

City Council**Notice of Motion**

MM2.14	ACTION			Ward: 18
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301 Ellerslie Avenue - Representation at a Toronto Local Appeal Body Hearing - by Councillor John Filion, seconded by Councillor Mark Grimes

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

Recommendations

Councillor John Filion, seconded by Councillor Mark Grimes, recommends that:

1. City Council authorize and direct the City Solicitor, and any other appropriate City staff, to attend the Toronto Local Appeal Body hearing for 301 Ellerslie Avenue to uphold the Committee of Adjustment's refusal of the minor variances requested through Application A0753/18NY.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal and, if a resolution is reached, to settle the appeal at the City Solicitor's discretion and in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Summary

On February 9, 2017, an application (Application A1064/16NY) was approved by the Committee of Adjustment for minor variances to build a single detached dwelling at 301 Ellerslie Avenue. During construction in 2018, Toronto Building issued a Stop Work Order and Order to Comply due to changes to the dwelling that were not in accordance with the plans and approved variances.

The applicant has now applied to the Committee of Adjustment (Application A0753/18NY) to legalize the construction and make further modifications to the plans that consist of variances not previously approved, including a Building Length of 30.3 metres. At its hearing on December 6, 2018, the Committee of Adjustment refused the application. A copy of the Notice of Decision of the Committee of Adjustment is attached.

This Motion will authorize the City Solicitor, and appropriate City staff, to attend the Toronto

Local Appeal Body hearing in order to oppose the proposed variances requested in the Application. This Motion will also give the City Solicitor authority to negotiate a settlement of the appeal and retain outside consultants as necessary.

This matter is time sensitive and urgent as the applicant has already appealed the Decision to the Toronto Local Appeal Body and Legal Services requires further instructions to proceed with the hearing for this matter that has been scheduled for May 10, 2019.

Background Information (City Council)

Member Motion MM2.14

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 301 Ellerslie Avenue

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-123975.pdf>