
City Council**Notice of Motion**

MM3.5	ACTION			Ward:All
-------	--------	--	--	----------

Request of the Province of Ontario to Issue a Minister's Zoning Order and amend the Building Code for Temporary Structures at the 2015 Pan American/Parapan American Games - by Councillor David Shiner, seconded by Councillor Cesar Palacio

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Planning and Growth Management Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor David Shiner, seconded by Councillor Cesar Palacio, recommends that:

1. City Council request the Minister of Municipal Affairs and Housing to issue a Minister's Zoning Order and the Province of Ontario to amend the Building Code to address areas of non-compliance for the venues which will be used temporarily for the 2015 Toronto Pan American/Parapan American Games.

Summary

The 2015 Pan American/Parapan American Games begin in just over 20 weeks.

There are zoning by-law compliance issues with a number of sites and there are Building Code compliance issues at a number of locations.

As all permit applications have not yet been submitted, an unknown number of additional non-compliance items may be identified as applications are submitted.

There are approximately 33 venues at 15 sites across the City that will be used for events, practice or support for the Pan American/Parapan American Games which commence on July 10, 2015. These venues will require permits for temporary facilities such as: tents, bleachers, sanitary facilities, trailers and other temporary structures to accommodate all of the events. There are a significant number of permit applications to be reviewed and issued, and the structures erected and inspected, prior to the opening of the games.

As there is insufficient time to finalize amendments or variances to the Zoning By-laws prior to the construction of temporary facilities, the need for a Minister's Zoning Order (MZO), issued

by the Minister of the Ministry of Municipal Affairs and Housing ("MMAH"), is being considered to address circumstances where municipal staff have identified areas of conflict with Zoning By-laws. The Deputy Minister of MMAH has advised the City Manager that the Province is seeking a resolution from City Council in order to consider the issuance of a Minister's Zoning Order.

The City of Toronto, Ministry of Municipal Affairs and Housing ("MMAH"), and TO2015 staff anticipate the possibility that some temporary structures proposed for the venues will not comply with the requirements of the Building Code and may therefore require either an amendment to the Building Code or the consideration of an alternative solution by the Chief Building Official as authorized under Clause 1.2.1.1.(1)(b) of Division A of the Building Code. Considerable staff time has already been dedicated to assisting TO2015 in identifying areas of non-compliance that would prevent permit issuance. To date, only 13 permit applications have been submitted for temporary structures. Of those, 7 have been or are ready to be issued. The remainder have zoning or Building Code issues to be addressed. The exact number is not known, however it is expected that there will be approximately 20 permit applications for temporary structures made in coming weeks.

Once all permit applications are submitted, and where non-compliance is identified, there will be insufficient time for TO2015 to prepare and apply for an "alternative solution". An "alternative solution" proposal would then have to be reviewed by staff so that the Chief Building Official and Executive Director, Toronto Building could make a determination as to whether the proposed solution achieves compliance with the Building Code.

Following Ontario's indication of the necessity for a Council resolution on this matter prior to further action being taken, this Motion requests that the Province issue a Minister's Zoning Order to address zoning compliance, and amend the Building Code to implement any regulatory changes needed to facilitate permit issuance and the construction of temporary facilities required by TO2015 to prepare Pan Am and Parapan Am Games sites.

TO2015's late timing to deal with these items is regrettable; however the goal is to move this process forward as quickly as possible, asking the Province to use the tools available to it to address any zoning and Building Code issues with the temporary facilities. This action would facilitate the City's ongoing and extraordinary efforts to support the needs of the Pan American/Parapan American Games.