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**City Council****Motion without Notice**

MM37.42	ACTION			Ward:29
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**Request for Attendance at an Ontario Municipal Board Hearing for 2 Dilworth Crescent - by Councillor Mary Fragedakis, seconded by Councillor Norm Kelly**

*\* 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 relates to an Ontario Municipal Board Hearing and has been deemed urgent by the Chair.*

**Recommendations**

Councillor Mary Fragedakis, seconded by Councillor Norm Kelly, recommends that:

1. City Council authorize the City Solicitor and the appropriate City staff to appear at the Ontario Municipal Board hearing for 2 Dilworth Crescent and oppose a variance for a building height greater than 9.1m.

**Summary**

The owners of the property known municipally as 2 Dilworth Crescent applied to the Committee of Adjustment (the “Committee”) for three variances, including a height variance of 10.0m when 8.5m is permitted by the zoning by-law. City Planning staff wrote a report expressing concerns that the height variance was not in keeping with the character of the neighbourhood, and that it did not maintain the intent and purpose of the zoning by-law.

After consultation with the Ward Councillor and staff, the applicants revised their application before the Committee to reduce the height to 9.1m. On May 22, 2013, the Committee refused the application in its entirety. The applicants have appealed this decision to the Ontario Municipal Board.

The City has received confirmation that the applicants will not be seeking a height variance above 9.1m. This Motion seeks authority to oppose any revisions to the application that would seek a height variance greater than 9.1m. The City is not opposed to the two remaining variances.

(Submitted to City Council on July 16 and 17, 2013 as MM37.42)

**Background Information (City Council)**

Member Motion MM37.42

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 2 Dilworth Crescent

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60239.pdf>

Letter (July 9, 2013) from Sharmini Mahadevan, Wood Bull LLP on behalf of the owner of 2 Dilworth Crescent

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60238.pdf>