

City Council

Motion without Notice

MM18.35	ACTION			Ward:23
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807 Willowdale Avenue - Request for City Solicitor to Oppose Section 43 Review at the Ontario Municipal Board - by Councillor John Filion, seconded by Councillor Joe Mihevc

** 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 John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor, together with appropriate City staff, to oppose the applicant's request for an extension of the deadline to file a Section 43 Review and to oppose any Section 43 Review that may be submitted by the applicant at the Ontario Municipal Board regarding the Ontario Municipal Board's decision for case number PL150999, dated March 17, 2016, respecting 807 Willowdale Avenue.

Summary

The applicants previously applied to the Committee of Adjustment (Application No. A0625/15NY) for variances from Zoning By-laws 569-2013 and 7625 (the By-laws) to permit the construction of second and third storey additions to the existing dwelling, along with a new front porch, rear deck, and a third storey terrace (the Application).

The Application was partially approved by the Committee of Adjustment in its decision dated August 20, 2015. On September 9, 2015, the City appealed the Committee of Adjustment Decision to the Ontario Municipal Board (the Board). The City attended the Board hearing on March 1, 2016, and opposed the Application. In its decision dated March 17, 2016 (Ontario Municipal Board Case No. PL150999), the Board allowed the City's appeal and refused the Application and all the requested variances (the Ontario Municipal Board Decision). A copy of the Ontario Municipal Board Decision is attached.

On April 18, 2016, counsel for the applicant wrote to the Board requesting an extension of the deadline for filing a review of the Ontario Municipal Board Decision pursuant to section 43 of the Ontario Municipal Board Act (the Section 43 Review). In that same correspondence, counsel for the applicant advised the Board that the applicant contests the Ontario Municipal Board Decision to allow the City's appeal and refuse the variances and that the applicant would be submitting a Section 43 Review.

The applicant's anticipated Section 43 Review is of concern as it would seek to overturn, amend, or request a rehearing of the OMB Decision allowing the City's appeal and refusing the Application and the proposed variances.

The purpose of this Motion is to direct the City Solicitor, together with appropriate City staff, to oppose the applicant's request for an extension of the deadline to file a Section 43 Review and to oppose any Section 43 Review that may be submitted by the applicant.

This matter is time sensitive and urgent as the applicant has already requested from the Board an extension of the deadline for filing a Section 43 Review and further advised the Board that the applicant would be submitting a Section 43 Review by May 31, 2016. The City Solicitor requires instructions and direction to oppose both the applicant's deadline extension request and any Section 43 Review that may be submitted.

Background Information (City Council)

Member Motion MM18.35

(March 17, 2016) Ontario Municipal Board Decision for 807 Willowdale Avenue
(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-92849.pdf>)