



STAFF REPORT Action Required

Status of Compliance at 29 Church Street

Date:	February 4, 2016
To:	Etobicoke York Community Council
From:	Kimberley Kilburn, District Manager, Municipal Licensing and Standards
Wards:	Ward 11 – York South – Weston
Reference Number:	Municipal Licensing and Standards Folder # 15 240404 FEN 00 IR

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council give consideration to the information provided and decide to:

1. Receive this report for information.

SUMMARY

This staff report is in regards to a matter for which the Etobicoke York Community Council has requested Municipal Licensing and Standards to report back. The original decision on the issue was delivered during the January 19, 2016 Etobicoke York Community Council meeting. Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to supply current status information requested by Etobicoke York Community Council in relation to the decision on an application for a fence exemption for 29 Church Street to maintain a hedge fence contrary to the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences. Etobicoke York Community Council refused the application at its meeting of January 19, 2016.

BACKGROUND

An application for a fence exemption was submitted by the property owner of 29 Church Street. The fence is located in the front yard of the property, enclosing the garbage containment area and positioned beside the properties driveway. At its meeting of January 19, 2016, Etobicoke Community Council refused this application, and requested that Municipal Licensing & Standards report back to its February meeting on the status of the matter.

The second unappealable notice was issued to the property owner of 29 Church Street on January 28, 2016 and was hand delivered to the owner. The notice instructed the owner to comply with the Etobicoke York Community Council decision by February 3, 2016. An inspection of the property on February 4, 2016 revealed there was current no compliance with the notice and no work had been started to achieve compliance.

COMMENTS

As a result of the failure to comply Municipal Licensing & Standards is perusing the matter and has escalated enforcement measures to include issuing charges against the owner for both the failure to comply with the conditions required under the Ontario Municipal Board (OMB) decision from 2005 and Etobicoke York Community Council decision regarding the refusal of the fence exemption application from January 19, 2016.

CONTACT

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SIGNATURE

Kimberley Kilburn, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

Attachment 1: Ontario Municipal Board (OMB) Decision

Attachment 1:
Ontario Municipal Board (OMB) Decision

ISSUE DATE:

Feb. 24, 2005

DECISION/ORDER NO:

0408



PL030542

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Korce Group Ltd. has appealed to the Ontario Municipal Board under subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Committee of Adjustment of the City of Toronto which dismissed an application numbered A253/02HY for variance from the provisions of By-law 1-83, as amended, respecting 29 Church Street O.M.B. File No. V030270

APPEARANCES:

Parties

Korce Group Ltd.

City of Toronto

Counsel

L. Blea

D. Jubb

DECISION DELIVERED BY M. F. V. EGER AND ORDER OF THE BOARD

The Board issued an Interim Decision on this matter on February 16, 2004 (Decision/Order No: 0332). The Board withheld its final decision and order pending the receipt of the following:

1. That the Owner shall submit a proper site plan and underground parking plan to the satisfaction of the Works and Emergency Services Department, Transportation Services Division, which identifies the following:
 - a) The location, dimensions, proper functional relationship and delineation of all outdoor and indoor parking spaces including visitor spaces; and
 - b) The location of proper and adequate waste storage facilities, including appropriate screening of any such outdoor facilities; and,

2. That if it is determined that additional variances are required, the parties are to advise the Board and the Board will resume the hearing to determine the extent of the amendments and whether they are minor pursuant to subsection 18.1 of the Act.

Two further Telephone conferences were held with the parties. In addition to the original variances to increase the number of dwelling units from 60 to 63 units and to address compliance issues with the width of 46 parking spaces, the parties now agree that additional variances are required as follows:

1. Driveway/Aisle Width

The By-law requirement is a minimum width of 6 metres. The minimum width of the north-south surface driveway is 4.52 metres. Portions of the driving aisle width in the garage are also substandard with the minimum width being 3.17 metres. These deficiencies are conditions that have existed for many years.

2. Dimensions of Parking Spaces

One additional under-sized parking space has been identified. This increases the number of undersized spaces from 19 to 20 spaces.

3. Refuse Handling Facilities

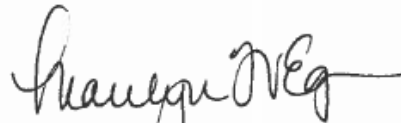
The By-law requires that there be no outside storage of garbage or garbage containers. A garbage container is proposed to be located on the north side of the building within a screened area.

Pursuant to subsection 18.1 of the Act, the Board finds that these amendments to the original application are minor and no further notice is required. In fact these were matters canvassed at the earlier hearing.

