



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

2779, 2781 Yonge Street and 15-17, 19-21 Strathgowan Avenue - Zoning By-law Amendment – Request for Directions Report

Date:	January 28, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 25 – Don Valley West
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:	13 123068 NNY 25 OZ and 13 134038 NNY 25 RH

SUMMARY

The purpose of this report is to seek further instruction for an Ontario Municipal Board hearing of the above-noted matter. A 5-day OMB hearing date was scheduled for January 11, 2016. However, the parties requested the OMB to defer the hearing date in order to enable ongoing discussions. This report seeks Council's further directions in relation to this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. 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

This rezoning and rental housing demolition proposal is to demolish the existing commercial building and 3 rental residential buildings at the above location and replace them with a 10 storey 31.75 m high residential building with 161 residential units (133 condominium units and 28 rental replacement units) with a density of 5.6 FSI.

The application was received on February 21, 2013. On May 14, 2013 North York Community Council adopted a Preliminary Report on the Zoning By-law amendment and Rental Housing Demolition applications. On November 28, 2014 the owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board, citing City Council's failure to make a decision within the prescribed time frame set out in the Planning Act. On June 10, 2015 Council adopted the recommendations of the Request for Directions Report of the Director, Community Planning, North York District (dated April 24, 2015) to oppose the application as filed. A copy of the Council decision and the Report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY6.18>

A full hearing was scheduled for 5 days beginning January 11, 2016. However, the parties and participants identified at the pre-hearings have engaged in discussions regarding the issues in dispute. As a result, the OMB was requested to defer its hearing date. Once Council's further instructions are established, the parties will ask the OMB to reschedule this matter.

ISSUE BACKGROUND

Ongoing discussions with respect to the development proposal 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

Gordon Whicher, Solicitor, Planning & Administrative Law;
Tel: (416) 392-1228; Fax: (416) 397-5624; E-mail: gwhiche@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 – Confidential Information