

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

MM30.9	ACTION			Ward:35
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**Staff representation at an Ontario Municipal Board hearing for 787 Midland Avenue - by Councillor Michelle Berardinetti, seconded by Councillor Glenn de Baeremaeker**

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

*\* This Motion is subject to referral to the Scarborough 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 Michelle Berardinetti, seconded by Councillor Glenn de Baeremaeker, recommends that:

1. City Council authorize the City Solicitor and City Planning staff to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's refusal of the application for a minor variance at 787 Midland Avenue.

**Summary**

An application for Minor Variance for 787 Midland Avenue was submitted to permit the existing Place of Worship to remain on the main floor of the detached dwelling, along with a residential dwelling unit in the basement. The dwelling has been altered to create an open hall on the main floor, which is being used for religious purposes, and the rear yard has been paved over and used for vehicular parking. In June 2008, an Order to Comply was issued by Toronto Building Division (Scarborough) indicating that the use as a Place of Worship is not permitted in the zoning by-law.

City Planning staff have concerns with the existing use, as it is not a permitted use in the Single-Family Residential (S) zone, and with the parking deficiency. Based on the basement dwelling unit and the floor area of the place of worship, nine parking spaces are required, however only two are provided on site. City Planning staff recommended refusal of the application, and on December 6, 2012, the Committee of Adjustment refused the application. The applicant has appealed this decision to the Ontario Municipal Board.

(Submitted to City Council on February 20 and 21, 2013 as MM30.9)

**Background Information (City Council)**

Member Motion MM30.9

Committee of Adjustment, Scarborough Panel Notice of Decision on application for Minor  
Variance/Permission for 787 Midland Avenue  
(<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-56181.pdf>)