

Dear Toronto & East York Community Council,

**Re: 73 Walmer Road – Ontario Municipal Board Hearing – Request for City Solicitor to Appear at the Ontario Municipal Board**

I would like to move two motions at our January 13, 2009 meeting. The motions pertain to an application for 73 Walmer Road that was heard and refused at the Committee of Adjustment on October 22, 2008. (Please find the decision attached.)

This decision was subsequently appealed to the Ontario Municipal Board by Leila Lax, 446 Walmer Road on November 27, 2008, and the hearing date is scheduled for January 21, 2009.

The application was to legalize and to maintain a rear multi-level deck with a pergola and a gazebo that was constructed without proper authorization. The accessory structure, which includes 15 large plastic pillars that support a pergola roof, requires variances with regards to both south and north lot line setbacks. A variance is also required to permit the height of the gazebo. Nearby neighbours have written letters expressing concern with regards to the height and size of the illegally-built accessory structure.

I urge the Toronto and East York Community Council to adopt the following recommendations:

1. That City Council request the City Solicitor to appear at the Ontario Municipal Board with appropriate independent consultant(s), if necessary, in support of refusal.
2. That the City seek any necessary adjournment of the hearing for 73 Walmer Road until City Council has the opportunity to approve of the above recommendation at its January 28, 2009 meeting.

Thank you for your consideration.

Sincerely,

Adam Vaughan, Councillor  
Ward 20, Trinity-Spadina

