

---

**City Council**

---

**Notice of Motion**

MM50.3	ACTION			Ward: 32
--------	--------	--	--	----------

**Ontario Municipal Board Hearing - 102 Waverley Road - by Councillor Bussin, seconded by Councillor Walker**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to a re-opening of Item TE33.83. A two-thirds vote is required to re-open that Item.*

*\*This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

**Recommendations**

Councillor Bussin, seconded by Councillor Walker, recommends that:

1. City Council authorize the City Solicitor to enter into mediation with the owner of 102 Waverley Road (the "Appellant"), and the owner of the neighbouring property at 104 Waverley Road (the "Neighbour"), at the Ontario Municipal Board (OMB) for Committee of Adjustment appeal number A0128/10TEY, an application for a variance to permit a dwelling depth of 24.31 metres.
2. City Council instruct the City Solicitor to settle with the Appellant and the Neighbour on revised plans provided the plans do not include a main or upper floor addition to the dwelling at 102 Waverley Road, and provided appropriate conditions that limit impacts on adjacent properties are attached to an OMB decision approving the variance to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning, and the local Councillor.
3. City Council authorize and direct the City Solicitor to attend at the OMB in this matter and to take all necessary actions so as to give effect to this Motion.

**Summary**

At its meeting on May 11 and 12, 2010, City Council adopted Toronto and East York Community Council Item TE33.83 that authorized the City Solicitor, and the Chief Planner and Executive Director, City Planning, to attend the Ontario Municipal Board (OMB) to defend the Committee of Adjustment's decision regarding 102 Waverley Road (A0128/10TEY) refusing a variance for dwelling depth. The purpose of the application was to construct a two-storey addition to the rear of the existing detached single family dwelling and to legalize and to maintain a rear basement addition that was constructed without a building permit. The proposed depth of the basement addition is 24.31 metres, and the proposed depth of the main floor and second floor is 21.81 metres. The Zoning By-law permits a depth of 17 metres.

At the commencement of the hearing at the OMB on May 28, 2010, the appellant requested an adjournment to allow the City and a neighbouring property owner to enter into mediation in an attempt to reach a settlement on a revised proposal that eliminates the main floor and upper floor addition. The City and the neighbour consented to the adjournment request and the OMB granted the adjournment. The OMB scheduled July 6, 2010, for a new hearing date. This Motion authorizes the City Solicitor to enter into mediation with the appellant and the neighbour, and to settle with the appellant if a revised proposal eliminates the main floor and upper floor addition, and suitable conditions are placed on the variance decision.

**REQUIRES RE-OPENING:**

Toronto and East York Community Council Item TE33.83 adopted by City Council on May 11 and 12, 2010.

(Submitted to City Council on June 8 and 9, 2010 as MM50.3)