TORONTO Member Motion

City Council

Motion without Notice

MM26.30	ACTION			Ward:13

Direction to City Solicitor on the Ontario Municipal Board Hearing for 154 Windermere Avenue - by Councillor Sarah Doucette, seconded by Councillor Mark Grimes

**** This Motion has been deemed urgent by the Chair.***
**** This Motion is not subject to a vote to waive referral.***
**** This Motion has been added to the agenda and is before Council for debate.***

Recommendations

Councillor Sarah Doucette, seconded by Councillor Mark Grimes, recommends that:

1. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application Nos. B41/11EYK, A438/11EYK, A439/11EYK, and A440/11EYL respecting 154 Windermere Avenue and authorize the City Solicitor to settle the matter on behalf of the City in her discretion after consultation with the Chief Planner and Executive Director and the Ward Councillor, and on the basis of the following:

    a. The applicant seeks to amend the application to provide for a severance into two lots as opposed to three, and amend the associated variances to provide for a single detached dwelling on each new lot, otherwise satisfactory to the Director, Community Planning, Etobicoke York District.

    b. The linden tree currently located on the property be protected in accordance with City policies, and that prior to the issuance of a demolition and/or building permit on the subject property, the applicant shall satisfy all matters relating to City and Privately owned trees, to the satisfaction of the Supervisor, Urban Forestry – Tree Protection & Plan Review. Urban Forestry will issue a clearance letter to the applicant once the above condition has been fulfilled.

2. City Council direct that, in the event a settlement cannot be reached on the basis of the two conditions in Part 1 above, the City Solicitor be authorized to appear at the Ontario Municipal Board to support the decision of the Committee of Adjustment in refusing Application Nos. B41/11EYK, A438/11EYK, A439/11EYK, and A440K/11EYL respecting 154 Windermere Avenue.

Summary

The original application was to sever the property into three residential lots, demolish the existing dwelling and detached garage and develop three new detached dwellings. It was opposed by Community Planning and Forestry at the June 14, 2012 Committee of Adjustment hearing.

Council adopted Member Motion 25.24 on July 11, 2012, requesting the City Solicitor to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to refuse the consent and minor variance application respecting 154 Windermere Avenue.

The applicant has agreed to amend his application to provide for a severance into two lots instead of three. If adopted, this Motion would direct the City Solicitor to attempt to negotiate a settlement based on a severance into two lots, provided that the linden tree on the property is protected. If such a settlement cannot be reached, this Motion would direct the City Solicitor to appear at the hearing in opposition of the application.

Urgent consideration is being requested as the Ontario Municipal Board hearing on this matter is scheduled for October 24, 2012.

(Submitted to City Council on October 2 and 3, 2012, as MM26.30)

Background Information (City Council)

Committee of Adjustment Etobicoke York Panel - Notice of Decision on consent application for 154 Windermere Avenue
(http://www.toronto.ca/legdocs/mmis/2012/mm/bgrd/backgroundfile-50708.pdf)