TORONTO Member Motion

City Council

Notice of Motion

MM27.6	ACTION			Ward:25

18 Kirkdale Crescent - Request for City Solicitor to Attend at Ontario Municipal Board Hearing - by Councillor Jaye Robinson, seconded by Councillor John Campbell

**** Notice of this Motion has been given.***
**** This Motion is subject to referral to the North 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 Jaye Robinson, seconded by Councillor John Campbell, recommends that:

1. City Council authorize the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application A0698/16NY respecting 18 Kirkdale Crescent 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 Ward Councillor.

2. In the event that a settlement cannot be reached, City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and oppose Application A0698/16NY regarding 18 Kirkdale Crescent.

3. City Council authorize the City Solicitor to retain outside consultants as necessary to oppose Application A0698/16NY regarding 18 Kirkdale Crecent.

Summary

The Applicant has applied to the Committee of Adjustment, North York District (Application A0698/16NY) to obtain minor variances from Zoning By-laws 569-2013 and 7625 in order to construct a new two-storey detached dwelling. The existing dwelling would be demolished (the "Application").

At its hearing on September 22, 2016, the Committee of Adjustment refused the Application as it did not meet the Planning Act's four tests for minor variances (the "Decision"). A copy of the Decision is attached. The Applicant appealed the Decision to the Ontario Municipal Board. A hearing date is set for April 5, 2017.

This Motion would give the City Solicitor and appropriate staff authority to attend the Ontario

Municipal Board and oppose the Application. It would also give the City Solicitor authority to retain outside consultants as necessary in order to oppose the Application. Additionally, it would authorize the City Solicitor to attempt to negotiate a settlement and to settle the matter on behalf of the City after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

Background Information (City Council)

Member Motion MM27.6
Committee of Adjustment North York Panel Notices of Decision on application for Consent and Minor Variance/Permission for 18 Kirkdale Crescent
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102108.pdf)