



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

3057-3067 Bayview Avenue and 1 Burleigh Heights Drive— OMB Hearing

Date:	July 5, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 24 - Willowdale
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:	15 186678 NNY 24 OZ and 15 186694 NNY 24 SA

SUMMARY

The Owner of 3057-3067 Bayview Avenue and 1 Burleigh Heights Drive (the "Site") filed an application for an Official Plan and Zoning By-law amendments and an application for site plan approval in July 2015. The applications seek permission for the development of twenty-two 3-storey townhouse units fronting onto Bayview Avenue with a total gross floor area of 49878.80 square metres and 45 underground parking spaces.

On January 12, 2016, the Owner appealed its applications to the Ontario Municipal Board on account of Council's failure to issue a decision respecting the Official Plan Amendment, Rezoning and Site Plan Approval applications within the timeframes prescribed under the *Planning Act*. A hearing has been scheduled for September 27, 28, 29 and 30, 2016.

The City Solicitor requires further direction.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council delete the recommendation of the North York Community Council and adopt the confidential instructions to staff in Attachment 1.
2. Council authorize the public release of the confidential instructions to staff, in Attachment 1, if adopted, with the remainder of Attachment 1 and Attachments 2-4 to remain confidential at the discretion of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The (May 27, 2016) Request for Direction Report and Attachments 1-13 from the Director, Community Planning, North York District on the Official Plan Amendment, Zoning Amendment, Site Plan at 3057-3067 Bayview Avenue and 1 Burleigh Heights Drive was considered by the North York Community Council on June 14, 2016 and the Committee adopted staff's recommendations.

<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-93751.pdf>

ISSUE BACKGROUND

The Owner of 3057-3067 Bayview Avenue and 1 Burleigh Heights Drive (the "Site") filed an application for an Official Plan and Zoning By-law amendments and an application for site plan approval in July 2015. The applications seek permission for the development of twenty-two 3-storey townhouse units fronting onto Bayview Avenue with a total gross floor area of 49878.8 square metres and 45 underground parking spaces.

On January 12, 2016, the Owner appealed its applications to the Ontario Municipal Board on account of Council's failure to issue a decision respecting the Official Plan Amendment, Rezoning and Site Plan Approval applications within the timeframes prescribed under the *Planning Act*. A hearing has been scheduled for September 27, 28, 29 and 30, 2016.

COMMENTS

A four day hearing has been scheduled to commence on September 27, 2016. The City Solicitor requires further direction.

CONTACT

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SIGNATURE

Brian Haley, Interim City Solicitor

ATTACHMENTS

Attachment No. 1: Confidential Information
Attachment No. 2: Confidential Communication dated June 6, 2016
Attachment No. 3: Confidential Communication dated June 29, 2016
Attachment No. 4: Confidential Plans dated June 30, 2016