

City Council**Motion without Notice**

MM43.33	ACTION			Ward:35
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525 Kennedy Road - 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 decisions to refuse the consent and minor variances requested in Applications B0053/17SC, A0360/17SC and A0361/17SC respecting 525 Kennedy Road, 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 B0053/17SC, A0360/17SC and A0361/17SC respecting 525 Kennedy Road 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 10, 2018, the Committee of Adjustment (the "Committee") refused an application brought by the owner of 525 Kennedy Road 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 single family detached dwellings, and require variances for lot frontage, lot area, building length, depth and height, and first floor height. On May 25, 2018, the owner appealed the Committee's decisions to refuse the Applications to the Toronto Local Appeal Body.

In the report (April 27, 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 and lot areas 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 has been scheduled and the deadline for the City to submit its Notice of Intention to be a Party is imminent.

Background Information (City Council)

Member Motion MM43.33

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission for 525 Kennedy Road and report (April 27, 2018) from the Director, Community Planning, Scarborough District on 525 Kennedy Road

(<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-117607.pdf>)