August 20, 2014, the parties, including the participants, committed to work together to finalize the required zoning by-law in order to return for a proposed settlement hearing. However, due to the evolution of the proposed development concept, it has taken considerable time to address revisions proposed to the settlement concept.

ISSUE BACKGROUND

Proposed revisions to the settlement in principle concept have resulted in the need for further directions from City Council.

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