



**STAFF REPORT
ACTION REQUIRED**
with Confidential Attachment

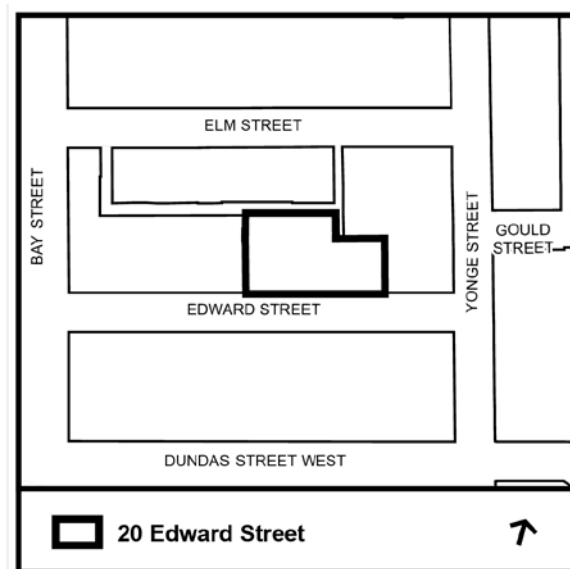
**Zoning Appeal regarding 20 Edward Street – OMB
Hearing – Request for Directions – Item TE20.8**

Date:	December 14, 2016
To:	City Council
From:	City Solicitor
Wards:	Ward 27 – Toronto Centre-Rosedale
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:	14-266298 STE 27 OZ

SUMMARY

Lifetime Edward Street Inc. (the “Owner”) has appealed to the Ontario Municipal Board (the “OMB”) its application for a Zoning By-law Amendment to construct a 30-storey mixed use building, due to Council's failure to enact the requested amendment within the time allotted by the *Planning Act*. No dates have been set for the OMB hearing, but a prehearing has been set for March 21, 2017.

The Director, Community Planning, Toronto and East York District has submitted reports to the Toronto and East York Community Council, which has forwarded the matter to City Council without recommendations. The City Solicitor wishes to provide further information for Council’s consideration.



RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations contained in Confidential Attachment 1 to this report.
2. Council authorize the public release of recommendation 2 contained in Confidential Attachment 1, if adopted, at the discretion of the City Solicitor, with the remainder of Attachment 1 to remain confidential.

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

At its meeting held on November 15, 2016, Toronto and East York Community Council considered the report from the Director, Community Planning, Toronto and East York District dated October 27, 2016, which recommended that the City Solicitor be directed to attend at the OMB hearing in support of the proposal with minor modifications. The Toronto and East York Community Council submitted the Item to Council without recommendations and it is found at Item TE20.8.

While Planning Staff recommended support for the application, certain modifications to the applicant's proposal were also recommended, namely: a 74 square metre POPS that is open to the sky; a parking ratio that adheres to the zoning by-law requirements, until such time as the applicant can provide the justification report as requested by Transportation Services; space in the building's ground floor and concourse level for the TTC Dundas Station Second Exit as part of the development and not as a Section 37 contribution; and, knock-out panels for future PATH connections on the south and east walls.

COMMENTS

The City Solicitor wishes to provide further information for Council's consideration regarding the directions to be given for the OMB prehearing set for March 21, 2017. 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 and its associated appendices all contain confidential information.

CONTACT

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

SIGNATURE

Brian Haley, Interim City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information