

January 18, 2013

**TO:** The North York Community Council Members

**FROM:** Councillor David Shiner  
Ward 24 – Willowdale

**RE:** **Authority for City Solicitor to Attend at the Ontario Municipal Board –  
10 Ruddington Drive – Appeal of Committee of Adjustment Decision  
File: A610/11NY**

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**SUMMARY:**

An application to the Committee of Adjustment was filed on behalf of Novi Properties for 7 minor variances to permit the development of 29 townhouse units on a site containing an existing 13 storey apartment building with 155 rental units. The 29 townhouse units would be oriented in seven blocks with frontage on Bayview Avenue and Ruddington Drive.

In a report dated Tuesday October 30, 2012, Planning staff recommended that in the event the Committee of Adjustment decided to approve the variances, that the approval be subject to a number of conditions, including but not limited to: maintenance of the existing 155 rental dwelling units for a minimum of 20 years; replacement of the existing swing set with a new tot-lot including play structures, ground cover and surrounding landscaping; and, maintenance of the existing pool, pool house and associated facilities, all to benefit the residents of the existing rental building. In a memorandum dated November 2, 2012, Transportation staff expressed some concerns with the variance relating to the dimensions of the proposed parking spaces, and recommended that this variance be refused.

On Wednesday November 7, 2012, the Committee of Adjustment refused the minor variance application in its entirety. That decision was subsequently appealed to the Ontario Municipal Board on behalf of Novi Properties on November 27, 2012. No hearing date has yet been set for the appeal.

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The following recommendation seeks to direct City staff to continue negotiations with the applicant with a view to reaching a settlement. In the event an acceptable settlement is reached, the City solicitor would be authorized to attend at the OMB hearing and not to oppose the approval of the requested minor variances, provided that they are substantially in accordance with the settlement, and that they are granted subject to appropriate conditions to the satisfaction of the City Solicitor and local Ward Councillor.

**RECOMMENDATION:**

1. That Council direct City staff to continue discussions with the applicant with a view to resolving concerns with the application and particularly with the proposed parking. In the event that concerns can be resolved to the satisfaction of city staff and the local Ward Councilor, the City Solicitor be authorized to attend the Ontario Municipal Board Hearing of the appeal from Committee of Adjustment Application No. A610/11NY; and to not oppose the approval of the proposed minor variances in respect of the property located at 10 Ruddington Drive, provided that they are subject to any necessary conditions as deemed appropriate by the City Solicitor and local Ward Councillor, including but not limited to the conditions recommended in the October 30, 2012 staff report, to the satisfaction of the City Solicitor and local Ward Councillor.
2. In the event that the concerns are not resolved through negotiation, the City Solicitor and appropriate staff be authorized to attend at the Ontario Municipal Board in support of the Committee of Adjustment's decision to refuse the requested variances.
3. That Council authorize the City Solicitor to take any further steps necessary to implement the foregoing.

Councillor David Shiner  
Ward 24 - Willowdale