



Date: January 7, 2021
To: Chair and Members of Etobicoke York Community Council
From: Deputy Mayor Stephen Holyday
Subject: 18 Herne Hill – Request for City Solicitor to Attend at the Toronto Local Appeal Body

I would like to request that the following item be added to the Etobicoke York Community Council Agenda.

SUMMARY:

On August 27, 2020, the Committee of Adjustment (the "**Committee**") approved a Minor Variance application brought by the owners of 18 Herne Hill for the following variances: gross floor area, front yard setback, side yard setback, maximum height for a flat roof dwelling, and front yard stairs (the "**Application**"). The Application proposed to construct a new detached dwelling with an attached garage. A copy of the Committee's decision is attached.

In a report from the Supervisor, Tree Protection and Plan Review, dated August 13, 2020, Urban Forestry Staff opposed the following variance: gross floor area. A copy of the Urban Forestry report is attached. Urban Forestry Staff opined that the approval of the gross floor area variance will result in the injury of one privately owned healthy by-law protected Heritage Tree. Urban Forestry staff also stated that the Official Plan contains policies specifically intended to ensure the protection, preservation and enhancement of trees.

On September 15, 2020, a resident appealed the Committee's decision to approve the Application to the Toronto Local Appeal Body (the "**TLAB**"). The TLAB has issued a notice of hearing for this file and the deadline for the City to elect to be a party in this matter is February 3, 2021.

RECOMMENDATION:

That Etobicoke York Community Council recommend that:

1. That City Council authorize the City Solicitor and appropriate City Staff to attend at the Toronto Local Appeal Body hearing to oppose the Minor Variance application requested in Application No. A0132/20EYK, respecting 18 Herne Hill.



2. That City Council authorize the City Solicitor to negotiate a resolution of the appeal of the decision in Application No. A0132/20EYK respecting 18 Herne Hill and authorize the City Solicitor to settle the matter on behalf of the City at her discretion after consultation with the Ward Councillor, with the Director of Community Planning, Etobicoke York District, and with the Supervisor, Tree Protection and Plan Review, Etobicoke York District.

Sincerely,



Stephen Holyday
Deputy Mayor,
Councillor Ward 2
Etobicoke Centre

Attachments:

Attachment 1: Notice of Decision of the Committee of Adjustment

Attachment 2: Urban Forestry Staff Report to the Committee of Adjustment