

City Council

Notice of Motion

MM9.7	ACTION			Ward: 5
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1039 Weston Road - City Solicitor Attendance at the Toronto Local Appeal Body regarding Appeal of Committee of Adjustment Decision (A0161/19EYK) - by Councillor Frances Nunziata, seconded by Councillor Brad Bradford

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke 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 Frances Nunziata, seconded by Councillor Brad Bradford, recommends that:

1. City Council direct the City Solicitor to appeal the Decision of the Committee of Adjustment, Etobicoke York Panel to oppose the approval of the Revised Application for 1039 Weston Road (A0161/19EYK).
2. City Council authorize the City Solicitor and appropriate City staff to attend the Toronto Local Appeal Body to oppose the Decision and 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 after consulting with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Summary

The Applicant, on behalf of the Applicant and co-owner, applied to the Etobicoke York Panel of the Committee of Adjustment for minor variances respecting the site at 1039 Weston Road (the "Original Application"). The Original Application sought permissions to maintain a double duplex with a secondary suite in the basement.

On April 12, 2019, Community Planning for the Etobicoke York District ("Community Planning") wrote a report to the Committee of Adjustment recommending that the Original Application be refused. On April 25, 2019, the Committee of Adjustment deferred the Original Application in order to allow the Applicant to consult with Community Planning. The Applicant subsequently submitted a revised application wherein the secondary suite in the basement was eliminated, referenced as Committee of Adjustment File A0161/19EYK (the

"Revised Application").

On June 13, 2019, Community Planning wrote a Revised Staff Report noting that the Revised Application was premature, given that City Planning, at the direction of City Council, is currently undertaking a review of the current planning framework for the Mount Dennis area within which this site is located. The Mount Dennis Planning Framework Study (the "Study") is anticipated to be completed in 2020.

The Revised Staff Report requested that, should the Committee of Adjustment approve the Revised Application, the Committee of Adjustment impose a condition that the approval be valid for a period of three (3) years, expiring on June 20, 2022 (the "Condition").

On June 20, 2019 the Committee of Adjustment approved the Revised Application without imposing the Condition (the "Decision"). The Decision is attached to this Motion.

It is important that the Condition be applied to ensure that the subject site's land use can be considered in relation to the Study's findings and recommendations.

This Motion will authorize the City Solicitor to appeal the Decision to the Toronto Local Appeal Body and will authorize the City Solicitor and appropriate City staff to attend the Toronto Local Appeal Body to oppose the application.

Background Information (City Council)

Member Motion MM9.7

Committee of Adjustment, Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission for 1039 Weston Road

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-135734.pdf>)