

215-229 Church Street and 117 Dundas Street East - OMB Prehearing- Request for Direction

Date: January 31, 2017

To: City Council

From: City Solicitor

Wards: Ward 28 Toronto Centre-Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The owners of 215-229 Church Street and 117 Dundas Street East have appealed their Zoning By-law Amendment application to the Ontario Municipal Board ("OMB") due to a lack of decision by the City within the statutory timeframe.

At its meeting of May 3, 4 and 5, 2016, Council authorized the City Solicitor, together with City Planning staff and any other appropriate staff to, among other matters, attend the Ontario Municipal Board hearing to oppose the appeal; authorized City staff to continue discussions with the applicant in order to come to an agreement on an appropriate built form that, among other things, ensures the tower including accommodations for construction does not intrude into the St. Michael's Hospital helicopter flight path; and to secure appropriate Section 37 community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning.

Prehearing conferences were held by the OMB on July 6, 2016 and October 13, 2016, and a further pre-hearing is scheduled for February 8, 2017, with the OMB hearing scheduled for 5 days commencing May 1, 2017. This report seeks further direction on this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. City Council authorize the public release of the instructions in Confidential Attachment 1, if adopted by City Council, with the balance of the Confidential Attachment 1 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

At its meeting of May 3, 4 and 5, 2016, Council authorized the City Solicitor, together with City Planning staff and any other appropriate staff to, among other matters, attend the Ontario Municipal Board hearing to oppose the appeal; authorized City staff to continue discussions with the applicant in order to come to an agreement on an appropriate built form that, among other things, ensures the tower including accommodations for construction does not intrude into the St. Michael's Hospital helicopter flight path; and to secure appropriate Section 37 community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE15.9>

Staff have continued discussions with the proponent.

COMMENTS

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

CONTACT

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Confidential staff report for action on directions for Ontario Municipal Board Appeal

SIGNATURE

Brian Haley
Interim City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Information and Recommendations