

City Council

Notice of Motion

MM2.10	ACTION			Ward: 2
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240 Markland Drive - Technical Amendment to By-law 1153-2022 (OLT) - by Councillor Stephen Holyday, seconded by Councillor Frances Nunziata

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Stephen Holyday, seconded by Councillor Frances Nunziata, recommends that:

1. City Council amend By-law 1153-2022(OLT) by replacing Sections 3 and 8(D) with the language in the draft by-law attached to this motion, and replacing Diagrams 2, 3, 4, and 5 with the revised Diagrams 2, 3, 4, and 5 attached to this motion.
2. City Council direct the City Solicitor to bring forward to City Council meeting of December 14, 2022 for enactment by City Council, by-laws to make the changes noted in Recommendation 1 to By-law 1153-2022(OLT)
3. City Council determine through the adoption of this recommendation that, pursuant to Section 34(17) of the Planning Act, no further notice is to be given in respect of the changes to By-law 1153-2022(OLT).

Summary

At its meeting of February 2, 2022, City Council endorsed a settlement with an applicant on a revised development application for 240 Markland Drive (Item CC39.3). The revised application included built form modifications to a previous approval for the site but maintained the community benefit contributions and the retention of all the on-site rental units. The settlement was approved by the Ontario Land Tribunal in an Order issued on August 12, 2022 in Tribunal File OLT-22-004181 and the Tribunal has now closed their file.

It has come to the attention of City Planning that certain technical changes are required to By-law No. 1153-2022 (OLT) to correct minor technical and stylistic errors. Two changes to the text of the by-law are required due to the erroneous inclusion of an older zoning standard for minimum lot area per unit. It is also proposed that several diagrams be replaced for clarity, to correct a reference to the minimum lot area per unit standard, and to accurately depict the boundary of the zone. The building has not changed in any material way from what was approved by City Council.

It is therefore appropriate that the technical amendments as set out in the Recommendations be made to By-law 1153-2022 (OLT) without the need for any further public notice.

This is an urgent matter as the owner is preparing to begin construction and ambiguity in the zoning by-law may introduce delay in obtaining building permits.

Background Information (City Council)

Member Motion MM2.10

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-230405.pdf>)

Attachment 1 - Draft By-law and Revised Diagrams 2, 3, 4, and 5

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-230382.pdf>)