

City Council**Motion Without Notice**

MM18.32	ACTION			Ward:24
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382 and 384 Ruth Avenue - Request for City Solicitor to Attend at the Ontario Municipal Board - by Councillor David Shiner, seconded by Councillor John Filion

** 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 David Shiner, seconded by Councillor John Filion, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's Decisions regarding Application Nos. A0183/16NY and A0184/16NY respecting 382 and 384 Ruth Avenue.
2. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Ontario Municipal Board and to retain outside consultants as necessary to oppose the proposed consent and variances requested in Application Nos. A0183/16NY and A0184/16NY respecting 382 and 384 Ruth Avenue.

Summary

The applicants applied to the Committee of Adjustment (Application Nos. A0183/16NY and A0184/16NY) for variances from Zoning By-laws 569-2013 and 7625 (the By-laws) to permit the construction of a new two-storey detached dwelling with an integral garage on each of the two subject properties (the Applications).

At its hearing on April 7, 2016, the Committee of Adjustment approved the Applications with conditions (the Decisions). A copy of the Notices of Decision of the Committee of Adjustment are attached.

On April 27, 2016, the City Solicitor appealed the Committee of Adjustment's Decisions to the Ontario Municipal Board (the Board) in order to preserve the City's appeal rights, as the appeal deadline would have passed before the next City Council meeting.

The Applications are of concern because they propose increased variances above those which were already agreed to in an earlier settlement between the previous owner and the City. In 2014, the Board approved that settlement, allowing the consent that created the current

configuration of the subject properties as two undersized residential lots and permitting reduced variances. The Board's decision also included specific conditions of approval limiting the type of dwellings that could be built on the new undersized lots. By proposing variances beyond those already expressly agreed upon in the settlement with the City and approved by the Board, the applicants are intentionally breaching the terms of that settlement and contravening the Board's decision. The variances now being proposed in the Applications do not represent good planning and are not desirable for the appropriate development of the subject properties.

This Motion will give the City Solicitor authority to appeal the Decisions. This Motion will also give the City Solicitor, along with appropriate City staff, authority to attend the Ontario Municipal Board and to retain outside consultants as necessary in order to oppose the Applications.

This matter is time sensitive and urgent as the City Solicitor has already appealed the Committee of Adjustment's Decisions to the Ontario Municipal Board and requires instructions and direction to proceed with this appeal.

Background Information (City Council)

Member Motion MM18.32

Committee of Adjustment, North York District Notice of Decision on application for Minor Variance/Permission for 382 Ruth Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92778.pdf>)

Committee of Adjustment, North York District Notice of Decision on application for Minor Variance/Permission for 384 Ruth Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92779.pdf>)