



**STAFF REPORT  
ACTION REQUIRED  
With Confidential Attachment**

**Scarborough Subway Extension Development Charges  
By-law - Request for directions regarding Ontario  
Municipal Board hearing**

<b>Date:</b>	May 31, 2016
<b>To:</b>	City Council
<b>From:</b>	City Solicitor and Deputy City Manager & Chief Financial Officer
<b>Wards:</b>	All
<b>Reason for Confidential Information:</b>	This report contains advice or communication that is subject to solicitor-client privilege. This report contains information regarding potential litigation.
<b>Reference Number:</b>	P:\2016\Internal Services\Cf\Cc16013Cf

**SUMMARY**

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The purpose of this report is to seek further instruction for the upcoming Ontario Municipal Board (OMB) hearing on the above-noted matter. A hearing into the appeal of the Scarborough Subway Extension Development Charges By-law 525-2015 (the "SSE DC By-Law") is scheduled for August 8-19, 2016.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. That 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 as well as Appendix "A" to Confidential Attachment 1, be made public at such time as Council adopts the recommendations. All other information contained in the Confidential Attachment 1 is to remain confidential.

## **Financial Impact**

The financial impact of adopting the confidential recommendations will be discussed in Confidential Attachment 1 to this report.

## **DECISION HISTORY**

In October 2013, City Council reconfirmed its support for a Scarborough Subway, extending the Bloor-Danforth line along the McCowan Road corridor to Sheppard Avenue East. Further information and the report from the City Manager on Scarborough Rapid Transit Options can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.CC39.5>

On May 5, 2015 City Council adopted a development charges by-law amendment to add the Scarborough Subway Extension to the transit service component of the existing Development Charges By-law (the "SSE DC By-Law"). Council also adopted the 2015 Development Charges Amendment Background Study: Transit Service, Scarborough Subway Extension. Further information and a copy of the report to Council from the Deputy City Manager and Chief Financial Officer can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX5.1>

The SSE DC By-law was appealed to the OMB by the Building Industry and Land Development Association (BILD) on June 15, 2015. The OMB hearing into the SSE DC By-law is scheduled for August 8-19, 2016. The parties participated in an OMB assisted mediation on April 28, 2016.

## **ISSUE BACKGROUND**

Further information has been received which has resulted in the need for direction from City Council prior to the August 8, 2016 OMB hearing.

## **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**

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Anna Kinastowski, City Solicitor  
Chief

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Roberto Rossini, Deputy City Manager &  
Financial Officer

## **ATTACHMENTS**

Confidential Recommendations and Confidential Information - Request for directions regarding the OMB hearing for the Scarborough Subway Extension DC By-law