



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**Request for directions regarding the January 7, 2013,
OMB prehearing re 1443, 1445 and 1451 Bathurst Street
– Zoning appeal**

Date:	November 27, 2012
To:	City Council
From:	City Solicitor
Wards:	Ward 21 – St. Paul's
Reason for Confidential Information:	This report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and this report contains advice or communications that are subject to solicitor-client privilege.
Reference Number:	

SUMMARY

The Ontario Municipal Board (the “OMB”) has set a prehearing for January 7, 2013 to hear the appeal regarding a zoning amendment for 1443, 1445 and 1451 Bathurst Street. Discussions have been held among the parties, which have resulted in the need for further directions from City Council for the prehearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1.
2. Council authorize the public release of Recommendation no. 1 and Appendix 1, together with all Appendixes attached thereto, if adopted by Council. The balance of 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 November 6, 2012, Toronto and East York Community Council considered Item TE20.19, dealing with a zoning application to construct a 25-storey mixed-use building with a 6-storey podium. A Site Plan application and a Rental Housing Demolition application under Section 111 of the *City of Toronto Act, 2006* for the 7 residential rental units proposed for demolition were also submitted. The Toronto and East York Community Council submitted the item to City Council without recommendation. For more detailed Decision History, see the Request for Directions report of October 11, 2012 from the Director, Community Planning, Toronto and East York District, at the following link:

<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-51027.pdf>

ISSUE BACKGROUND

Discussions have been held among the parties, which have resulted in the need for directions from City Council for the January 7, 2013 OMB prehearing.

COMMENTS

As this report is about litigation before the OMB 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 conference.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENT

Confidential Information - Request for directions regarding the January 7, 2013 OMB prehearing regarding 1443, 1445 and 1451 Bathurst Street.