TORONTO Member Motion

City Council

Notice of Motion

MM33.16	ACTION			Ward:39

1065 McNicoll Avenue - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Mike Del Grande, seconded by Councillor Peter Milczyn

**** 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 Mike Del Grande, seconded by Councillor Peter Milczyn, recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board Hearing to support the Committee of Adjustment's Decision refusing the variance requested for 1065 McNicoll Avenue (File No. A267/10SC).

Summary

On March 22, 2013 the Committee of Adjustment refused an application to permit an existing private school to continue to operate at 1065 McNicoll Avenue. The applicant has appealed the decision to the OMB. No hearing date has yet been scheduled.

The subject property is located on the south side of McNicoll Avenue between Victoria Park Avenue and Pharmacy Avenue. It is located in an Industrial District Commercial (MDC) Zone in the Employment Districts Zoning By-law Number 24982, as amended, and is designated *Employment Area* in the Official Plan.

Community Planning staff wrote a report to the Committee of Adjustment recommending refusal of the variance because it would not maintain the intent and purpose of either the Zoning By-law or the Official Plan. *Employment Areas* are places of business and economic activity. The lands and buildings in *Employment Areas* are important economic assets for new and expanding businesses. Schools are identified as a sensitive land use in the Ministry of Environment's Land Use Compatibility Guidelines. Due to the sensitive nature of the proposed use, a private school is not a use that supports the function of the *Employment Area*. Approval of the requested variance could undermine the economic function of the *Employment Area*.

Accordingly, this Motion seeks to instruct the City Solicitor and appropriate City staff to attend at the Ontario Municipal Board hearing in support of the Committee of Adjustment's decision

to refuse the requested variance.

(Submitted to City Council on May 7 and 8, 2013 as MM33.16)

Background Information (City Council)

Member Motion MM33.16
(http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-58057.pdf)
Committee of Adjustment Scarborough Panel - Notice of decision on minor variance for 1065 McNicholl Avenue
(http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-58118.pdf)