

## City Council

### Motion Without Notice

MM14.17	ACTION			Ward: 15
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#### **717 - 733 Mount Pleasant Road - Request for City Solicitor to Attend at the Ontario Land Tribunal - by Councillor Jaye Robinson, Seconded by Councillor Mike Colle**

*\* 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 Jaye Robinson, seconded by Councillor Mike Colle recommends that:

1. City Council direct the City Solicitor to attend the Ontario Land Tribunal, with appropriate City staff or outside consultants as may be necessary, regarding the Committee of Adjustment decision on 717-733 Mount Pleasant Road in order to:
  - a. ensure that City staff's recommendations, contained in the report (July 19, 2023) from the Director, Community Planning, North York District, the Engineering and Construction Services memo dated July 20, 2023, and the Transportation Services memo dated July 13, 2023 are imposed by the Tribunal, should the Tribunal approve the Variance Application A0237/23NY; and
  - b. oppose the minor variance application, should the Applicant/Appellant further revise its minor variance application in a manner that is not supported by Planning staff.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the appeal of the Variance Application, and that the City Solicitor be authorized to resolve the matter on behalf of the City, in her discretion, after consulting with the Ward Councillor and the Director of Community Planning, North York District.

#### **Summary**

This motion will authorize the City Solicitor, along with appropriate City Staff or outside consultants, as necessary, to attend the Ontario Land Tribunal regarding the Committee of Adjustment's decision refusing the minor variance application at 717 – 733 Mount Pleasant Road, Application A0237/23NY.

The purpose of the Applicant's, Rockport (MPE) Inc., Variance Application is to modify its Zoning By-law amendment approval, as contained in the Tribunal's Order dated August 11, 2022 (File OLT-21-001872). That Order, emanating from a settlement between the City and the Applicant, amended Zoning By-Law 569-2013 and the former City of Toronto Zoning By law

438-86, as amended, for the Lands to permit a 75.0 metres tall building, with a gross floor area of 17,500 square metres for residential and non-residential uses.

The Variance Application seeks approval for variances regarding gross floor area, overall height, minimum building setbacks, maximum number of balconies, permitted balcony locations, and minimum parking space rates.

Planning staff worked with the Applicant to modify the Variance Application as shown on the drawings dated June 2, 2023, to: reduce the depth of balconies on the north and south facades of the tower from levels 8 to 27, to ensure a minimum 10.0 metres distance between the balconies and the north and south lot lines, respectively, secure various balcony setbacks, secure various building cut-outs, and secure a Section 37 cash contribution. These modifications are further described in Planning staff's report dated July 19, 2023.

Of note, this appeal of the Variance Application is before the Tribunal because the Applicant also appealed its site plan application. Therefore, under subsection 115(14) of the City of Toronto Act, the Tribunal is authorized to hear a minor variance appeal where an applicant has concurrently filed appeals for its minor variance and site plan applications.

This motion is urgent as the hearing has been scheduled for March 22, 2024.

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

Member Motion MM14.17

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-242958.pdf>

Attachment 1 - Notice of Decision of the Committee of Adjustment regarding Variance Application A0237/23NY, dated December 7, 2023

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-242971.pdf>

Attachment 2 - Report from the Director, Community Planning, North York District dated July 19, 2023

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-242972.pdf>

Attachment 3 - Engineering and Construction Services memo regarding Variance Application A0237/23NY, dated July 20, 2023

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-242961.pdf>

Attachment 4 - Transportation Services memo regarding Variance Application A0237/23NY, dated July 13, 2023

<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-242962.pdf>