# REVISED
## Member Motion

# City Council

**Notice of Motion**

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| MM27.15 | ACTION | | | Ward:20 |

## 157 Lippincott Street - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam

**** 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 Joe Cressy, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Ontario Municipal Board and to retain outside consultants as necessary to oppose the proposed variances requested in Application B0062/16TEY, A0897/16TEY, A0898/16TEY respecting 157 Lippincott Street.

2. City Council further authorize the City Solicitor and City staff to continue negotiations in order to reach a possible settlement on the matter.

### Summary

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel to obtain a consent to sever the property into two residential lots (Application B0062/16TEY), for minor variances for the conveyed lot to construct a new two-storey detached dwelling with an integral garage (Application A0897/16TEY), and for minor variances for the retained lot (Application A0898/16TEY).

The Application is known as municipal files B0062/16TEY, A0897/16TEY, A0898/16TEY and was considered jointly.

On December 7, 2016, the Committee of Adjustment refused the Consent Application and as a result did not consider the variances. In the opinion of the Committee of Adjustment the Application did not satisfy the requirements of Section 51(24) of the Planning Act and was not approved for the following reason(s): the proposed land division does not conform to the policies of the Official Plan; and the suitability of the land for the purposes for which it is to be subdivided has not been demonstrated.

The Applicant has appealed the Committee of Adjustment's Decision to refuse the Application to the Ontario Municipal Board.

The Application is of concern to the City because the proposed lot severance does not conform to the Official Plan. The severance would create two lots that do not match the size and configuration of the lots found in the area. The prevailing pattern of rear yard setbacks and landscaped open space of the conveyed lot would not match nearby lots. The severance as proposed does not respect and reinforce the existing physical character of the neighbourhood. As such is does not have regard for 51(24)(c) and (f) of the Planning Act. The shapes of the proposed lots are not in keeping with the other lots in the surrounding neighbourhood. The retained lot does not follow the pattern of lots where side lots generally tend to be parallel to each other. The conveyed lot does not match the configuration of other lots in the area. Both lots would also not meet the required minimum lot area as specified in the Zoning By-laws. The severance also does not re-establish lots that were contemplated in older Plans of subdivision for this area. As such, this severance does not have regard for 52 (24)(c) and (f) of the Planning Act.

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 oppose the Application.

This matter is time sensitive and urgent as the applicant has already appealed the Committee of Adjustment's Decision to refuse Application to the Ontario Municipal Board.

## Background Information (City Council)

Member Motion MM27.15
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102175.pdf)
Committee of Adjustment Toronto and East York Panel Notices of Decision on applications for Consent and Minor Variance/Permission for 157 Lippincott Street
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102176.pdf)