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## City Council

### Motion without Notice

MM22.24	ACTION			Ward:41
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#### **4140 Finch Avenue East - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Chin Lee, seconded by Councillor Paul Ainslie**

*\* 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 Chin Lee, seconded by Councillor Paul Ainslie, recommends that:

1. City Council authorize the City Solicitor, along with City Planning and other appropriate City staff, to attend the Ontario Municipal Board in order to support City Planning's position regarding Application A0167/16SC respecting 4140 Finch Avenue East.

#### **Summary**

The applicant has applied to the Committee of Adjustment, Scarborough Panel, for minor variances from the Milliken Employment District By-law 24982 to permit the demolition of a part of the existing building at 4140 Finch Avenue East and undertake interior renovations for a proposal to use that building as a Place of Worship and Educational Facility. The Application is known as municipal file number A0167/16SC.

On October 6, 2016, the Committee of Adjustment, Scarborough Panel refused the Application and all the variances. In the opinion of the Committee of Adjustment, Scarborough Panel, the Application did not maintain the general intent and purpose of the Official Plan or the Zoning By-law, the variances were not considered desirable for the appropriate development of the land, and the variances were not considered minor.

The applicant has appealed the Committee of Adjustment, Scarborough Panel's Decision to refuse the Application to the Ontario Municipal Board.

In its staff report dated September 30, 2016, City Planning identified a number of issues with the Application. Specifically, City Planning identified outstanding matters regarding planned future grade-separation works related to the ongoing development of the adjacent Metrolinx and GO Transit corridor. The Staff Report also stated that the variance requesting exemption from requirements to enter into a Section 37 Agreement should properly be considered by City Council and should not be amended by way of a minor variance. Finally, City Planning

recommended refusal should the Application continue to propose the Place of Worship use as an ancillary use in conjunction with an Educational Facility, since the Place of Worship use can only be permitted on this site if it is the sole use on the lot. The City remains concerned with the issues identified in the Staff Report

This Motion will give the City Solicitor, along with City Planning and other appropriate City staff, authority to attend the Ontario Municipal Board in order to support City Planning's position regarding the Application as set out in the Staff Report.

This matter is time sensitive and urgent as the applicant has already appealed the Committee of Adjustment, Scarborough Panel's Decision to refuse the Application to the Ontario Municipal Board and the City Solicitor and the Chief Planner and Executive Director, City Planning require instructions to attend the hearing of this appeal.

### **Background Information (City Council)**

Member Motion MM22.24

Committee of Adjustment, Scarborough Panel Notice of Decision on application for Minor Variance/Permission on 4140 Finch Avenue East

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-98202.pdf>)

Report from the Acting Director, Scarborough District Community Planning on 4140 Finch Avenue East

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-98203.pdf>)