

City Council**Notice of Motion**

MM11.10	ACTION			Ward:23
---------	--------	--	--	---------

Request for Representation at the Ontario Municipal Board - 388 Ellerslie 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 decision for Application Nos. B0042/15NY, A0827/15NY, A0828/15NY respecting 388 Ellerslie Avenue.
2. 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 minor variances requested in Application Nos. B0042/15NY, A0827/15NY, A0828/15NY respecting 388 Ellerslie Avenue.

Summary

The applicant has applied to the Committee of Adjustment (Application Nos. B0042/15NY, A0827/15NY, A0828/15NY) to obtain consent to sever the property at 388 Ellerslie 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 on each of the proposed severed lots (the "Applications").

At its hearing on November 12, 2015, the Committee of Adjustment approved the applications for both the consent and minor variances. In their report, Planning Staff did not take issue with the consent or minor variances. Copies of the Notices of Decision and Staff Report are attached.

In 2005 and 2012, the Committee of Adjustment refused applications for consent on 75 foot lots at 282 and 280 Ellerslie Avenue, respectively. The Committee's decision was appealed to the Ontario Municipal Board, which upheld the refusal decisions. The Committee also refused a severance at 200 Senlac Road on a 71 foot lot in 2010 - a decision which was not appealed.

On November 26, 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.

No hearing date has been scheduled for this appeal.

Background Information (City Council)

Member Motion MM11.10

Committee of Adjustment, North York District Notice of Decision on application for Consent and Minor Variance/Permission for 388 Ellerslie Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-86352.pdf>)

(November 9, 2015) Report from the Director, Community Planning, North York District on 388 Ellerslie Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-86351.pdf>)