

City Council

Motion without Notice

MM35.37	ACTION			Ward:26
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1755 Bayview Avenue - Request for Representation at the Toronto Local Appeal Body - Appeal of Committee of Adjustment decision (B0011/17NY, A0161/17NY and A0162/17NY) - by Councillor Jon Burnside, seconded by Councillor Josh Colle

** 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 Jon Burnside, seconded by Councillor Josh Colle, recommends that:

1. City Council direct the City Solicitor and any appropriate staff to attend the Toronto Local Appeal Body hearing for the appeal of the Committee of Adjustment files B0011/17NY, A0161/17NY and A0162/17NY in order to oppose the minor variance and consent applications for 1755 Bayview Avenue, and to retain external expert witnesses/consultants, if necessary.
2. City Council authorize the City Solicitor to engage in settlement discussions and to settle this matter on behalf of the City in the City Solicitor's discretion after consulting with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
3. City Council authorize the City Solicitor, and any necessary staff, to take all steps necessary to bring resolution to the matter.

Summary

Consent and minor variance applications to allow for the severance of the lands known as 1775 Bayview Avenue and the development of two new three-storey semi-detached houses was before the Committee of Adjustment on August 3, 2017. The existing four-plex would be demolished and the proposed development would require the following variances: lot frontage, garage construction, building length, south side yard setback, number of platforms, lot coverage, soft landscaping, parking space dimensions and building type. The Committee deferred the applications.

Heritage and Community Planning staff had requested a deferral of the applications. In particular, Heritage staff had requested a six month deferral to allow staff the time to research and evaluate the property for possible inclusion on the Heritage Register further to having received a public nomination for consideration on the Heritage Register. Although this deferral

was granted, the matter was still appealed to the Toronto Local Appeal Body and a hearing was scheduled for February 7, 2018.

Over the summer recess under delegated authority, the City Solicitor received instructions to oppose these consent and minor variance appeals at the Toronto Local Appeal Body. However, the City Solicitor withdrew from the Toronto Local Appeal Body process at the end of October because at the time, Heritage staff determined they did not have the information or resources to assess whether the subject property had heritage value in advance of the Toronto Local Appeal Body hearing date and could therefore not present evidence at the hearing of this matter. Subsequent to the City's withdrawal from the Toronto Local Appeal Body appeal, Heritage staff received new information about the potential heritage value of the subject property and want to provide evidence at the Toronto Local Appeal Body hearing for this matter in opposition to the applications.

This motion would direct the City Solicitor and any necessary City staff to attend the Toronto Local Appeal Body hearing in opposition to the consent and minor variance appeals and would also grant the authority, if necessary, to retain outside planning consultants to support this position.

This Motion is urgent because the hearing has been scheduled for February 7, 2018 and the City must bring one or more motions to the Toronto Local Appeal Body requesting permission to participate in the hearing because the deadlines for being added as a party, document disclosure and witness statement submission have already passed.

Background Information (City Council)

Member Motion MM35.37

(July 5, 2017) Report from the Program Manager, Heritage Preservation Services on 1755-1757 Bayview Avenue

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109786.pdf>)