

City Council

Notice of Motion

MM23.23	ACTION			Ward:27
---------	--------	--	--	---------

46 Shaftesbury Avenue - Request for City Solicitor to Attend at Ontario Municipal Board Hearing - by Councillor Kristyn Wong-Tam, seconded by Councillor Josh Matlow

** 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 Kristyn Wong-Tam, seconded by Councillor Josh Matlow, recommends that:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board, and to retain outside consultants as necessary, in order to uphold the decision of the Committee of Adjustment in Applications B0057/16TEY, A0819/16TEY, A0820/16EY, and A0821/16TEY respecting 46 Shaftesbury Avenue.
2. City Council authorize the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Applications B0057/16TEY, A0819/16TEY, A0820/16EY, and A0821/16TEY respecting 46 Shaftesbury Avenue, and authorize the City Solicitor to settle the matter on behalf of the City in the City Solicitor's discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

Summary

In 2014, the applicant had applied to the Committee of Adjustment to obtain a consent to sever the 46 Shaftesbury Avenue property into three residential lots, and had also applied for a number of variances. The Committee approved the decision, and the decision was appealed to the Ontario Municipal Board by a local resident. The Ontario Municipal Board, in its decision dated July 14, 2015, allowed the consent to sever application, as well as partially approved the minor variances, with the exception of the variances that would permit an increase in the height of the exterior walls. The approval of the consent to sever has lapsed, which required a new application to the Committee of Adjustment.

In 2016, the applicant had applied to the Committee of Adjustment, Toronto and East York Panel for consent and further minor variances to the City-wide Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-86 to obtain consent to sever the property into three residential lots and to create a servicing easement/right-of-way. At the front, two three-storey

detached dwellings would be built, with a three-storey detached dwelling with internal garage built in the rear. The applications are known as B0057/16TEY, A0819/16TEY, A0820/16EY, and A0821/16TEY.

On November 2, 2016 the Committee of Adjustment, Toronto and East York Panel refused all four applications for consent and variances. In the opinion of the Committee of Adjustment, Toronto and East York Panel, the proposed land division did not conform to the policies of the Official Plan; the suitability of the land for the purposes for which it is to be subdivided had not been demonstrated; the suitability of the dimensions and shapes of the proposed lots had not been adequately demonstrated; the adequacy of roads, vehicular access, parking and loading facilities had not been demonstrated; and the adequacy of utilities and municipal services had not been demonstrated. It was also the opinion of the Committee that the proposed variances 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, Toronto and East York Panel's decisions to refuse the applications to the Ontario Municipal Board. As City Planning made no comments on the four applications, the City would be required to retain outside consultants to attend the hearing in opposition to the applicant's appeal.

The application is of concern to the City because the consent does not conform to the policies of our Official Plan, and the variances related to the increase in gross floor area and a lack of proper setbacks to adjacent properties do not meet the intent of the Official Plan and the applicable Zoning By-laws.

This Motion will give the City Solicitor direction to oppose the proposed consent and variances requested and to retain outside consultants as necessary to attend the Ontario Municipal Board in opposition to the applications.

Background Information (City Council)

Member Motion MM23.23

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 46 Shaftesbury Avenue (Parts 1 and 4)

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99036.pdf>)

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 46 Shaftesbury Avenue (Part 2)

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99037.pdf>)

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 46 Shaftesbury Avenue (Part 3)

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99038.pdf>)

Committee of Adjustment, Toronto and East York Panel Notice of Decision on Consent for 46 Shaftesbury Avenue

(<http://www.toronto.ca/legdocs/mmis/2016/mm/bgrd/backgroundfile-99060.pdf>)