

City Council

Motion without Notice

MM45.24	ACTION			Ward:20
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160 Pears Avenue - Ontario Municipal Board Hearing Settlement Offer - by Councillor Adam Vaughan, seconded by Councillor Peter Milczyn

** 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 Adam Vaughan, seconded by Councillor Peter Milczyn, recommends that:

1. City Council accept the Settlement Offer contained in Attachment 1 to this Motion.
2. City Council authorize the City Solicitor to enter into Minutes of Settlement with the appellant and area residents.
3. City Council instruct the City Solicitor to appear at the Ontario Municipal Board hearing on January 9 and 10, 2014 to implement the settlement.

Summary

On July 31, 2013, the Committee of Adjustment heard and refused an application to construct a three-storey addition above an existing four-storey office building at 160 Pears Avenue. The owner appealed the Committee's refusal to the Ontario Municipal Board and a hearing has been scheduled for January 9 and 10, 2014. At its meeting on October 8, 9, 10 and 11, 2013, City Council adopted Item No. TE26.110 authorizing the City Solicitor to appear at the Ontario Municipal Board to support the decision of the Committee of Adjustment.

Subsequent to the October Council meeting the appellant has worked with the City and local residents in order to amend their application and add conditions of approval that would help alleviate several of the concerns raised by residents at the Committee of Adjustment hearing. As a result, the appellant has amended their plans by shifting the upper floors of the addition forward towards Pears Avenue and away from the dwellings that abut the rear of the development site and have agreed to attach several conditions to the decision. The Without Prejudice Settlement Offer shown in Attachment 1.

This matter is deemed urgent as the Ontario Municipal Board hearing is scheduled for January 9 and 10, 2014.

(Submitted to City Council on December 16 and 17, 2013 as MM45.24)

Background Information (City Council)

Member Motion MM45.