
Date: Feb 14, 2019
To: Members of Etobicoke York Community Council
From: Councillor Mark Grimes
Subject: 65 Fortieth Street - Authority to Attend a Toronto Local Appeal Body Hearing

SUMMARY:

This motion will give the City Solicitor authority to appeal the Committee of Adjustment's decision approving the applications for consent and minor variance respecting 65 Fortieth Street (Application Nos.: B0016/18EYK, A0127/18EYK, and A0137/18EYK) (collectively, the "Applications") to the Toronto Local Appeal Body (the "LPAT"). In order to meet the appeal deadline of February 13, 2019 and crystalize the City's appeal rights for these applications, the City Solicitor has already appealed this matter to the TLAB. As a result, this matter is time sensitive and urgent and is required to allow the City to continue with this appeal.

On January 24, 2019, the Etobicoke District Panel of the Committee of Adjustment (the "Committee") approved an application related to the property municipally known as 65 Fortieth Street for consent to sever and two associated applications for minor variances (collectively the "Applications"). The Applications seek to demolish the existing residential dwelling, sever the subject property into two residential lots, and build two new single detached dwellings with integral garages. The Applications required various variances to City-wide Zoning By-law No. 569-2013 such as for lot frontage, lot area, and floor space index.

In a report from the Supervisor, Tree Protection and Plan Review – West District, dated May 10, 2018, Urban Forestry Staff is opposed to the requested variances in the Applications on the basis that the Applications will result in the injury or removal of a healthy tree. Urban Forestry Staff are of the opinion that, as indicated in the City's Official Plan, healthy trees are a valuable part of the Urban Forest and should be retained.

RECOMMENDATION:

1. That City Council authorize the City Solicitor to appeal the Committee of Adjustment's decisions regarding consent and minor variance Application Nos. B0016/18EYK, A0127/18EYK, and A0137/18EYK respecting 65 Fortieth Street.
2. That City Council authorize the City Solicitor and appropriate City staff to attend the Toronto Local Appeal Body hearing to oppose Application Nos. B0016/18EYK, A0127/18EYK and A0137/18EYK respecting 65 Fortieth Street, and to retain outside consultants as necessary.
3. That City Council authorize the City Solicitor to resolve the appeals in her discretion and in consultation with the Ward Councillor and the Director of Community Planning, Etobicoke York District.

Thank you for your consideration.

Sincerely,



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