



**STAFF REPORT  
ACTION REQUIRED**  
with Confidential Attachment

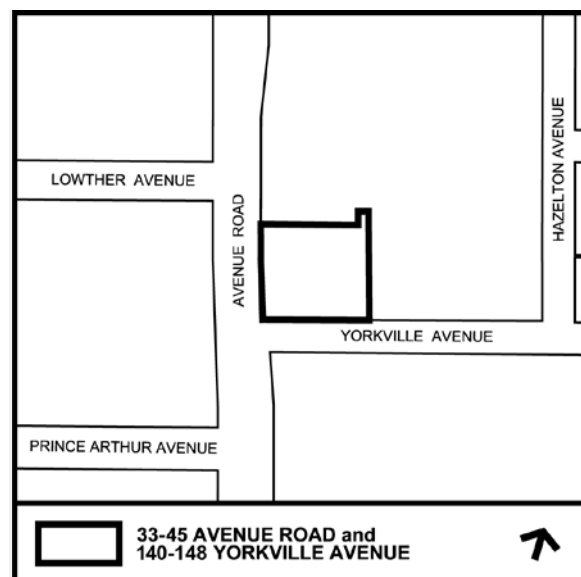
**33-49 Avenue Road and 140-148 Yorkville Avenue -  
Zoning Appeal regarding OMB Hearing - Request for  
Directions**

<b>Date:</b>	December 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 that affects the City and contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	12 113502 STE 27 OZ and 16 126210 STE 27 SA

**SUMMARY**

Empire Yorkville Communities (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*. The OMB has set a 5 day hearing, commencing on January 16, 2017.

Discussions have taken place that result in the need for further directions regarding the OMB hearing.



## **RECOMMENDATIONS**

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The City Solicitor recommends that:

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.

### **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**

This relates to Item TE19.20 adopted by City Council without amendment on November 8, 2016. City Council adopted the report from the Director, Community Planning, Toronto and East York District dated September 26, 2016, which recommended among other matters that staff continue discussions with the applicant and, in the event outstanding issues are not satisfactorily resolved, to oppose the zoning appeal at the OMB.

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

### **COMMENTS**

The City Solicitor wishes to provide further information for Council's consideration regarding the directions to be given for the OMB hearing set for January 16, 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**

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### **SIGNATURE**

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Brian Haley, Interim City Solicitor

### **ATTACHMENTS**

Confidential Attachment 1 - Confidential Information