TORONTO Member Motion

City Council

Notice of Motion

MM27.16	ACTION			Ward:20

159 Augusta Avenue and 10A Kensington Avenue - 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 B0009/16TEY, A0126/16TEY and A0127/16TEY respecting 159 Augusta Avenue and 10A Kensington Avenue.

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 lot addition (Application B0009/16TEY) and for minor variances to construct a new three-storey mixed use building (Application A0126/16TEY and A0127/16TEY).

The Application is known as municipal files B0009/16TEY, A0126/16TEY and A0127/16TEY 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 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 setbacks of the proposed lots are not in keeping with the other lots in the surrounding neighbourhood. 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 MM27.16
Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Consent for 159 Augusta Avenue and Notice of Decision on application for Minor Variance/Permission for 159 Augusta Avenue and 10A Kensington Avenue
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102180.pdf)