TORONTO Member Motion

City Council

Motion without Notice

MM27.63	ACTION			Ward:24

302 Cummer Avenue and 304 Cummer Avenue - Request for City Solicitor to Attend at the Ontario Municipal Board - by Councillor David Shiner, seconded by Councillor Glenn De Baeremaeker

**** This Motion has been deemed urgent by the Chair.***
**** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.***

Recommendations

Councillor David Shiner, seconded by Councillor Glenn De Baeremaeker, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's decisions approving Applications Nos. B0019/16NY, B0020/16NY, A0339/16NY, A340/16NY, and A341/16NY for consents and variances respecting 302 Cummer Avenue and 304 Cummer Avenue to the Ontario Municipal Board.

2. City Council authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in order to oppose Applications Nos. B0019/16NY, B0020/16NY, A0339/16NY, A340/16NY, and A341/16NY for consents and variances respecting 302 Cummer Avenue and 304 Cummer Avenue, and to retain outside consultants as necessary.

Summary

The applicants have proposed to sever the properties at 302 Cummer Avenue and 304 Cummer Avenue in order to create three new undersized residential lots fronting onto Maxome Avenue (the "Consent Applications). The applicants have also applied for variances in order to permit the construction of a new detached two-storey dwelling with an integral garage on each of the three new lots (the "Variance Applications"). The Consent Applications are known as Municipal File Nos. B0019/16NY and B0020/16NY. The Variance Applications are known as Municipal File Nos. A0339/16NY, A340/16NY, and A341/16NY.

At its hearing on February 23, 2017, the Committee of Adjustment, North York Panel, approved the Consent Applications and Variance Applications with conditions (the "Decisions"). A copy of the Notices of Decisions are attached hereto.

The Consent Applications and Variance Applications remain a concern to the City because the proposed consent will result in three undersized lots that will be out of character with the surrounding neighbourhood. Lots of the size and dimensions proposed do not respect the

prevailing lot pattern found in the area. In addition, the variances being proposed will result in dwellings that are too large relative to the already undersized lots being sought by the applicants and have the potential to cause undue adverse impacts on surrounding properties.

This matter is very time sensitive and urgent as the City Solicitor has already appealed the Committee's Decisions to the Ontario Municipal Board in order to preserve the City's appeal rights. This is the first opportunity to obtain instructions from City Council after the passing of the appeal deadline.

This Motion will retroactively authorize the City Solicitor to appeal the Committee's Decisions to the Ontario Municipal Board. This Motion will also authorize the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in order to oppose Applications Nos. B0019/16NY, B0020/16NY, A0339/16NY, A340/16NY, and A341/16NY, and to retain outside consultants as necessary.

Background Information (City Council)

Member Motion MM27.63
Committee of Adjustment North York Panel Notices of Decision on applications for Consent and Minor Variance/Permission for 302 and 304 Cummer Avenue
(http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-102416.pdf)