

**City Council****Notice of Motion**

MM25.14	ACTION			Ward:23
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**Representation at an Ontario Municipal Board hearing for 81 Elmwood Avenue - by Councillor John Filion, seconded by Councillor Glenn de Baeremaeker**

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

*\* This Motion is subject to referral to the North York Community Council. A two thirds vote is required to waive referral.*

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

**Recommendations**

Councillor John Filion, seconded by Councillor Glenn de Baeremaeker, recommends that:

1. City Council authorize the City Solicitor to appeal the decision of the Committee of Adjustment for 81 Elmwood Avenue and request the City Solicitor to seek a settlement which would create lots more in character with the surrounding neighborhood, and that if a settlement cannot be reached, City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing in opposition to the severance and associated variances for 81 Elmwood Avenue.

**Summary**

Applications for Consent and Minor Variance were submitted by Rubinoff Design Group on behalf of Atena Keshavarzian to permit the severance of the subject property into two residential building lots and the construction of a new two-storey dwelling on each of the proposed lots. On June 6, 2012, the Committee of Adjustment approved the applications, including minor variances for side yard setbacks between the two proposed dwellings of 0.91 metres, where a minimum of 1.5 metres is required. The subject property is in a R4 zone, where the character of the neighbourhood is of side yard setbacks between 1.2 and 1.8 metres. The creation of lots with side yard setbacks of 0.91 metres would set a precedent for the neighbourhood that is contrary to the existing City by-laws, which are reinforced in the proposed harmonized by-law.

(Submitted to City Council on July 11 and 12, 2012 as MM25.14)

**Background Information (City Council)**

Member Motion MM25.14

(June 6, 2012) Committee of Adjustment North York Panel, Notice of Decision, 81 Elmwood Avenue

<http://www.toronto.ca/legdocs/mmis/2012/mm/bgrd/backgroundfile-48957.pdf>