

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

MM50.40	ACTION			Ward:20
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**Staff Representation at an Ontario Municipal Board Hearing for 399 Dundas Street West - by Councillor Adam Vaughan, seconded by Councillor Joe Mihevc**

*\* 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 Joe Mihevc, recommends that:

1. City Council direct the City Solicitor to attend at the Ontario Municipal Board in support of the Committee of Adjustment's decision to refuse the variance application for 399 Dundas Street West and to retain outside consultants as required.

**Summary**

This Motion is brought forward on an urgent basis in that a hearing has been scheduled for May 22, 2014 before the Ontario Municipal Board and it is necessary to give instructions to City staff to proceed and to prepare for this hearing.

The Toronto and East York Panel of the Committee of Adjustment at its meeting of February 5, 2014 refused variances requested by the applicant for the property at 399 Dundas Street West (File Number A0468/13TEY).

The applicant has appealed the Committee of Adjustment's decision to the Ontario Municipal Board. This Motion is made to direct the City Solicitor to attend at the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to refuse the variances.

The proposal requires variances for maximum permitted gross floor area, combined non-residential gross floor area and residential gross floor area a variance for parking on site.

The proposed variance application results in a development that is not appropriate or desirable and does not meet the four tests for variances under the *Planning Act*.

(Submitted to City Council on April 1 and 2, 2014 as MM50.40)

**Background Information (City Council)**

Member Motion MM50.40

Notice of Decision (Minor Variance/Permission) for 399 Dundas Street West

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-68141.pdf>)

(February 5, 2014) Letter from Councillor Adam Vaughan, Ward 20 Trinity-Spadina, on 399 Dundas Street West

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-68142.pdf>)

Revised Plans for 399 Dundas Street West

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-68143.pdf>)

(April 2, 2014) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

(<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-68340.pdf>)