

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

MM8.44	ACTION			Ward:15
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**1100 Briar Hill Avenue - Request to City Solicitor to Seek a Reconsideration of the Ontario Municipal Board Decision - by Councillor Josh Colle, seconded by Councillor Michelle Berardinetti**

*\* 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 Josh Colle, seconded by Councillor Michelle Berardinetti, recommends that:

1. City Council request the City Solicitor, pursuant to Section 43 of the Ontario Municipal Board Act and the Board's Rules of Procedure, to seek a reconsideration of the Ontario Municipal Board's Decision issued on June 23, 2015 in respect of the proposed development at 1100 Briar Hill Avenue.

**Summary**

In August 2014, City Council directed Staff to find an outside planning expert to represent the City and community's interests at the November 2014 OMB hearing. Regrettably, no outside planner was retained by Staff.

While the local Councillor did attend the November OMB hearing, and argued for an adjournment until new direction could come from City Council, the OMB rejected the request and the meeting continued.

Further, a building permit was issued in error which resulted in the demolition of the existing site and the loss of potential heritage assets on the site.

Madison Briar Hill Ltd. appealed to the Ontario Municipal Board the failure of the City to make decisions within the statutory time frames on its rezoning and site plan applications at 1100 Briar Hill Avenue for its proposed development of 124 stacked back-to-back townhouse units and four commercial units arranged in six blocks above an underground parking garage. There was extensive resident opposition to the proposed development. At its meeting held on August 25, 26, 27 and 28, 2014, City Council directed the City Solicitor to oppose the applications.

On June 23, 2015, the Ontario Municipal Board issued its Decision approving the proposed

development.

This Motion requests the City Solicitor to seek a reconsideration of the OMB's Decision pursuant to Section 43 of the Ontario Municipal Board Act and the Board's Rules of Procedure.

This is a time sensitive matter as a Section 43 request must be filed within 30 days from the issuance of the Board's Decision.

**Background Information (City Council)**

Member Motion MM8.44

(June 23, 2015) Ontario Municipal Board's Decision on the proposed development at 1100 Briar Hill Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-82105.pdf>)