

City Council**Motion without Notice**

MM43.34	ACTION			Ward:35
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59 Clela Drive - Request for City Solicitor to Attend a Toronto Local Appeal Body Hearing - by Councillor Michelle Holland, seconded by Councillor Lucy Troisi

** 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 Scarborough Community Council. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor Michelle Holland, seconded by Councillor Lucy Troisi, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend the Toronto Local Appeal Body hearing to support the Committee of Adjustment's decision to refuse the consent and minor variances requested in Applications B0020/18SC, A0125/18SC and A0126/18SC respecting 59 Clela Drive, and to retain outside consultants, if necessary.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decision in Applications B0020/18SC, A0125/18SC and A0126/18SC respecting 59 Clela Drive and City Council authorize the City Solicitor to settle the matter on behalf of the City in the City Solicitor's discretion, after consultation with the Ward Councillor and with Community Planning, Scarborough District.

Summary

On May 31, 2018, the Committee of Adjustment (the "Committee") refused an application brought by the owner of 59 Clela Drive for consent to sever and refused the two associated applications for minor variances (the "Applications"). The Applications seek to demolish the existing residential dwelling, sever the subject property into two residential lots, and build two new detached dwellings, and require variances for lot frontage and side yard setback. On June 20, 2018, the owner appealed the Committee's decisions to refuse the Applications to the Toronto Local Appeal Body.

In the report (May 18, 2018) from the Director, Community Planning Scarborough District, Community Planning Staff opposed the proposed severance as it would create two under-sized lots with lot frontages smaller than the minimum required under the City-wide Zoning By-law 569-2013 and the Kennedy Park Community Zoning By-law 9276. Staff believe that these Applications do not respect and reinforce the physical character of the neighbourhood and are

not in keeping with the intent and purpose of the City's Official Plan and Zoning By-laws.

This matter is urgent as the hearing of the Toronto Local Appeal Body appeal will be scheduled shortly and the deadline for the City to submit its Notice of Intention to be a Party is imminent.

Background Information (City Council)

Member Motion MM43.34

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission for 59 Cleta Drive and report (May 18, 2018) from the Director, Community Planning, Scarborough District on 59 Cleta Drive

(<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-117605.pdf>)