173 Chesterton Shores
Request for Further Direction, Ontario Municipal Board
Appeal re Minor Variance Application A259/05SC

Date: October, 20, 2008
To: City Council
From: City Solicitor
Wards: Ward 44 – Scarborough East

Reason for Confidential Information:
This report considers a minor variance appeal, which is currently before the Ontario Municipal Board. Accordingly, this report is about litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.

Reference Number:

SUMMARY

This report addresses the current circumstances applicable to an appeal of a minor variance. The Ontario Municipal Board hearing is scheduled to commence on November 19, 2008.

RECOMMENDATIONS

The City Solicitor recommends:

1. that Council adopt the recommendations in the confidential Attachment; and

2. that Council’s instructions be made public at the conclusion of the Council meeting.
FINANCIAL IMPACT

The recommendations of this report will have no financial impact beyond what has already been approved in the current year’s budget.

DECISION HISTORY

At its meeting on May 23, 24 and 25, 2006 Council adopted motion J(15) authorizing the City Solicitor and appropriate staff to attend the hearing of the Ontario Municipal Board to support the Committee of Adjustment decision to refuse the application.

ISSUE BACKGROUND

The owner of 173 Chesterton Shores applied for minor variances relating to required side and rear yard building set backs and relating to side yard projections and windows on the side wall of a first storey. The Committee of Adjustment refused the application.

The Ontario Municipal Board hearing was deferred, pending discussions between the property owner and the Toronto and Region Conservation Authority. The TRCA has now taken ownership of the land that is the subject of the application. The prior owner is entitled under that arrangement to continue to reside in the residence for a specified period of time. Thereafter, the residence is proposed to be demolished in order that shoreline improvements may proceed.

COMMENTS

Certain of the minor variances are resolved now that the property has merged with adjacent TRCA lands. However, other aspects of the property require the issuance of a building permit in relation to the ongoing occupancy of the property. The Confidential Attachment to this Report considers the City’s position on the appeal scheduled to commence on November 19, 2008.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

1. Confidential Information