



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

**1-11 Bloor Street West, 768-784 Yonge Street and 760-762  
Yonge Street Zoning Amendment - Request for Direction  
Report**

<b>Date:</b>	July 14, 2016
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reason for Confidential Information:</b>	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.
<b>Reference Number:</b>	

**SUMMARY**

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On May 16, 2016, the owner of the property at 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street filed a Notice of Appeal of City Council’s refusal or neglect to make a decision within 120 days and 30 days from the submission of the applications for a Zoning By-law Amendment (15 1286261 STE 27 OZ) and Site Plan Approval (15 128257 STE 27 SA), to the Ontario Municipal Board due to Council's failure to enact the requested amendments and grant site plan approval within the time provided for in the *Planning Act*.

Direction is required from City Council with respect to the position of the City at the Ontario Municipal Board hearing for the appeals. To date no hearing has been scheduled.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council adopt the Recommendation contained in Confidential Attachment 1 to this report and, if such Recommendation is adopted, authorize the public

release of the Confidential Recommendation and Appendix 1, 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 May 10, 2016, the Toronto and East York Community Council commenced a statutory public meeting for the zoning by-law amendment application, pursuant to notice given in accordance with the *Planning Act*. The Toronto and East York Community Council deferred consideration of the Director, Community Planning, Toronto and East York District's (April 22, 2016) Final Report and (May 9, 2016) Supplementary Report to allow sufficient time for the outstanding concerns of City staff, the Bloor Yorkville BIA, resident associations and affected stakeholders in the Working Group to be further discussed and considered with additional recommendations to be brought forward at the June 14, 2016 Community Council meeting.

On May 10, 2016, Toronto and East York Community Council also deferred consideration of the related report (April 13, 2016) from the Chief Planner and Executive Director, City Planning Division, respecting Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement - 774-776 Yonge Street (William Luke Buildings), until its June 14, 2016 meeting.

On May 16, 2016 the applicant filed a Notice of Appeal of City Council's refusal or neglect to make a decision within 120 days and 30 days from the submission of the applications for a Zoning By-law Amendment and Site Plan Approval, respectively for the properties municipally known as 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street.

On June 14, 2016, Toronto and East York Community Council considered and forwarded to City Council without recommendations the (June 13, 2016) report from the Director, Community Planning, Toronto and East York District - 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street - Zoning Amendment - Request for Direction Report and the (April 13, 2016) Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement – 774-776 Yonge Street (William Luke Buildings) Report. The Request for Direction Report provides modified recommendations to the (April 22, 2016) Final Report and the (May 9, 2016) Supplementary Report to reflect that the matter is now before the Ontario Municipal Board as a result of the May 16, 2016 appeal. The Request for Direction Report also provides information regarding further community and stakeholder consultations including a stakeholder meeting regarding a potential pedestrian tunnel connection to 2 Bloor Street West held on May 18, 2016, and the sixth working group meeting held on June 2, 2016.

The (April 22, 2016) Final Report, the (May 9, 2016) Supplementary Report and the (June 13, 2016) Request for Direction Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.10>

The (April 13, 2016) report on Alterations to a Designated Heritage Property and Authority to Enter into a Heritage Easement Agreement can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.11>

## **ISSUE BACKGROUND**

The owner of the property at 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street appealed its applications for a Zoning By-law amendment and Site Plan Control to the Ontario Municipal Board.

Direction is required from City Council with respect to the position of the City at the Ontario Municipal Board hearing in respect of the appeals. To date the hearing has not been scheduled.

## **COMMENTS**

This report is about litigation before the Ontario Municipal Board 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**

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Brian Haley, Interim City Solicitor

## **ATTACHMENTS**

Attachment 1: Confidential Information