

## City Council

### Motion Without Notice

MM34.28	ACTION			Ward:24
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#### **46 Palomino Crescent - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor David Shiner, seconded by Councillor Jim Hart**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

#### **Recommendations**

Councillor David Shiner, seconded by Councillor Jim Hart, recommends that:

1. City Council authorize the City Solicitor to declare party status on behalf of the City to the Toronto Local Appeal Body appeal regarding the minor variance application respecting 46 Palomino Crescent (A0655/17NY).
2. City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the minor variance application respecting 46 Palomino Crescent (A0655/17NY), and to retain outside consultants, as necessary.
3. City Council authorize the City Solicitor to negotiate a resolution of the Toronto Local Appeal Body appeal regarding the minor variance application respecting 46 Palomino Crescent (A0655/17NY) and to enter into a settlement on behalf of the City at the discretion of the City Solicitor and in consultation with the Ward Councillor.

#### **Summary**

The applicant has applied to the Committee of Adjustment, North York Panel, (the "Committee") for minor variances to the City-wide Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-66 to permit the construction of a new two-storey detached dwelling at 46 Palomino Crescent (the "Application"). The Application is known as municipal file A0655/17NY.

At its hearing on September 14, 2017, the Committee approved the Application with conditions (the "Decision"). A copy of the Notice of Decision of the Committee is attached.

The neighbour appealed the Committee's Decision approving the Application to the Toronto Local Appeal Body (the "Appeal"). The Appeal is known as Toronto Local Appeal Body File 17 243226 S45 24. The Toronto Local Appeal Body has scheduled a hearing for this

matter on February 27, 2018.

This Motion will authorize the City Solicitor to seek party status to the Appeal on behalf of the City and to attend the Toronto Local Appeal Body hearing, along with other appropriate City Staff, to oppose the Application, and to retain outside consultants, as necessary. This Motion will also authorize the City Solicitor to negotiate a resolution of this matter and to enter into a settlement on behalf of the City at the discretion of the City Solicitor and in consultation with the Ward Councillor.

This matter is time sensitive and urgent because the deadline to declare party status to the Appeal occurred prior to the date of this City Council hearing, and the City Solicitor already submitted a declaration of party status in order to secure its right to participate in the Toronto Local Appeal Body hearing. The City Solicitor requires instructions in order to continue as a party to the Appeal.

### **Background Information (City Council)**

Member Motion MM34.28

(September 14, 2017) Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 46 Palomino Crescent  
(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-108803.pdf>)