

City Council**Motion without Notice**

MM20.73	ACTION			Ward:11
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43 Elm Street - Request for Attendance at Ontario Municipal Board Hearing - by Councillor Frances Nunziata, seconded by Councillor Justin J. Di Ciano

** 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 Frances Nunziata, seconded by Councillor Justin J. Di Ciano, recommends that:

1. City Council authorize the City Solicitor to appear at the Ontario Municipal Board hearing in the matter of 43 Elm Street and oppose the appeal of the decision (March 31, 2016) of the Committee of Adjustment, Etobicoke York Panel and to retain an outside planning consultant, if necessary.
2. City Council direct City Planning, in consultation with the local Councillor, to continue negotiations with the Appellant in an effort to settle this matter.
3. City Council authorize the City Solicitor to take all necessary action so as to give effect to this Motion.

Summary

By decision dated March 31, 2016, the Committee of Adjustment-Etobicoke York Panel refused the Application (A663/15EYK) for minor variances for the property at 43 Elm Street. The owner of 43 Elm Street has appealed the refusal to the Ontario Municipal Board; the hearing has been scheduled for October 3, 2016.

The application submitted to the Committee of Adjustment was to construct a second storey above the existing building for residential uses, and to convert a portion of the first floor space from commercial to residential uses. While City Planning did not submit comments to the Committee of Adjustment, upon further review it was determined that the Application was not properly before the Committee of Adjustment. The Application proposed to change from one legal non-conforming use (i.e. commercial) to another legal non-conforming use (i.e. mixed use) and as such a rezoning application would have been required.

While City Planning continues to work with the Applicant to revise their Application, it is

important that the City is represented at the Ontario Municipal Board in the event a settlement cannot be reached.

This Motion is urgent as the next meeting of City Council takes place after the Ontario Municipal hearing for 43 Elm Street.

Background Information (City Council)

Member Motion MM20.73

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance for 43 Elm Street

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-95034.pdf>

Committee of Adjustment, Etobicoke York Panel Public Hearing Notice on application for Minor Variance for 43 Elm Street

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-95035.pdf>

43 Elm Street - Map

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-95036.pdf>

43 Elm Street - Plans

<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-95037.pdf>