

City Council

Notice of Motion

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| MM19.4 | ACTION | | | Ward: 5 |
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Re-Opening and Amending Item 2024.CC17.5 - 151 and 161-181 Mulock Avenue and 6 Lloyd Avenue - Ontario Land Tribunal Hearing - Request for Directions - by Councillor Frances Nunziata, seconded by Councillor Paula Fletcher

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item 2024.CC17.5. A two-thirds vote is required to re-open that Item. If re-opened, the previous Council decision remains in force unless Council decides otherwise.*

Recommendations

Councillor Frances Nunziata, seconded by Councillor Paula Fletcher, recommends that:

1. City Council amend its previous decision on item 2024.CC17.5 by deleting Part 3.g. of the instructions to staff:

Part to be deleted:

3.g. the owner shall, at the owner's own expense, initiate the Metrolinx Deviation Process with Metrolinx and Metrolinx's Technical Advisor AECOM, and the owner has submitted requested information and makes required revisions noted in correspondence, dated July 17, 2023, from Metrolinx, to the satisfaction of the Manager, Technical Review, Metrolinx;

and adopting instead the following Part:

3.g. If required by Metrolinx, the owner shall, at the owner's own expense, initiate the Metrolinx Deviation Process with Metrolinx and Metrolinx's Technical Advisor AECOM, and, if required by Metrolinx the owner shall submit information and made revisions requested in correspondence, dated July 17, 2023, from Metrolinx, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Manager, Technical Review, Metrolinx;

Summary

A settlement report considered by City Council on April 17th, 2024, included one pre-condition to the issuance of the Ontario Land Tribunal Order, which the applicant does not agree with, because the process it requires may not be necessary. The pre-condition states:

3. In the event that the Ontario Land Tribunal allows the appeals, in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:

g. the owner shall, at the owner's own expense, initiate the Metrolinx Deviation Process with Metrolinx and Metrolinx's Technical Advisor AECOM, and the owner has submitted

requested information and makes required revisions noted in correspondence, dated July 17, 2023, from Metrolinx, to the satisfaction of the Manager, Technical Review, Metrolinx;

City Solicitors working with City Planning, and the Appellant have agreed to a revised the condition that speaks to the possibility that Metrolinx may or may not require the applicant to enter into this process.

“If required by Metrolinx, the owner shall, at the owner's own expense, initiate the Metrolinx Deviation Process with Metrolinx and Metrolinx's Technical Advisor AECOM, and, if required by Metrolinx the owner shall submit information and made revisions requested in correspondence, dated July 17, 2023 from Metrolinx, to the satisfaction of the Chief Planner and Executive Director and Manager, Technical Review, Metrolinx;”

It is the City’s position that this revised condition is necessary, and that staff have reasonably negotiated a more flexible approach to this pre-condition. The City Solicitor requires instructions from City Council to request the Tribunal to include this revised pre-condition in its decision and order.

Requires Re-opening

Item 2024.CC17.5 (April 17 and 18, 2024 City Council Meeting)

Background Information (City Council)

Member Motion MM19.4