

NOTICE OF MOTION

Subject: **Instructions to request a Review of an Ontario Municipal Board Decision – 151, 153, 165 and 169 St. Clair Avenue West**

Moved by: **Councillor Walker**

Seconded by: **Councillor Jenkins**

“**WHEREAS** the Ontario Municipal Board in a Decision issued October 29, 2004 approved the owner’s appeals for an official plan amendment, zoning by-law and site plan approval for a proposed 19 storey condominium tower for lands at the south-west corner of Avenue Road and St. Clair Ave West and known as Nos. 151, 153, 165 and 169 St. Clair Avenue West; and

WHEREAS Council at its meeting of June 22, 23 and 24, 2004 (Clause 12, Toronto South Community Council Report No. 5) adopted the Refusal Report of the Commissioner of Urban Development Services dated May 20, 2004 directing that the City Solicitor, the Commissioner of Urban Development Services and any other appropriate staff attend at the Ontario Municipal Board to oppose the owner’s appeals; and

WHEREAS the Ontario Municipal Board in an earlier Decision issued September 3, 2003 previously refused the owner’s appeals for a 24 storey condominium tower and concluded that the proposal was significantly different than any form of appropriate development; and

WHEREAS the 19 storey condominium proposal remains an inappropriate development; and

WHEREAS Section 43 of the *Ontario Municipal Board Act* provides that the Board may review a decision made by it and authorizes, amongst other things, rescission of such decision; and

WHEREAS the Rules of Procedure of the Ontario Municipal Board require that the request for review be filed with the Board within 30 days of its Decision and hence there is urgency in dealing with this matter; and

WHEREAS the City Solicitor in order to protect the interests of the City has filed, prior to the expiration of the period for filing the review, a review request under Section 43 of the *Ontario Municipal Board Act* and advised the Board that she is seeking Council’s instructions to confirm such actions or otherwise at its meeting of November 30, December 1 and 2, 2004;

NOW THEREFORE BE IT RESOLVED THAT the actions of the City Solicitor in filing the Section 43 (*Ontario Municipal Act*) review request with the Ontario Municipal Board be confirmed.”

November 29, 2004

According to Chapter 27 of the Municipal Code, the foregoing Notice of Motion:

Notice was previously given	
Meets Municipal Code provisions and only requires a simple majority to introduce and debate	
Requires two-thirds to waive notice	(√)
Requires two-thirds to re-open	
Fiscal Impact Statement provided	*
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Should be referred to the North York Community Council	(√)
Requires two-thirds to waive referral if Council wishes to debate	
Recommendations are time sensitive - OMB	(√)

* Chief Financial Officer and Treasurer to advise.