



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

492-498 Eglinton Avenue East and 3-7 Cardiff Road – Official Plan and Zoning Amendment Applications – Request for Further Direction Regarding OMB Hearing

Date: October 27, 2017
To: City Council
From: City Solicitor
Wards: Ward 22 - St. Paul's

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 Ontario Municipal Board (the “OMB”) has set a hearing date for four days commencing on November 14, 2016 to hear the official plan and zoning amendment application appeals regarding 492-498 Eglinton Avenue East and 3-7 Cardiff Road. Further direction from City Council is required in advance of the hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of:
 - a. the recommendations contained in the Confidential Attachment 1, with the remainder of the Confidential Attachment 1 to remain confidential at the

discretion of the City Solicitor, as it contains advice subject to solicitor-client privilege; and

b. Confidential Attachment 2.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

1634934 Ontario Corp., the owner of the property municipally known as 492-498 Eglinton Avenue East and 3-7 Cardiff Road (the "Subject Property"), applied for official plan and zoning by-law amendments in order to facilitate a proposed redevelopment of the Subject Property. The applications propose an 11-storey apartment building containing 97 units fronting onto Eglinton Avenue East and a 4-storey, 12 unit stacked townhouse complex fronting onto Cardiff Road. In total, the proposed development would contain 101 residential units.

On May 10, 2016, Toronto and East York Community Council considered Item TE16.35 pertaining to a Preliminary Report from the Director, Community Planning, Toronto and East York District dated April 22, 2016 regarding the proposed development (the "Preliminary Report"). For more information, see the Preliminary Report at the following link:

<http://www.toronto.ca/legdocs/mmis/2016/te/bqrd/backgroundfile-92304.pdf>

The applicant appealed the official plan and zoning amendment applications to the Ontario Municipal Board ("OMB") due to City Council's failure to make a decision within the time allotted by the Planning Act.

On July 4, 2017, City Council considered Item 25.20 pertaining to a Request for Direction Report from the Director, Community Planning, Toronto and East York District dated May 16, 2017 regarding the appeal of the applications to the OMB (the "Request for Direction Report"). At that meeting Council adopted the following recommendations:

1. City Council authorize the City Solicitor, together with City Planning staff and other staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the Zoning By-law Amendment application in its current form for the property at 492-498 Eglinton Avenue East and 3-7 Cardiff Road.

2. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in the report (May 16, 2017) from the Director, Community Planning, Toronto and East York District and to report back to City Council on the outcome of the discussions, if necessary.
3. Should the Ontario Municipal Board approve the application, in whole or in part, City Council direct the City Solicitor to advise the Board that the Zoning By-law should not be approved without the provisions of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner and Executive Director, City Planning, in consultation with the applicant and the Ward Councillor.
4. Should the Ontario Municipal Board approve the application, in whole or in part, City Council authorize the City Solicitor to request that the Ontario Municipal Board withhold it's Order approving the application until such time as:
 - a. the Ontario Municipal Board has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the City; and
 - b. Section 37 Agreement has been executed to the satisfaction of the City Solicitor.

For a more detailed Decision History, see the Request for Direction Report at the following link:

http://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-104_516.pdf

ISSUE BACKGROUND

Further information has been received which has resulted in the need for directions from City Council prior to the November 14, 2017 OMB hearing.

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 information and should be considered by Council in camera. Attachment 2 to this report contains confidential correspondence and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Recommendations and Confidential Information.

Confidential Attachment 2 - Confidential Information