

Member Motion

City Council

Motion Without Notice

MM52.29	ACTION			Ward:23
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Review of Ontario Municipal Board Hearing for 91 Sheppard Avenue East - by Councillor Maria Augimeri, seconded by Councillor John Parker

** 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.*

Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

Recommendations

Councillor Maria Augimeri, seconded by Councillor John Parker, recommends that:

1. City Council adopt the following recommendations in the attached report (June 9, 2014) from the City Solicitor:
 - "1. City Council adopt the confidential recommendations in Attachment 1; and
 2. City Council authorize the public release of confidential recommendation 1 in Attachment 1 if adopted by Council."

Summary

On May 15, 2014, the Ontario Municipal Board released a decision on a Motion regarding the requirement for site plan control on a property located at 91 Sheppard Avenue East. At issue on the Motion was the Municipal Board's jurisdiction to exempt a proposed development from the requirement for site plan control.

In the past, the determination of whether or not a development application was subject to site plan control was exclusively with the City's Chief Building Official. Notwithstanding the City's argument at the Board Motion that the Board did not have the authority to determine the applicability of site plan control, the Board in this case has determined that it does have the authority and thereby exempted the development proposal for 91 Sheppard Avenue East from the requirement for site plan control.

This matter is urgent as there is a strict timetable for a legal appeal for an Ontario Municipal Board decision to Divisional Court and it is necessary to give instructions to City staff. (Submitted to City Council on June 10 and 11, 2014, as MM52.29)

Background Information (City Council)

Member Motion MM52.29

(June 9, 2014) Report from the City Solicitor on Review of Ontario Municipal Board Decision
- 91 Sheppard Avenue East

<http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-70450.pdf>

Confidential Attachment 1