
City Council

Motion without Notice

MM39.27	ACTION			Ward: 20
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1161 Kingston Road - Request for City Solicitor to Attend at the Ontario Land Tribunal - by Councillor Gary Crawford, seconded by Councillor Jennifer McKelvie

** 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 Gary Crawford, seconded by Councillor Jennifer McKelvie, recommends that:

1. City Council authorize and direct the City Solicitor, and any other appropriate City staff, to attend the Ontario Land Tribunal in support of City Staff's recommendations in the staff reports submitted to the Committee of Adjustment regarding Minor Variance Application A0276/21SC for 1161 Kingston Road.
2. City Council authorize the City Solicitor to negotiate a resolution of the appeal of the decision in Application A0276/21SC respecting 1161 Kingston Road and authorize the City Solicitor to settle the matter on behalf of the City after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.

Summary

The applicant applied to the Committee of Adjustment (File No. A0276/21SC) seeking permission to construct an eight-storey mixed-use building containing 57 dwelling units and a commercial space at grade at 1161 Kingston Road (the "Minor Variance Application").

City staff submitted comments to the Committee of Adjustment recommending revisions to the Minor Variance Application.

This property is also subject to an application for Site Plan approval (File No. 20 230414 ESC 20 SA). The plans submitted as part of the Site Plan Application are premised on the approval of the Minor Variance Application.

At its hearing on November 17, 2021, the Committee of Adjustment refused the Minor Variance Application. A copy of the Notice of Decision of the Committee of Adjustment is attached.

The owner appealed the Site Plan Application to the Ontario Land Tribunal. The owner also appealed the Committee of Adjustment's decision on the Minor Variance Application to the Ontario Land Tribunal, requesting that the two appeals be consolidated for a joint hearing.

Under the provisions of section 115 of the City of Toronto Act, 2006, minor variance appeals that are related to existing appeals before the Ontario Land Tribunal will also be directed to the Ontario Land Tribunal, rather than the Toronto Local Appeal Body. Since there is an existing Site Plan appeal before the Ontario Land Tribunal for this property, this minor variance appeal is also directed to the Ontario Land Tribunal.

This Motion will authorize the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal hearing of the Minor Variance Application appeal in support of City Staff's recommendations in the staff reports submitted to the Committee of Adjustment and to bring a resolution to the matter in consultation with the Chief Planner and Executive Director, City Planning, and the Ward Councillor. The authority to direct the City Solicitor with respect to the Site Plan appeal before the Ontario Land Tribunal is exercised by the Chief Planner and Executive Director, City Planning pursuant to the delegated authority under the Municipal Code (§ 415-18.1).

This motion is urgent as the Minor Variance Application and the Site Plan Application have been appealed to the Ontario Land Tribunal.

Background Information (City Council)

Member Motion MM39.27

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission/Consent for 1161 Kingston Road

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-199149.pdf>