

68 Daisy Avenue - Request for Directions Regarding OMB Hearing

Date: June 29, 2017

To: City Council

From: City Solicitor

Wards: Ward 6 - Etobicoke-Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

This rezoning application proposes the development of 73 four-storey freehold townhouses within seven blocks at 68 Daisy Avenue. The site is occupied by the former Vincent Massey Public School building (the "School Building"). The proposal would retain the portion of the original School Building currently operating as a private, for-profit childcare centre. The existing playground for the childcare centre would be relocated to the front of the School Building. The School Building is listed on the Toronto Heritage Register and Heritage Preservation Services staff have recommended that the property be designated under Part IV of the Ontario Heritage Act.

The purpose of this report is to request further instructions for the Ontario Municipal Board ("OMB") hearing that is scheduled to commence October 10, 2017. A pre-hearing conference has been scheduled for August 9, 2017.

City Planning staff have assisted with the preparation of this report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of Confidential Recommendations 1 and 2 contained in Confidential Attachment 1 to this report and Appendix 1 and 2, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

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 September 8, 2015, Etobicoke York Community Council considered a Preliminary Report, a copy of which is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY8.8>

The owner appealed the Zoning By-law Amendment application to the OMB, citing City Council's failure to make a decision within the time prescribed by the Planning Act.

At its meeting on January 31, 2017, City Council adopted the Recommendations in a Request for Direction Report (Item No. EY19.4), which recommended the City appear in opposition to the application in its current form, but to continue discussions with the applicant to address the issues outlined in the report. The report can be found on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY19.4>

A pre-hearing conference is scheduled for August 9, 2017. The full OMB hearing is scheduled to commence October 10, 2017.

COMMENTS

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 contains confidential advice and should be considered by City Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information