

**City Council****Motion without Notice**

MM21.33	ACTION			Ward:20
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**35 McCaul Street - Request for Representation at the Ontario Municipal Board - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

*\* 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 Joe Cressy, seconded by Councillor Mike Layton, recommends that:

1. City Council authorize the Interim City Solicitor and appropriate staff to attend the Ontario Municipal Board appeal regarding Committee of Adjustment decision A0247/16TEY and oppose the proposed minor variances for 35 McCaul Street.
2. City Council authorize the Interim City Solicitor to retain outside consultants as necessary to oppose the proposed variances requested in Committee of Adjustment decision A0247/16TEY for 35 McCaul Street.
3. City Council authorize the Interim City Solicitor to settle the matter on behalf of the City in his discretion after consultation with the Ward Councillor.

**Summary**

The applicant has applied to the Committee of Adjustment, Toronto East York District (Application A0247/16TEY) to obtain minor variances from zoning by-laws 569-2013 and 438-86 in order to alter the existing four-storey commercial building by constructing a three-storey addition (the "Application"). The variances relate to floor space index, parking spaces, loading spaces, and height.

At its hearing on June 9, 2016, the Committee of Adjustment refused the Application. A copy of the Notice of Decision is attached.

The applicant has appealed the Committee of Adjustment decision to the Ontario Municipal Board. A hearing is scheduled for October 26, 2016.

This Motion would give the Interim City Solicitor and appropriate staff authority to attend the Ontario Municipal Board hearing in opposition to the Application. It would also give the Interim City Solicitor authority to retain outside consultants as necessary in order to oppose the

Application. Finally, this Motion would give the Interim City Solicitor authority 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.

This matter is time sensitive and urgent as a hearing is scheduled for October 26, 2016, and the Interim City Solicitor requires instructions and direction to proceed.

**Background Information (City Council)**

Member Motion MM21.33

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 35 McCaul Street

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-97143.pdf>)