

City Council

Motion Without Notice

MM7.18	ACTION			Ward: 8
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139 Hillhurst Boulevard - Request for City Solicitor to Attend at the Toronto Local Appeal Body - Councillor Mike Colle, seconded by Councillor James Pasternak

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Mike Colle, seconded by Councillor James Pasternak, recommends that:

1. City Council authorize the City Solicitor to attempt to negotiate a settlement of the applicant's appeal regarding 139 Hillhurst Boulevard 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.
2. 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 A0053/19NY for 139 Hillhurst Boulevard.

Summary

On March 21, 2019, the North York Panel of the Committee of Adjustment modified and approved the application for minor variances requested for the property municipally known as 139 Hillhurst Boulevard. The Notice of Decision is attached to this Motion.

In their report to the Committee dated March 12, 2019, attached to this Motion, Community Planning staff recommended that the application be refused. Planning had concerns with a number of the variances proposed, particularly building height, number of storeys and floor space index, and that in their opinion "the number of variances required to facilitate the proposal are neither individually nor cumulatively minor in nature. As such, Planning staff recommend that the application be refused." 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.

The applicant has appealed the Committee of Adjustment's modified Decision to the Toronto Local Appeal Body and the date for the hearing is September 9, 2019 which means that the

City's Notice of Intention to be a Party is due this Wednesday, May 15, 2019.

Background Information (City Council)

Member Motion MM7.18

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 139 Hillhurst Boulevard

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-133104.pdf>)

(March 12, 2019) Report from the Director, Community Planning, North York District on 139 Hillhurst Boulevard

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-133125.pdf>)