

**City Council****Notice of Motion**

MM11.9	ACTION			Ward:23
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**Treating the Ontario Municipal Board Hearing for 36-40 Churchill Avenue as a Pilot Project - by Councillor John Filion, seconded by Councillor Joe Mihevc**

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

*\* This Motion is subject to referral to the Planning and Growth Management Committee. A two-thirds vote is required to waive referral.*

**Recommendations**

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

1. City Council direct the Chief Planner and Executive Director, City Planning, to treat the Ontario Municipal Board hearing for 36-40 Churchill Avenue as a pilot project as part of a strategy for the City to present the strongest possible case at hearings involving precedent setting applications, and to assign as the staff planning witness a senior planner with successful experience as a witness in similar applications.

**Summary**

An Ontario Municipal Board hearing is expected early in the New Year to consider an application to permit townhouses at 36-40 Churchill Avenue. City Planning staff, North York Community Council and City Council have opposed this application.

Should the City not win this case, the result would be as follows:

1. De-stabilization of the single family neighbourhoods in Willowdale;
2. The Official Plan objectives to locate townhouses in areas such as the Central Finch Area Secondary Plan would be compromised as other applicants would choose to assemble properties within the neighbourhoods rather than on main streets where the Official Plan directs such developments; and
3. The resulting applications to build townhouses within the Willowdale neighbourhood could lead to a large number of Ontario Municipal Board hearings, resulting in a strain on Planning and Legal staff resources.

It is therefore highly desirable for the City to present its case for 36-40 Churchill Avenue in a manner that is most likely to result in a successful outcome and to signal to other applicants

who do not wish to follow the City's planning rules that the City intends to defend its Official Plan vigorously.

The Planning and Growth Management Committee has endorsed the concept of creating a team of planners and lawyers with the expertise and experience to increase the City's chances of winning precedent setting Ontario Municipal Board cases. The Committee is currently awaiting a report from the Chief Planner and Executive Director, City Planning, on this issue. This report would not be available in time to assist with the application at 36-40 Churchill Avenue. Therefore, I am asking this application be treated as a pilot project for this program.

**Background Information (City Council)**

Member Motion MM11.9