

City Council

Motion Without Notice

MM5.23	ACTION			Ward: 18
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48 Gwendolen Crescent - Representation at a Toronto Local Appeal Body Hearing - by Councillor John Filion, seconded by Councillor Kristyn Wong-Tam

**** 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 relates to a Toronto Local Appeal Body Hearing and has been deemed urgent.***

Recommendations

Councillor John Filion, seconded by Councillor Kristyn Wong-Tam, 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 48 Gwendolen Crescent to uphold the Committee of Adjustment's refusal of the minor variances requested through Application A0611/17NY.
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

The applicant applied to the Committee of Adjustment (Application A0611/17NY) in 2017 for variances to the applicable zoning by-laws to construct a new dwelling at 48 Gwendolen Crescent. The Application was deferred in order to allow the applicant to meet with City Staff to discuss the proposal. The Application requests variances with respect to building height, maximum number of storeys, encroachments into building setbacks, and setbacks from shoreline hazard or stable top-of-bank. At its hearing on February 7, 2019, the Committee of Adjustment refused the Application (the Decision). The Notice of Decision is attached.

The applicant has appealed the Decision to the Toronto Local Appeal Body. This Motion will authorize the City Solicitor, and appropriate City Staff, to attend the Toronto Local Appeal Body 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 a hearing for this matter has been scheduled for August 12, 2019 and the City Solicitor requires instructions to attend the hearing.

Background Information (City Council)

Member Motion MM5.23

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 48 Gwendolen Crescent

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131239.pdf>)

(January 29, 2019) Report from the Director, Community Planning, North York District on 48 Gwendolen Crescent including Attachment 1: Staff Report to the Committee of Adjustment dated August 21, 2017

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131240.pdf>)