

**City Council****Motion without Notice**

MM10.19	ACTION			Ward: 21
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**939 Warden Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Michael Thompson, seconded by Councillor Jennifer McKelvie**

*\* 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 Scarborough 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 by the Chair.*

**Recommendations**

Councillor Michael Thompson, seconded by Councillor Jennifer McKelvie, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend at the Toronto Local Appeal Body hearing to support the Committee of Adjustment's decision in Application A0278/17SC respecting 939 Warden Avenue.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decision in Application A0278/17SC respecting 939 Warden Avenue and authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor and with the Director of Community Planning, Scarborough District.

**Summary**

On August 22, 2019, the Scarborough Panel of the Committee of Adjustment (the "Committee") refused an application brought by the owner of 939 Warden Avenue for a side-yard setback minor variance of 4.95 metres where the applicable Zoning By-law requires 7.5 metres (the "Application"). The Application proposed to build a one-story addition to the east side of the existing building.

On August 28, 2019, the owner appealed the Committee's decision to modify and approve the Application to the Toronto Local Appeal Body.

In a report from the Director, Community Planning, Scarborough District dated January 25, 2019, Community Planning Staff recommended the Application be deferred from its original

hearing date to provide the owner with the opportunity to address the concerns of Transportation staff. A copy of that report is attached. The Application was deferred accordingly and a hearing was ultimately held on August 22, 2019.

This Motion will authorize the City Solicitor to oppose the applicant's Toronto Local Appeal Body appeal and to secure the necessary authorization and resources to support the City's opposition to the appeal. The cost of any outside consultants can be accommodated within City Legal's 2019 budget.

### **Background Information (City Council)**

Member Motion MM10.19

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-138470.pdf>

Committee of Adjustment, Scarborough Panel Notice of Decision on application for Minor Variance/Permission for 939 Warden Avenue

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-138469.pdf>

(January 25, 2019) Report from the Director, Community Planning, Scarborough District on 939 Warden Avenue

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-138462.pdf>