

**City Council****Notice of Motion**

MM24.3	ACTION			Ward:31
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**45 Thyra Avenue - Ontario Municipal Board Hearing set for February 3, 2017 - by Councillor Janet Davis, seconded by Councillor Sarah Doucette**

*\* 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 Janet Davis, seconded by Councillor Sarah Doucette, recommends that:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing on February 3, 2017 to not oppose the requested variances for 45 Thyra Avenue on the condition that the variances are based on the revised plans showing the rear rooftop deck has been removed.

**Summary**

In August 2016 the Committee of Adjustment refused a variance application brought by the owner of 45 Thyra Avenue in order to alter the existing two-storey detached dwelling by constructing a rear two-storey addition, front two-storey addition, rear two-storey deck, rear rooftop deck, and a front porch. Variances from the Zoning By-law were sought for lot coverage, dwelling height, building length, front yard setback, side yard setback, rear deck side yard setback, platform size located at or above the second storey of a dwelling, platform access, and front yard soft landscaping.

The owner of 45 Thyra Avenue appealed the Committee of Adjustment's decision to the Ontario Municipal Board, and the City Solicitor was instructed to attend the Ontario Municipal Board to defend the Committee of Adjustment's decision. The owner of 45 Thyra Avenue has since provided Planning Staff with revised plans that eliminate the rear rooftop deck, and Planning Staff advise they have no more concerns with this application.

This Motion is brought forward to authorize the City Solicitor to attend at the Ontario Municipal Board hearing and to not oppose the variance applications sought on the condition that the variances are based on the revised plans showing the rear rooftop deck has been removed.

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

Member Motion MM24.3

Committee of Adjustment Toronto and East York Panel Notices of Decisions on applications for Consent and Minor Variance/Permission for 45 Thyra Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-100497.pdf>)