

## **123 Massey Street - Front Yard Parking Application**

**Date:** April 19, 2017

**To:** City Council

**From:** City Solicitor

**Wards:** Trinity - Spadina - Ward 19

### **SUMMARY**

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The report is in response to a request from Toronto and East York Community Council to provide further details of the potential precedential impact of City Council adopting the staff recommendations in the March 16, 2017 Report for Action from the City Solicitor and the Manager, Right-of-Way, Transportation Services pertaining to 123 Massey Street.

### **FINANCIAL IMPACT**

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If the recommendations in the March 16, 2017 Report for Action are adopted, there will be no financial impact beyond what has already been approved in the current year's budget.

### **DECISION HISTORY**

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Toronto Municipal Code Chapter 918 was adopted by the Council of the City of Toronto on July 27, 2006, by by-law No. 680-2006.

[http://www.toronto.ca/legdocs/municode/1184\\_918.pdf](http://www.toronto.ca/legdocs/municode/1184_918.pdf)

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060627/cofa.pdf>

This item was considered by Toronto and East York Community Council at its meeting of April 4, 2017 (Item No. TE23.30). Toronto and East York Community Council amended the staff recommendations requesting the City Solicitor to provide details on why adopting the staff recommendations in the March 16, 2017 Report for Action will not set a precedent for approving future front yard parking pad exemption applications.

## COMMENTS

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The recommendation for a resolution of the matter should not be considered a precedent as it only resulted from a very unusual set of circumstances, which taken together lead to the recommendations to allow a parking pad on 123 Massey Street.

This recommendation was based on a global analysis of the unique circumstances, risk analysis and an assessment of the alternatives. The City Solicitor would not ordinarily comment on or recommend approval of front yard parking related matters. However, in this instance, such a recommendation is part of a settlement of both an Ontario Municipal Board appeal and a potential law suit.

### Unique Circumstances:

- A number of required minor variances were not identified on the first Zoning Notice. Although an integral garage was shown on the plans, Planning Staff did not comment on the appropriateness of an integral garage as it was one of the required variances that was not identified in the first Zoning Notice.
- The applicant relied on the variances identified in the first Zoning Notice before the Committee of Adjustment and, after approval, was issued a building permit that was subsequently revoked when the errors were identified.
- Upon receiving a revised Zoning Notice which identified the missing variances, the owner applied for virtually the same house. This time, Planning Staff recommended refusal of the application and it was refused at the second Committee of Adjustment hearing on the matter.
- The subject lot is very narrow. In fact, it is one of the narrowest lots on a street with only one other integral garage on a much wider lot. A house with an integral garage on the subject lot would set a bad precedent.
- The applicant was not willing to release the City from all potential liability without on-site parking of some type.
- The property is in a ward where parking pad applications and related appeals are prohibited by Chapter 918 of the Municipal Code. The only way to allow front yard parking would be by way of a by-law amendment, which staff would only recommend in the rarest and extreme circumstances.

## Conclusion

This is a unique set of circumstances where City staff is making a very rare recommendation in support of a one-time parking pad exemption for the property because of the background and history leading up to the settlement of the proposal before the Ontario Municipal Board.

## **CONTACT**

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## **SIGNATURE**

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City Solicitor