

## City Council

### Motion without Notice

MM23.40	ACTION			Ward:27
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**33-49 Avenue Road and 140-148 Yorkville Avenue - Zoning Appeal regarding Ontario Municipal Board Hearing - Request for Directions - by Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Confidential Attachment - Litigation that affects the City and advice/communications that are subject to solicitor-client privilege**

### Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy, recommends that:

1. City Council adopt the following recommendations in the report (December 14, 2016) from the City Solicitor:

1. Council adopt the recommendation contained in Confidential Attachment 1 to this report.
2. The recommendation contained in Confidential Attachment 1 and all appendices to Attachment 1 are to remain confidential.

### Summary

Empire Yorkville Communities (the “Owner”) has appealed to the Ontario Municipal Board 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.

This relates to Item TE19.20 adopted by City Council without amendment on November 8, 2016.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.12>

### Background Information (City Council)

Member Motion MM23.40

(December 14, 2016) Report from the City Solicitor on 33-49 Avenue Road and 140-148 Yorkville Avenue -Zoning Appeal regarding OMB Hearing - Request for Directions

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99245.pdf>)

Confidential Attachment 1