

May 11, 2009

Toronto and East York Community Council,

**Re: 878 Palmerston Avenue – request for the City Solicitor and Planning staff to attend the Ontario Municipal Board**

I am writing to request that the City Solicitor and Planning staff be instructed to attend the Ontario Municipal Board regarding 878 Palmerston Avenue.

**RECOMMENDATIONS:**

1. That City Council direct the City Solicitor to appear at the Ontario Municipal Board with appropriate City Staff or independent consultant(s), if necessary, to support the decision of the Committee of Adjustment refusing the application for 878 Palmerston Avenue.

**SUMMARY:**

At its hearing on Wednesday April 8, 2009, the Committee of Adjustment refused an application to legalize and to maintain the converted three-storey dwelling containing four dwelling units, constructed/altered without proper authorization at 878 Palmerston Avenue. (Please find the decision attached.)

This application was strongly opposed by a number of local residents, including the immediate neighbours. A petition in opposition to the application signed by 18 households on the street was submitted to both the Committee of Adjustment and my office.

There are significant concerns from within the neighbourhood with regard to the impact that the addition of four separate units has had on the area. The increased density of the house, which the applicant now wishes to legalize, has led to increased noise and has put pressure on the already limited parking in the neighbourhood. If the illegal rental



units are permitted, providing one parking space is not sufficient. Under by-law 438-86, a minimum of three parking spaces are to be provided.

The local neighbourhood is also significantly concerned with the applicant's previous disregard for City bylaws. A structure at the rear of the property is currently being rented out, without permission, as a dwelling unit complete with two fireplaces and an illegally constructed washroom on the second floor. The permitted use is a workshop (as per Committee of Adjustment approval in 1986). It is another example of the property owner's disregard for City regulations and the impact that not respecting bylaws can have on the immediate neighbourhood.

Based on how the property has been managed in the past, legalizing the increased density that this multi-unit home would provide has already proven not to be a good fit for the neighbourhood.

The applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board. A hearing date has not yet been set. Authorization is being requested to allow the City Solicitor to attend at the Ontario Municipal Board to support the Committee of Adjustment's refusal of the application.

Thank you for your consideration.

Sincerely,

Adam Vaughan, City Councillor  
Ward 20, Trinity-Spadina

