

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

MM22.40	ACTION			Ward:31
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**49 Orley Avenue - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Janet Davis, seconded by Councillor Chin Lee**

*\* 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 Janet Davis, seconded by Councillor Chin Lee, recommends that:

1. City Council authorizes the City Solicitor, along with appropriate City staff, to attend the Ontario Municipal Board and to retain outside consultants, as necessary, in order to support the Committee of Adjustment, Toronto and East York Panel's Decision and the conditions imposed in Application A0233/16TEY respecting 49 Orley Avenue.

**Summary**

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel for minor variances to City-wide Zoning By-law 569-2013 and to former East York Zoning By-law 6752 in order to legalize and maintain renovations to the existing two-storey detached dwelling including the re-construction of the second storey and construction of a new two-storey rear addition. The Application is known as municipal file number A0233/16TEY.

In its staff report dated June 3, 2016, City Planning recommended that should the Application be approved, a condition restricting the lot coverage of the existing detached dwelling, exclusive of any detached accessory structure, to 35.1 percent of the lot area.

On June 9, 2016, the Committee of Adjustment, Toronto and East York Panel approved the Application for minor variances with conditions. The conditions imposed by the Committee of Adjustment, Toronto and East York Panel were the condition recommended by City Planning in its staff report, as well as a requirement that the applicant remove the detached garage in the rear yard of the subject property.

The applicant has appealed the Committee of Adjustment, Toronto and East York Panel's Decision to the Ontario Municipal Board. The Appeal is known as Ontario Municipal Board File PL160669.

This Motion will give the City Solicitor, along with appropriate City staff, authority to attend

the Ontario Municipal Board and to retain outside consultants, as necessary, in order to support the Committee of Adjustment, Toronto and East York Panel's Decision and the conditions imposed.

This matter is time sensitive and urgent as the Appeal has been scheduled to be heard by the Ontario Municipal Board on December 1, 2016, and the City Solicitor requires instructions in order to attend the hearing.

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

Member Motion MM22.40

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 49 Orley Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-98269.pdf>)

(June 3, 2016) Report from the Director, Community Planning, Toronto and East York District on 49 Orley Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-98270.pdf>)