

John Filion

Toronto City Councillor – Ward 23, Willowdale

Date: April 4th, 2017

To: North York Community Council –City Clerk's Office-Secretariat

From: Councillor John Filion

Subject: Representation at an Ontario Municipal Board hearing for 73 Elmhurst Avenue

SUMMARY:

The applicant has applied to the Committee of Adjustment (Application No. A1023/16NY) for minor variances from Zoning By-laws 7625 and 569-2013 to construct a new two –storey dwelling (the "Application"). At its hearing on January 26, 2017, the Committee of Adjustment approved the application for minor variances with modifications to the side yard setbacks.

This application is of concern as it does not meet the intent of the zoning by-laws. The Notice of Decision is attached.

In order to preserve the appeal deadline, the City Solicitor has already appealed the Committee of Adjustment's Decision to the Ontario Municipal Board and requires further instructions and direction to proceed with this appeal.

No hearing date has been scheduled for this appeal.

RECOMMENDATIONS:

1. That City Council authorize the City Solicitor to appeal the Committee of Adjustment's decision regarding Application No. A1023/16NY respecting 73 Elmhurst Avenue.
2. That City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment Application No. A1023/16NY respecting 73 Elmhurst Avenue and authorize the City Solicitor to settle the matter on behalf of the City in her discretion after consultation with the Chief Planner and Ward Councillor.
3. That City Council, in the event that a settlement cannot be reached, 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 variances requested in Application No. A1023/16NY respecting 73 Elmhurst Avenue.



Toronto City Hall
100 Queen Street W., Suite B36
Toronto, Ontario M5H 2N2
Tel: (416) 392-0210
Fax: (416) 392-7388
councillor_filion@toronto.ca

North York Civic Centre
5100 Yonge Street
Toronto, Ontario M2N 5V7
Tel: (416) 395-6411
Fax: (416) 395-6441
www.johnfilion.ca