

**City Council****Motion without Notice**

MM43.32	ACTION			Ward:23
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**51 Elmwood Avenue - Request for Representation at the Toronto Local Appeal Body - by Councillor John Filion, seconded by Councillor Joe Mihevc**

*\* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.  
\* This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.  
\* This Motion has been deemed urgent by the Chair.*

**Recommendations**

Councillor John Filion, seconded by Councillor Joe Mihevc, recommends that:

1. City Council authorize the City Solicitor to appeal the Committee of Adjustment's Decision approving Application A0272/18NY respecting 51 Elmwood Avenue to the Toronto Local Appeal Body, and to retain outside consultants as necessary.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal of the Committee of Adjustment's decision (Application A0272/18NY) respecting 51 Elmwood Avenue, and City Council authorize the City Solicitor to resolve the matter on behalf of the City in the City Solicitor's discretion after consultation with the Ward Councillor.
3. In the event that a resolution is not achieved, City Council authorize the City Solicitor, along with appropriate City Staff and outside consultants, to attend the Toronto Local Appeal Body in order to oppose the variance requested in Application A0272/18NY respecting 51 Elmwood Avenue.

**Summary**

On Thursday May 31, 2018, the North York District Panel of the Committee of Adjustment approved a minor variance application (A0272/18NY) related to the property municipally known as 51 Elmwood Avenue (the "Application"). The Application sought to recognize the recently constructed residential dwelling and bring it into conformity with the plans originally approved by the Committee of Adjustment and the Ontario Municipal Board in 2013. The original Building Permit plans included the area beneath the rear deck as unexcavated, however, the Applicants converted the unexcavated area beneath the rear deck into a small basement room that includes a second kitchen. This additional construction required variances to City-wide Zoning By-law 569-2013 and North York Zoning By-law 7625 for increased lot coverage of 38.86 percent of the lot area, additional building length to 20.42 metres, and

additional building depth to 20.72 metres.

Previously on May 23, 2013, the Committee of Adjustment approved a minor variance Application (A216/13NY) for the subject property permitting the Applicants to demolish the existing residential dwelling and construct a new two-storey detached residential dwelling with an integral, at grade, two car garage. The City unsuccessfully appealed this approval, which resulted in an Ontario Municipal Board decision authorizing the variances. A Building Permit was issued on May 5, 2014 (14 133649 BLD 00 NH) further to the Ontario Municipal Board decision.

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

Member Motion MM43.32

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 51 Elmwood Avenue

(<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-117609.pdf>)