

City Council

Notice of Motion

MM35.11	ACTION			Ward:23
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106 Poyntz Avenue - Request for Representation at the Toronto Local Appeal Body - by Councillor John Filion, seconded by Councillor Mary Fragedakis

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to a Toronto Local Appeal Body Hearing and has been deemed urgent.*

Recommendations

Councillor John Filion, seconded by Councillor Mary Fragedakis, recommends that:

1. City Council authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body and to retain outside consultants as necessary in order to oppose the applicant's appeal of the Committee of Adjustment North York Panel decisions refusing the consent and minor variances requested in Applications B0047/17NY, A0672/17NY and A0673/17NY respecting 106 Poyntz Avenue.

Summary

The applicant applied to the Committee of Adjustment North York Panel (the "Committee") for a consent to sever one lot, municipally known as 106 Poyntz Avenue, into two separate lots and for minor variances from the City-wide Zoning By-law 569-2013 and former North York By-law 7625 to construct a new two-storey detached dwelling on each newly created lot (the "Applications"). The Applications are known as municipal files B0047/17NY, A0672/17NY and A0673/17NY.

On October 26, 2017 the Committee refused the Applications as the minor variances did not meet the Planning Act's four tests and the consent did not satisfy the requirements under the Planning Act. In their report, Planning Staff were of the opinion that the application for the requested consent to sever fails to satisfy the consent criteria under Section 51 (24) of the Planning Act and the requested minor variance applications do not meet each of the four tests for minor variances under Section 45(1) of the Planning Act. Copies of the Notices of Decision and Staff Report are attached.

The applicant has appealed the Committee's Decisions to the Toronto Local Appeal Body.

No hearing date been scheduled for this appeal.

Background Information (City Council)

Member Motion MM35.11

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109534.pdf>

Committee of Adjustment North York Panel Notices of Decision or applications for Consent and Minor Variance/Permission for 106 Poyntz Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109536.pdf>

(October 17, 2017) Report from the Director, Community Planning North York District on 106 Poyntz Avenue

<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109537.pdf>