



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

3130 Dufferin Street– OMB Hearing – Request for Directions

Date:	March 21, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 15 – Eglinton-Lawrence
Reason for Confidential Information:	This report is about litigation that affects the City and contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

This application proposes to amend the former City of North York Zoning By-law No. 7625 to permit a mixed use building containing 374 residential dwelling units and 1,379m² of retail floor space at 3130 Dufferin Street. The application proposes a 12-storey building element abutting Dufferin Street, a 6-storey building component abutting Apex Road, a 24-storey tower situated internally to the site (in the southwest corner) and a 6-storey building element connecting the 24-storey and 12-storey towers. With 45,814m² of gross floor area, the application proposes a Floor Space Index of 5.84.

The applicant has appealed the proposed Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's lack of decision on the application within the time frame specified in the *Planning Act*. A two week hearing before the OMB is set to begin on June 13, 2016.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1.

2. Council authorize the public release of the recommendations in Attachment 1 if adopted, with the remainder of Attachment 1 and all of Attachment 2 to remain confidential, at the discretion of the City Solicitor.

Financial Impact

The recommendations of this report will have no financial impact beyond what has been already approved in the current year's budget.

DECISION HISTORY

A Preliminary Report was adopted by North York Community Council on October 10, 2012 recommending that the application be reviewed in the context of the Dufferin Avenue Study. That report is available at:

<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-50378.pdf>

At its meeting on July 7, 2015 City Council adopted a Directions Report from the Director, Community Planning, North York District directing staff to attend at the OMB in opposition to the proposal before it at that time and to continue to discuss revisions to the application to address the issues set out in that report:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-81352.pdf>

The Dufferin Avenue Study was adopted by City Council on December 9, 2015. A copy of the final report from the Director, Community Planning, North York District is available at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-85241.pdf>

COMMENTS

City Council directed City staff to attend at the OMB in opposition to the proposed development of the site, but also to discuss revisions to the proposal with the applicant. City staff participated in OMB mediation regarding this development proposal. The City Solicitor requires further directions.

CONTACT

Kelly Matsumoto, Solicitor, Tel. No.: 416-392-8042; Fax No.: 416-397-5624
E-mail: kmatsum@toronto.ca

Stephen Bradley, Solicitor, Tel. No.: 416-392-7790; Fax No.: 416-397-5624
E-mail: sbradley@toronto.ca

SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Confidential Attachment No. 1 and 2: Confidential Information