



## Member Motion

### City Council

#### Notice of Motion

MM5.21	ACTION			Ward:23
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#### **Request for Attendance at an Ontario Municipal Board Hearing for 110 and 114 Kingsdale Avenue - by Councillor John Filion, seconded by Councillor Joe Mihevc**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

*\* This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

#### **Recommendations**

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decisions regarding Application Nos. B069/14NY, A906/14NY, and A907/14NY0 respecting 110 and 114 Kingsdale Avenue.
2. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application Nos. B069/14NY, A906/14NY, and A907/14NY respecting 110 and 114 Kingsdale Avenue and authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
3. In the event that a settlement cannot be reached, City Council authorize the City Solicitor to attend the Ontario Municipal Board and to retain outside consultants as necessary to oppose the proposed consent and variances requested in Application Nos. B069/14NY, A906/14NY, and A907/14NY respecting 110 and 114 Kingsdale Avenue.

#### **Summary**

The applicant applied to the Committee of Adjustment (Application Nos. B069/14NY, A906/14NY, and A907/14NY) to obtain consent to sever the properties at 110 and 114 Kingsdale Avenue into two undersized residential lots and for minor variances from Zoning By-laws 7625 and 569-2013 to permit the construction of a new two-storey dwelling with an integral garage on each of the proposed severed lots (the "Applications").

At its hearing on February 19, 2015, the Committee of Adjustment approved the Applications with conditions (the "Decisions"). Copies of the Notices of Decision of the Committee of Adjustment are attached.

On March 11, 2015, the City Solicitor appealed the Committee of Adjustment's Decision to the Ontario Municipal Board in order to preserve the City's appeal rights as the appeal deadline would have passed before the next City Council meeting.

The variances to permit a proposed lot coverage of 32.1 percent remain of concern and should be decreased. As requested, the lot coverage variances do not fit the character of the neighbourhood or meet the intent of the zoning by-laws. Approval of these variances could risk setting a precedent for future applications.

This Motion would give the City Solicitor authority to appeal the Decisions, to attend the Ontario Municipal Board and to retain outside consultants, as necessary, in order to oppose the Applications, unless the applicant agrees to an acceptable decrease of the variance for lot coverage.

This matter is time sensitive and urgent as the City Solicitor has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board and the City Solicitor requires instructions and direction to proceed with this appeal.

### **Background Information (City Council)**

(February 13, 2015) Supplementary Report from the Director, Community Planning, North York District on 110 Kingsdale Avenue

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78496.pdf>

Committee of Adjustment, North York Panel Notice of Decision on application for Consent for 110 and 114 Kingsdale Avenue

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78497.pdf>

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 110 and 114 Kingsdale Avenue (Parts 1 and 2)

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78498.pdf>

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 110 and 114 Kingsdale Avenue (Parts 3 and 4)

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78499.pdf>