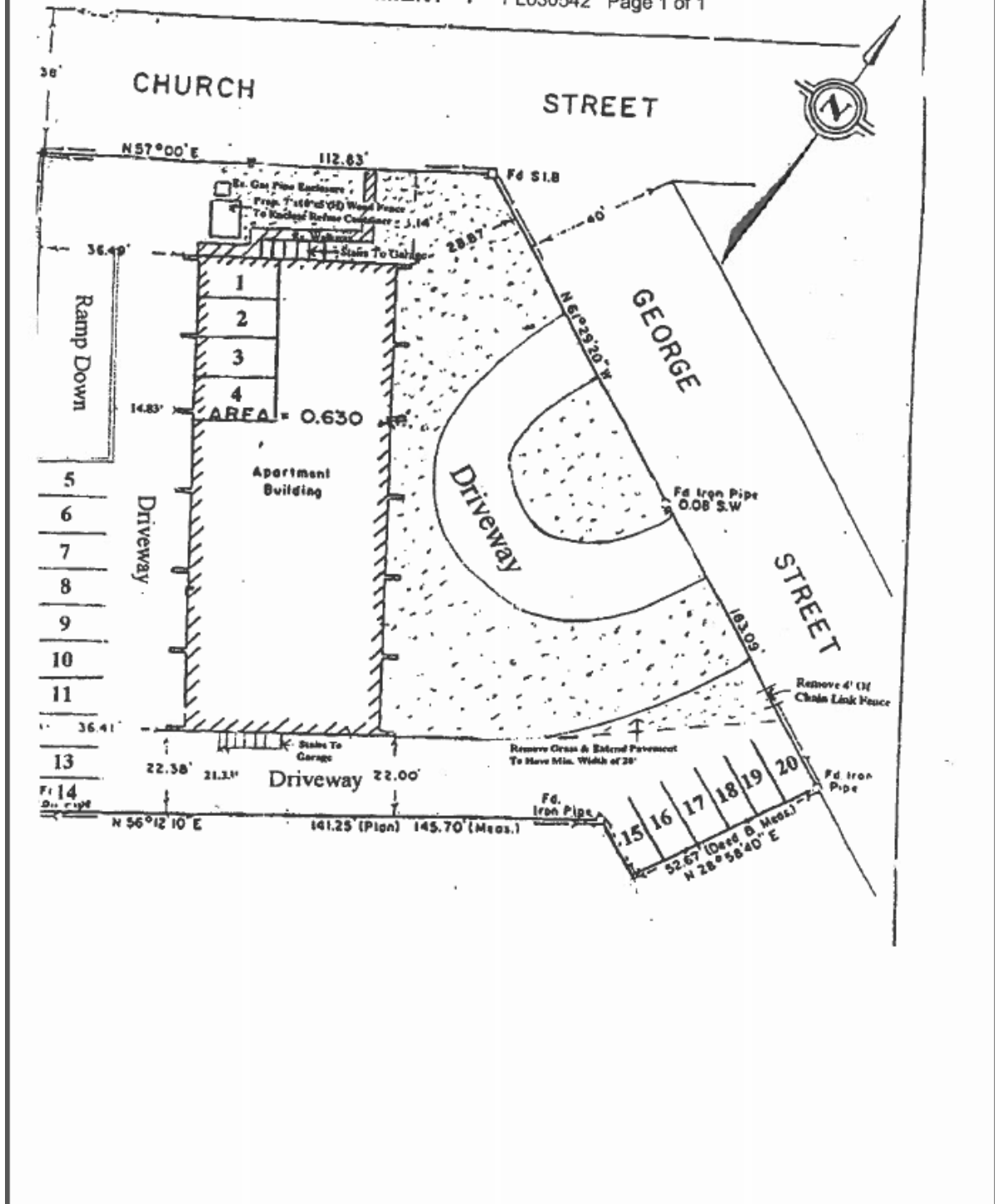
Based on the evidence at the original hearing, as supplemented by Mr. Winch's affidavit evidence filed with the Board, the Board finds that the variances (amended application) individually and cumulatively meet the four tests set out by Section 45(1) of the *Planning Act*. The Board allows the appeal and authorizes the variances (as amended) subject to the layout of surface parking spaces and the location of the refuse container with screening in accordance with Attachment 1; and the layout of underground parking spaces being in accordance with Attachment 2.

This decision facilitates Korce Group Ltd. now proceeding with its plans to enter into an agreement with a private collection agency for garbage pickup. As the Board understands it, private garbage collection will result in more frequent garbage pickups that will further address waste management issues raised at the hearing.

So orders the Board.



M. F. V. EGER
VICE CHAIR



ATTACHMENT "2" PL030542 Page 1 of 1

