

City Council**Notice of Motion**

MM20.52	ACTION			Ward:24
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16 Risebrough Avenue - Request for City Solicitor to Attend at Ontario Municipal Board Hearing - by Councillor David Shiner, seconded by Councillor Cesar Palacio

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to an Ontario Municipal Board Hearing and has been deemed urgent.*

Recommendations

Councillor David Shiner, seconded by Councillor Cesar Palacio, recommends that:

1. City Council authorize the City Solicitor, together with appropriate Community Planning staff, to attend the Ontario Municipal Board in support of the Committee of Adjustment decision to refuse the minor variance application respecting 16 Risebrough Avenue, and to retain additional outside professional consultants if necessary.
2. City Council direct the City Solicitor to offer to mediate or negotiate a settlement in the appeal of Committee of Adjustment Application No. A0330/15NY for 16 Risebrough Avenue and, if such mediation/negotiation is successful, authorize the Interim City Solicitor to settle the matter on behalf of the City in his discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

Summary

At its hearing of June 9, 2016 the North York Panel of the Committee of Adjustment refused Application A0330/15NY respecting 16 Risebrough Avenue for variances to legalize and maintain an existing three-storey detached dwelling with an integral, at grade, two car garage. A copy of the Committee of Adjustment decision is attached. The applicant has appealed the decision to the Ontario Municipal Board. No hearing date has been set.

In 2012, variances were granted for the construction of a new house on this site. The City's Buildings Division has issued a series of Orders to Comply because the house was not constructed according to the approvals as granted and the building permits as issued. The applicant has come forward seeking new variances to legalize the as-built house.

City Planning by its report of June 7, 2016, recommended to the Committee of Adjustment that if the Committee was inclined to grant the variances, that the variances related to height and

finished first floor height ought to be reduced. A copy of the City Planning Report is attached.

This Motion would direct the City Solicitor and appropriate City staff or outside consultants to attend the Ontario Municipal Board Hearing to support Committee's refusal of this application.

Background Information (City Council)

Member Motion MM20.52

Committee of Adjustment, North York Panel Notices of Decision on applications for Minor Variance/Permission and Consent for 16 Risebrough Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94839.pdf>

(June 7, 2016) Report from the Director, Community Planning, North York District on 16 Risebrough Avenue

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94900.pdf>