

To: Chair and Members – North York Community Council

Date: 13 January 2015-01-12

Re: Ontario Municipal Board Hearing – Committee of Adjustment Application – 11 –
25 Industrial Street

As this is an urgent matter requiring the City to launch an appeal of the January 8th Committee of Adjustment approval before the January 29th appeal cut-off, Community Council must make a decision at this meeting to ask for the City Solicitor to attend the Ontario Municipal Board.

SUMMARY:

FCHT Holdings (Ontario) Corp, the applicant for 11-25 Industrial Street, submitted an application to the North York District Committee of Adjustment for minor variances to permit a two-storey fitness centre.

A minor variance application is required as the proposed recreational use is not permitted by either former Town of Leaside By-law 1916 nor City of Toronto By-law 569-2013.

Community Planning Staff submitted a Staff Report to the Committee of Adjustment recommending **refusal of the of the minor variance application**. Planning believes that this should be a re-zoning application. OPA 231, as approved and modified by The Minister of Municipal Affairs and Housing, includes policy 9 within section 2.2.4 Employment Area: Supporting Business and Employment Growth and states that:

*"The redesignation of land from an Employment Area designation to any other designation, by way of an Official Plan Amendment, or the introduction of a use that is otherwise not permitted in an Employment Area is a conversion of land within an Employment Area and is also a removal of land from an Employment Area, and may only be permitted by way of a Municipal Comprehensive Review. The introduction of a use that may be permitted in a General Employment Area into a Core Employment Area or the redesignation of a Core Employment Area to a General Employment Area designation is a conversion and may only be permitted by way of a **Municipal Comprehensive Review**." (Emphasis added)*

The Committee of Adjustment for the City of Toronto (North York Panel) approved the application.

The Councillor is requesting that the City Solicitor appeal the decision of the Committee and that City Solicitor and appropriate City staff appear at the Ontario Municipal Board hearing in support of the appeal.

RECOMMENDATIONS:

1. Council authorize the City Solicitor to appeal the decision of the Committee of Adjustment for 11-25 Industrial Street, file number A915/14NY.
2. Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board in support of the appeal.

2/15/14