

City Council**Motion without Notice**

MM50.41	ACTION			Ward:20
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To Authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board in opposition to the appeal of the Chief Planner's decision on 562, 564 and 566 Spadina Crescent - 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 authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board Hearing to defend the decision of the Chief Planner to refuse any alterations to the designated heritage properties at 562, 564 and 566 Spadina Crescent that do not comply with the Harbord Village Phase 2 Heritage Conservation District Heritage guidelines in the opinion of the Chief Planner.

Summary

At its meeting of December 6, 2013, the Toronto Preservation Board adopted the staff report (November 15, 2013) from the Acting Director, Urban Design entitled "Alterations to Designated Heritage Properties within the Harbord Village Phase 2 Heritage Conservation District" which recommended refusal of the alterations.

The Toronto and East York Community Council also adopted this report as amended at its meeting of January 15, 2014.

Under the Ontario Heritage Act, City Council must provide a decision within 90 days after a Notice of Receipt of application has been served on the applicant, failing which, Council is deemed to have consented to the application.

The deadline for a decision with respect to the application to alter the heritage properties at 562, 564 and 566 Spadina Crescent was January 30, 2014.

In order to avoid a deemed consent prior to Council having an opportunity to consider the matter at its meeting on February 19, 2014, the Chief Planner and Executive Director exercised delegated authority under Municipal Code, Chapter 103, Article IX, Delegation, and refused

the application to alter.

The Chief Planner's decision to refuse the application has been appealed to the Ontario Municipal Board.

This Motion is urgent as an appeal of the Chief Planner's decision has been received and an Ontario Municipal Board hearing is scheduled for April 17, 2014.

The City Solicitor requires instructions to attend the hearing.

(Submitted to City Council on April 1 and 2, 2014 as MM50.41)

Background Information (City Council)

Member Motion MM50. 41