

City Council**Notice of Motion**

MM20.47	ACTION			Ward:14
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Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 60 Atlantic Avenue - by Councillor Gord Perks, seconded by Councillor Mike Layton

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Toronto and East 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 Gord Perks, seconded by Councillor Mike Layton, recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to support the Committee of Adjustment's decision to approve minor variance application A1293/15TEY regarding 60 Atlantic Avenue, including the conditions imposed.
2. City Council authorize and direct the City Solicitor and appropriate City staff to continue discussions with the appellant on potential settlement.
3. City Council delegate authority to the Chief Planner and Executive Director, City Planning to give instruction to the City Solicitor for settlement at the Ontario Municipal Board on matters referred to in Part 1 above, as appropriate, following consultation with the General Manager, Transportation Services and the Ward Councillor.

Summary

The Toronto and East York District Panel of the Committee of Adjustment approved on condition an application for minor variances related to the property municipally known as 60 Atlantic Avenue on April 6, 2016. The application sought necessary variances for construction of a new five-storey commercial office building with two levels of below-grade parking on the lot adjacent to the existing two-storey commercial building on the lot. The Committee of Adjustment's approval was subject to six (6) conditions.

The decision of the Committee of Adjustment has been appealed to the Ontario Municipal Board by the applicant with respect to the condition related to Transportation Services. In particular, the condition required that documentation be provided establishing appropriate easement rights for owners in the vicinity of the site to access the public/private lane systems

north of the site to the satisfaction of the General Manager, Transportation Services. After initial discussion with the applicant, this condition had been requested by staff in the alternative to conveyance of a lane widening on the subject site.

The appellant has also referred its related Site Plan Application based on lack of decision within the time specified (15 209692 STE 14 SA) which will be heard in conjunction with the Committee of Adjustment appeal. In accordance with delegated authority, direction for the hearing on the site plan matters will be provided by the Chief Planner and Executive Director, City Planning.

The conditions imposed by the Committee of Adjustment were recommended in reports from City Planning and Transportation Services staff. This Motion requests the City Solicitor and appropriate City staff be directed to attend the Ontario Municipal Board hearing to support the Committee of Adjustment's decision to approve the variances, including all conditions imposed. This Motion also contemplates authorization for the City Solicitor and appropriate City staff to continue discussions with the appellant in an effort to resolve the issues and further to delegate authority to the Chief Planner and Executive Director, City Planning to give the City Solicitor instruction for settlement at the Ontario Municipal Board, as appropriate, following consultation with the General Manager, Transportation Services and the Ward Councillor.

This Motion is urgent because the Ontario Municipal Board hearing has been scheduled for September 27 and 28, 2016 which is in advance of the next City Council meeting following the summer recess.

Background Information (City Council)

Member Motion MM20.47

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 60 Atlantic Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-94865.pdf>)