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**City Council**

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**Motion without Notice**

MM5.9	ACTION			Ward: 20
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**621 King Street West - Review of OMB Decision - by Councillor Adam Vaughan, seconded by Councillor Peter Milczyn**

- \* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
- \* This Motion is subject to referral to the Toronto and East York Community Council. A two-thirds vote is required to waive referral.*
- \* This Motion has been deemed urgent.*

**Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege**

**Recommendations**

Councillor Adam Vaughan, seconded by Councillor Peter Milczyn, recommends that:

1. City Council adopt the recommendations set out in the confidential attachment to the report (March 4, 2011) from the City Solicitor.

**Summary**

Authority was given to the City Solicitor and staff to attend at the Ontario Municipal Board (“OMB”) in support of the Toronto and East York panel of the Committee of Adjustment’s refusal of an application for variances at 621 King Street West. A hearing was held on February 2 and 3, 2011 and the OMB approved the variances in a decision issued February 16, 2011.

On March 2, 2011 the City Solicitor served the owner of 621 King Street West with a Notice of Motion for Leave to Appeal the decision. The Notice was served within 15 days of the issuance of the OMB decision in order to preserve the City’s right to seek leave to appeal.

This matter is considered urgent as it relates to a litigation matter and a legal deadline.

(Submitted to City Council on March 8, 2011 at MM5.9)