

City Council

Motion without Notice

MM10.26	ACTION			Ward: 18
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32 Florence Avenue - Representation at a Toronto Local Appeal Body hearing - by Councillor John Filion, seconded by Councillor Mike Colle

** 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 John Filion, seconded by Councillor Mike Colle, recommends that:

1. City Council authorize and direct the City Solicitor and any other appropriate City staff to bring forward a Motion to the Toronto Local Appeal Body that will allow the City to gain Party status at the hearing, despite having missed the Toronto Local Appeal Body deadlines.
2. City Council authorize and direct the City Solicitor and any other appropriate City staff to attend the Toronto Local Appeal Body hearing for 32 Florence Avenue to uphold the Committee of Adjustment's refusal of the consent minor variances requested through Application B0002/19NY, A0009/19NY, A0010/19NY, A0011/19NY.
3. City Council authorize the City Solicitor to retain outside consultants, as necessary.
4. City Council authorize the City Solicitor to attempt to negotiate a resolution of the appeal and, if a resolution is reached, to resolve 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

In 2018, City Planning conducted a study of the area bounded by Botham Road and Yonge Street, Franklin Avenue and Johnston Avenue. The purpose of the study was to establish stability in the West Lansing neighbourhood which had historically seen a pattern of 25 foot (7.62 metre) lots, but never less than 25 feet.

On June 5, 2019, the Committee of Adjustment North York Panel refused an application for proposed consent and minor variances at 32 Florence Avenue (Application B0002/19NY, A0009/19NY, A0010/19NY and A0011/19NY) to create three undersized lots with frontages of 7.11 metres and with a list of minor variances for each dwelling on the three properties. The property lies within the study area and would create the three smallest lots in the area.

The applicant has appealed the decisions to the Toronto Local Appeal Body and a hearing date has been set for November 6 and 7, 2019. A copy of the Notices of Decision of the Committee of Adjustment is attached.

Due to the timing of City Council's summer session, the City did not authorize the City Solicitor and appropriate City Staff to carry out the necessary procedural steps to be a Party at the hearing. All of the required deadlines have now passed.

This Motion will authorize the City Solicitor and appropriate City Staff to request from the Toronto Local Appeal Body by Motion to add the City as a party to the proceedings in order to attend the hearing and oppose the proposed consent and minor 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 the applicant has already appealed the Decision to the Toronto Local Appeal Body and Legal Services requires further instructions to proceed with the hearing for this matter that has been scheduled.

If the City is unsuccessful in its Motion for party status, there could be a cost award against the City. In addition, the cost of retaining outside consultants could result in an expenditure that is beyond Legal Services' budget for 2019.

Background Information (City Council)

Member Motion MM10.26

Committee of Adjustment, North York Panel Notices of Decisions on application for Minor Variance/Permission for 32 Florence Avenue

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-138530.pdf>)