

## City Council

### Motion without Notice

MM35.40	ACTION			Ward:21
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**350 Walmer Road - Request for Attendance at a Toronto Local Appeal Body Hearing - Appeal of Committee of Adjustment Decision B0063/17TEY and A0740/17TEY - by Councillor Joe Mihevc, seconded by Councillor Glenn De Baeremaeker**

*\* 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 Joe Mihevc, seconded by Councillor Glenn De Baeremaeker, recommends that:

1. City Council direct the City Solicitor to attempt to negotiate a settlement in the appeal of Committee of Adjustment applications B0062/17TEY and A0740/17TEY for 350 Walmer Road to the Toronto Local Appeal Body and authorize the City Solicitor to settle the matter on behalf of the City in the City Solicitor's discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
2. In the event a settlement cannot be reached, City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body hearing and to retain outside consultants, as necessary, to oppose the consent and minor variances requested in Committee of Adjustment applications B0063/17TEY and A0740/17TEY respecting 350 Walmer Road.

### Summary

On Wednesday, September 27, 2017, the Toronto and East York District Panel of the Committee of Adjustment (the "Committee") approved an application requesting consent to sever and two associated applications for minor variances related to the property municipally known as 350 Walmer Road (the "Applications"). The Applications sought consent to sever the subject property into two undersized residential lots to allow the construction of two new three-storey detached dwellings on each of the lots.

On October 19, 2017, the Committee's decision to approve the application requesting consent to sever and the associated application for minor variances in Committee File A0740/17TEY was appealed to the Toronto Local Appeal Body.

The proposed severance does not satisfy the criteria under subsection 51(24) of the Planning

Act. The proposed minor variances do not maintain the general intent and purpose of the Official Plan and zoning by-laws, are not desirable for the appropriate development of the land and are not minor.

This matter is urgent because the City Solicitor requires further instructions and direction to participate in this appeal.

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

Member Motion MM35.40

Committee of Adjustment Toronto and East York Panel Notice of Decision Part 1 on application for Minor Variance/Permission for 350 Walmer Road

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109833.pdf>)

Committee of Adjustment Toronto and East York Panel Notice of Decision Part 2 on application for Minor Variance/Permission for 350 Walmer Road

(<http://www.toronto.ca/legdocs/mmis/2017/mm/bgrd/backgroundfile-109834.pdf>)