

**City Council****Motion Without Notice**

MM29.26	ACTION			Ward:19
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**14 Rolyat Street - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Mike Layton, seconded by Councillor Joe Cressy**

*\* 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 Mike Layton, seconded by Councillor Joe Cressy, 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 in order to oppose the variances requested in Application A1185/16TEY respecting 14 Rolyat Street.
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 and appropriate City Staff.
3. In the event that a resolution is not reached, City Council authorize the City Solicitor, along with appropriate City Staff and outside consultants as necessary to attend the Ontario Municipal Board in order to oppose the variances requested in Application A1185/16TEY respecting 14 Rolyat Street.

**Summary**

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel, (the "Committee") for minor variances to the City-wide Zoning By-law 569-2013 and Zoning By-law 438-86 to alter the existing one-storey townhouse by constructing second and third storey additions, a rear third storey addition, and a rear third floor deck. The Application is known as municipal file number A1185/16TEY.

On March 28, 2017, the Committee refused the Application and all the variances (the "Decision"). In the opinion of the Committee, the Application did not maintain the general intent and purpose of the Official Plan or the Zoning By-law, the variances were not considered desirable for the appropriate development of the land, and the variances were not considered minor.

The applicant has appealed the Committee's Decision to refuse the Application to the Ontario

Municipal Board.

The Application is not in keeping with the physical character of this neighbourhood and does not meet the intent of the Official Plan and the applicable Zoning By-laws.

This Motion will give the City Solicitor, along with appropriate City staff, authority to attend the Ontario Municipal Board in order to oppose the Application and the requested variances. This Motion will also give the City Solicitor, in consultation with the Ward Councillor and appropriate City Staff, authority to attempt to negotiate with the applicant a resolution of the City's concerns. 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 Application and the requested variances.

This matter is time sensitive and urgent as the Ontario Municipal Board hearing has been scheduled for August 29, 2017.

**Background Information (City Council)**

Member Motion MM29.26

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 14 Rolyat Street

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104147.pdf>)