TORONTO Member Motion

City Council

Notice of Motion

MM27.14	ACTION			Ward:29

1090 - 1092 Danforth Avenue - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Mary Fragedakis, seconded by Councillor Ana Bailão

**** 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 Mary Fragedakis, seconded by Councillor Ana Bailão, recommends that:

1. City Council authorize the City Solicitor's appeal of the March 1, 2017 decision of the Toronto and East York Committee of Adjustment regarding 1090 - 1092 Danforth Avenue (Municipal File A1120/16TEY) to the Ontario Municipal Board.

2. City Council authorize the City Solicitor to attempt to negotiate with the applicant, a resolution of the appeal, in consultation with the Ward Councillor.

3. In the event that a resolution is not reached, City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Ontario Municipal Board in order to oppose the variances requested in Application A1120/16TEY respecting 1090 – 1092 Danforth Avenue.

Summary

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel, (the "Committee") for minor variances from the City-wide Zoning By-law 569-2013 and the former City of Toronto Zoning By-law 438-86 to alter the existing three-storey mixed-use building containing ground floor commercial retail use, by adding a new dwelling on the ground floor and converting the existing dwelling unit on the second and third floor into four dwelling units, for a total of five dwelling units in the building (the "Application"). The Application is known as municipal file A1120/16TEY.

On March 1, 2017, the Committee of Adjustment approved the Application and related variances (the "Decision").

The City is concerned with this Application as it fails to meet the City-wide By-law provision regarding location of residential and non-residential uses in a mixed use building. This

provision was intended to reduce conflicts between non-residential and residential uses by having residential uses above non-residential use portions of a building.

The Application and the proposed variances do not maintain the intent and purpose of the relevant zoning by-laws, as the Application proposes a ground floor residential unit, on the same level as non-residential uses, to be accessed from the lane abutting the rear of the subject property.

At the request of the local Councillor, the City Solicitor has appealed the Decision to the Ontario Municipal Board to preserve the City's appeal rights. This Motion will give the City Solicitor authority to continue the appeal of the Committee of Adjustment's Decision to the Ontario Municipal Board. This Motion will also give the City Solicitor authority to attempt to negotiate with the applicant a resolution of the appeal in consultation with the Ward Councillor. In the event that a resolution is not reached, the Motion authorizes the City Solicitor, and appropriate City Staff, to attend the Ontario Municipal Board in order to oppose the variances approved by the Committee of Adjustment in its Decision.

Background Information (City Council)

Member Motion MM27.14
Committee of Adjustment Toronto and East York Panel Notice of Decision on Application for Minor Variance/Permission for 1090 - 1092 Danforth Avenue
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102174.pdf)
(February 23, 2017) Report from the Director, Community Planning, Toronto and East York District on 1090 - 1092 Danforth Avenue
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102173.pdf)