

## City Council

### Motion without Notice

MM31.70	ACTION			Ward:28
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**738 Dundas Street East - Request for City Solicitor to Attend a Toronto Local Appeal Body Hearing - by Councillor Paula Fletcher, seconded by Councillor Janet Davis**

*\* 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 Paula Fletcher, seconded by Councillor Janet Davis, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body, to uphold the refusal of the Committee of Adjustment for application A1301/16TEY respecting 738 Dundas Street East.

### Summary

On June 14 2017, the Toronto and East York Panel of the Committee of Adjustment (the "Committee") refused an application (A1301/16TEY) for minor variances related to the property municipally known as 738 Dundas Street East (the "Application"). The Application sought to legalize and maintain the existing recreational target range within the existing 1 ½ storey building.

In a report from the Director, Community Planning, Toronto and East York District dated June 8, 2017, Community Planning staff opposed the variance for land use, which they believe is not consistent with the general intent and purpose of the Official Plan and is not desirable for the appropriate use of the lands. As such, Planning staff recommended refusal of the Application.

The property is located in an area that is subject to Official Plan Amendment 231 regarding employment lands in the City. Official Plan Amendment 231 was approved by City Council in 2013 and the Minister of Municipal Affairs and Housing with minor modifications in 2014. Portions of Official Plan Amendment 231 are under appeal at the Ontario Municipal Board.

On December 20, 2016, the Ontario Municipal Board issued an Order regarding Official Plan Amendment 231, which partially brought into force new City-wide employment land use policies and designations. The in-force Official Plan policies designate the subject lands General Employment Areas and recreational uses within employment lands are not permitted uses.

This Motion would give the City Solicitor and appropriate City Staff authority to attend the Toronto Local Appeal Body to uphold the decision of the Committee of Adjustment and to defend the position set out in the Community Planning staff report dated June 8, 2017.

The applicant has appealed the Committee's decision to the Toronto Local Appeal Body. A hearing date has not been set. The City Solicitor requires further instruction to participate in the appeal process.

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

Member Motion MM31.70

Committee of Adjustment Toronto and East York Panel Notice of Decision for Minor Variance/Permission for 738 Dundas Street East

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105636.pdf>)

(June 8, 2017) Report from the Director, Community Planning, North York District on Committee of Adjustment Application for 738 Dundas Street East

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-105637.pdf>)