

## City Council

### Motion without Notice

MM31.44	ACTION			Ward:20
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**124-128 Pears Avenue - Authority to Attend an Ontario Municipal Board Hearing - by Councillor Joe Cressy, seconded by Councillor Gord Perks**

*\* 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 Joe Cressy, seconded by Councillor Gord Perks, recommends that:

1. City Council direct the City Solicitor to oppose the variance requested in Application A1218/16TEY respecting 124-128 Pears Avenue and to retain outside consultants, as necessary, in order to support the City's position.
2. City Council direct the City Solicitor to attempt to negotiate a settlement of the matter and authorize the City Solicitor to settle the matter on behalf of the City in its discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
3. In the event that a settlement cannot be reached, City Council authorize the City Solicitor and appropriate staff to attend the Ontario Municipal Board and to retain outside consultants, as necessary, in order to oppose the proposed variance requested in Application A1218/16TEY respecting 124-128 Pears Avenue.

### Summary

The applicant has applied to the Committee of Adjustment, Toronto and East York Panel, (the "Committee") for minor variances from site specific By-law 147-2012 to alter the redevelopment plans for an eleven storey residential tower and three levels of underground parking by increasing the allowable residential building height at 124-128 Pears Avenue (the "Application"). The Application is known as municipal file number A1218/16TEY.

On March 29, 2017, the Committee refused the Application (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 variance for the proposed increase to the maximum permitted residential building height is of concern, as it does not fit the character of the neighbourhood or meet the intent of the zoning by-law.

This Motion will give the City Solicitor authority to retain outside consultants, as necessary, to attempt to negotiate a settlement in the matter, and in the event a settlement cannot be reached, to attend the Ontario Municipal Board in order to oppose the Application.

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

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

Member Motion MM31.44

Committee of Adjustment Toronto and East York Panel Notice of Decision for Minor Variance/Permission for 124-128 Pears Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105597.pdf>)