

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

MM29.29	ACTION			Ward:16
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**235 Deloraine Avenue - Request for City Solicitor to Attend at the Ontario Municipal Board - by Councillor Christin Carmichael Greb, seconded by Councillor Michael Ford**

*\* 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 Christin Carmichael Greb, seconded by Councillor Michael Ford, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Ontario Municipal Board in order to support City Planning's position regarding the variances requested in Application A1131/16NY respecting 235 Deloraine Avenue.

**Summary**

The applicant has applied to the Committee of Adjustment, North York Panel, (the "Committee") for minor variances to the City-wide Zoning By-law 569-2013 and to former City of Toronto Zoning By-law 438-66 to permit the construction of a new two-storey detached dwelling at 235 Deloraine Avenue (the "Application"). The Application is known as municipal file number A1131/16NY.

City Planning, in a report dated February 27, 2017, identified a concern with the proposed variance for building depth. As a result, the Staff Report recommended that the proposed building depth be reduced to be more in keeping with the intent of the zoning by-law. A copy of the Staff Report is attached.

At its hearing on March 9, 2017, the Committee refused the Application and all the variances (the "Decision"). A copy of the Notice of Decision of the Committee is attached. In the opinion of the Committee, the Application did not maintain the general intent and purpose of the Official Plan or the Zoning By-laws, 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 "Appeal"). The Appeal is known as Ontario Municipal Board File No. PL170340.

This Motion will authorize the City Solicitor, along with other appropriate City Staff, to attend the Ontario Municipal Board in order to support City Planning's position as set out in the Staff Report regarding the variances requested in the Application.

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

### **Background Information (City Council)**

Member Motion MM29.29

(February 27, 2017) Report from the Director, Community Planning, North York District on 235 Deloraine Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104166.pdf>

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 235 Deloraine Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-104167.pdf>