



Member Motion

City Council

Notice of Motion

MM6.6	ACTION			Ward: 18
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197 Elmwood Avenue - Appeal of Committee of Adjustment Decision to the Toronto Local Appeal Body - by Councillor John Filion, seconded by Councillor Shelley Carroll

** 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.*

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

Recommendations

Councillor John Filion, seconded by Councillor Shelley Carroll, recommends that:

1. City Council authorize the City Solicitor to continue the appeal at the Toronto Local Appeal Body of the Committee of Adjustment's decision to approve the variances requested in application A0043/19NY respecting 197 Elmwood Avenue.
2. City Council authorize the City Solicitor to attempt to negotiate a settlement of the City's appeal and authorize the City Solicitor to settle the matter in the City Solicitor's discretion after consultation with the Chief Planner and Executive Director, City Planning and the Ward Councillor.
3. In the event a settlement cannot be reached, City Council authorize the City Solicitor, along with appropriate City staff, to attend the Toronto Local Appeal Body and to retain outside consultants as necessary to oppose the minor variances requested in Committee of Adjustment application A0043/19NY respecting 197 Elmwood Avenue.

Summary

On Thursday, March 21, 2019, the North York Panel of the Committee of Adjustment approved an application (A0043/19NY) for minor variances requested for the property municipally known as 197 Elmwood Avenue. The application sought to permit the construction of a second storey addition over the existing dwelling and a two-storey rear addition.

In their report to the Committee dated March 12, 2019, Planning Staff were of the opinion that the variances do not satisfy each of the four tests under Section 45(1) of the Planning Act and therefore the application should be refused. A copy of the Committee of Adjustment's Decision and Staff Report are attached.

The last day to appeal the Committee of Adjustment's decision to the Toronto Local Appeal Body was April 10, 2019. In order to preserve the City's rights to appeal, the City Solicitor has already appealed the Committee's decision to the Toronto Local Appeal Body. The City Solicitor requires further instructions and direction to proceed with this appeal.

Background Information (City Council)

Member Motion MM6.6

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 197 Elmwood Avenue

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131854.pdf>)

(March 12, 2019) Report from the Director, Community Planning, North York District on 197 Elmwood Avenue

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-131850.pdf>)