

City Council**Notice of Motion**

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| MM5.25 | ACTION | | | Ward:23 |
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153 Parkview Avenue - Request for Representation at the Ontario Municipal Board - 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 decision regarding Application Nos. B070/14NY, A912/14NY, and A913/14NY respecting 153 Parkview Avenue.
2. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application Nos. B070/14NY, A912/14NY, and A913/14NY respecting 153 Parkview Avenue and authorize the City Solicitor to settle the matter on behalf of the City in her discretion after consultation with the Chief Planner and 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 in order to oppose the proposed consent and variances requested in Application Nos. B070/14NY, A912/14NY, and A913/14NY respecting 153 Parkview Avenue.

Summary

The applicant applied to the Committee of Adjustment (Application Nos. B070/14NY, A912/14NY, and A913/14NY) for a consent and minor variances from Zoning By-laws 7625 and 569-2013 to permit a severance of the subject property into two undersized lots and the construction of two new residential dwellings (the "Applications").

At its hearing on February 19, 2015, the Committee of Adjustment approved the Applications (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 for the proposed side yard setbacks are of concern, as they do not fit the character of the neighbourhood or meet the intent of the zoning by-laws.

This Motion would give the City Solicitor authority to appeal the Decisions. This Motion would also give the City Solicitor authority to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the Applications, unless the applicant agrees to acceptable side yard setback variances.

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 requires instructions and direction to proceed with this appeal.

Background Information (City Council)

(February 19, 2015) Committee of Adjustment, North York Panel Notice of Decision on Consent and Minor Variance/Permission (Parts 1 and 2) for 153 Parkview Avenue
(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78504.pdf>)

(February 13, 2015) Report from the Director, Community Planning, North York District on 153 Parkview Avenue
(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78505.pdf>)