

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

MM12.35	ACTION			Ward:25
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**99 Erskine Avenue - Request for City Solicitor to Attend at Ontario Municipal Board Hearing - by Councillor Jaye Robinson, seconded by Councillor Gary Crawford**

*\* 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 Jaye Robinson, seconded by Councillor Gary Crawford, recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend at the Ontario Municipal Board Hearing regarding Application No. A0778/15NY respecting 99 Erskine Avenue in support of City Planning's position as set out in City Planning's report of November 6, 2016.

**Summary**

At its hearing on November 26, 2015, the Committee of Adjustment refused Application No. A0778/15NY respecting 99 Erskine Avenue for variances to permit the addition of two-storeys to the approved 32-storey building, resulting in a 34-storey residential apartment building. A copy of the Committee of Adjustment decision is attached. The applicant has appealed the Decision to the Ontario Municipal Board.

City Planning by its report of November 6, 2015 recommended to the Committee of Adjustment that the variances be refused. The intent of the Official Plan and site-specific Zoning By-law to adequately limit shadows on neighbouring open spaces, and preserve the utility of neighbouring parks by minimizing any additional shadowing was achieved through the review and approval of the site-specific Zoning By-law currently in effect, and any additional shadows would not meet that intent. A copy of the November 6, 2015 City Planning Report is attached. This Motion would direct the City Solicitor and appropriate City staff to attend the OMB Hearing to support City Planning's position as set out in the November 6, 2016 City Planning report.

The Ontario Municipal Board Hearing is not yet scheduled.

**Background Information (City Council)**

Member Motion MM12.35

Committee of Adjustment, North York District Notice of Decision on application for Minor Variance/Permission for 99 Erskine Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-90252.pdf>

(November 6, 2015) Report from the Director, Community Planning, North York District on 99 Erskine Avenue and 66 Broadway Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-90253.pdf>