



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

**131 Farnham Avenue and 45 Oaklands Avenue – Zoning
By-law Amendment Application and Site Plan
Application – Further Direction Required Report Title**

Date:	July 12, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 22 – St. Paul’s
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The Ontario Municipal Board (the “OMB”) has set a hearing date for five days commencing on October 5, 2016 to hear the zoning and site plan appeal regarding 131 Farnham and 45 Oaklands. The OMB has set a Prehearing for July 26, 2016. Further direction from City Council is required in advance of the Prehearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential Recommendations to staff in Attachment 1 and, if adopted, authorize the public release of those Recommendations and Appendices 1, 4 and 5 with the balance of the report 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

On February 3 and 4, 2016, City Council considered Item TE13.12 dealing with an application to construct 22 4-storey townhouses in 5 blocks facing west on Avenue Road and south on Oaklands Avenue on the property municipally known as 131 Farnham Avenue and 45 Oaklands Avenue currently owned by De La Salle College. The applicant in this matter, Conica Glen Homes Corp., submitted applications for rezoning and site plan approval in order to facilitate the proposed development. On August 15, 2015, the applicant appealed the rezoning and site plan applications to the OMB prior to Council considering this matter.

At its meeting on February 3 and 4, 2016, Council adopted the following recommendations regarding the rezoning and site plan applications:

1. City Council direct the City Solicitor to attend at the Ontario Municipal Board to refuse the proposal respecting the Zoning By-law Amendment application for 45 Oaklands Avenue and 131 Farnham Avenue, in its current form, and City Council direct the City Solicitor to retain outside consultants as required, including for the purpose of providing assistance on mediation.
2. City Council direct the City Solicitor to request mediation by the Ontario Municipal Board.

For a more detailed Decision History, see the Report from the Director, Community Planning, Toronto and East York District dated December 15, 2015 at the following link:

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-87066.pdf>

The De La Salle College property is also the subject of an existing Designation By-law under Part IV of the *Ontario Heritage Act* and a Heritage Easement Agreement ("HEA"). At its meeting of September 30, 2015, Council adopted the recommendations in the report "Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement – 131 Farnham Avenue" from the Director, Urban Design, City Planning Division, to amend the Designation By-law and authorize related amendments to the existing HEA. These amendments included the lands proposed to be developed by Conica Glen Homes Corp.

For a more detailed Decision History, see the Report from the Director of Urban Design dated July 16, 2015 and the Supplementary Report from the Director of Urban Design dated August 20, 2015 at the following links:

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82431.pdf>
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82696.pdf>

A Notice of Objection to the Amendment of Designation By-law was filed at the Conservation Review Board. The Conservation Review Board has not yet scheduled a date to hear this matter and it has been put on hold pending the outcome of the OMB mediation respecting the zoning appeal and site plan appeal.

ISSUE BACKGROUND

At its meeting on February 3 and 4, 2016, Council directed the City Solicitor to attend at the OMB to support the refusal of the proposal in its current form and directed the City Solicitor to retain outside consultants as required, including for the purpose of providing assistance at mediation. City Council also directed the City Solicitor to request mediation at the OMB.

The OMB held a Prehearing on March 2, 2016 and the City requested formal mediation at the OMB as per Council's instructions. On May 24 and 25, 2016, the City, all parties, and participants to this matter participated in mediation at the OMB.

A further Prehearing is scheduled for July 26, 2016 and a full OMB Hearing is scheduled to commence on October 5, 2016.

COMMENTS

This report is about litigation before the OMB and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential information and should be considered by Council in camera.

CONTACT

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SIGNATURE

Brian Haley, Interim City Solicitor

ATTACHMENTS

Attachment 1: Confidential Information