

City Council**Motion Without Notice**

MM11.23	ACTION			Ward: 14
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67 Morse Street - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Paula Fletcher, seconded by Councillor Michael Ford

** 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 Paula Fletcher, seconded by Councillor Michael Ford, recommends that:

1. City Council authorize and direct the City Solicitor, and any other appropriate City staff to attend the Toronto Local Appeal Body hearing in respect of 67 Morse Street to oppose the consent to sever and minor variances requested through Applications B0045/18TEY, A0421/18TEY and A0422/18TEY.
2. City Council authorize the City Solicitor 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, and in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Summary

The Applicant applied to the Committee of Adjustment for consent to sever the subject property into two undersized residential lots, for relief from the provisions of the applicable Zoning By-law to maintain the existing three-storey semi-detached dwelling with two dwelling units and construct a new rear detached garage on the retained lot and to construct a new three-storey detached dwelling and maintain the existing rear detached garage on the conveyed lot. Variances were sought with respect to lot frontage, side yard setback, floor space index and soft landscaping.

City Planning submitted a report (November 22, 2018) to the Committee of Adjustment recommending refusal of the applications based on their failure to conform to the Official Plan, as required for a consent by Sections 53(12) and 51(24) of the Planning Act, and their failure to maintain the general intent and purpose of the Official Plan, as required for a minor variance by Section 45(1) of the Planning Act. A copy of the Planning report is attached. Community

Planning staff were of the opinion that the Applicant's request to sever the subject property to create a new residential lot was not in keeping with the Official Plan designation of Core Employment Areas, which does not permit residential uses. The lands are also subject to SASP 190, which recognizes existing residential uses in the Employment Area and permits those residential uses that existed on November 26, 2002. New residential dwellings are not permitted in the Employment Area.

The subject lands are also within the Lower Don Special Policy Area and are therefore subject to the Protocol Regarding the Lower Don Special Policy Area, which requires joint Ministerial approval for any new or intensified development beyond the existing permissions.

At the initial Committee of Adjustment hearing on November 28, 2018, the applications were deferred to provide the applicant with an opportunity to resolve the issues with City Planning staff and to discuss the proposal in more detail with area residents.

No revisions were made to the applications. City Planning advised the Committee of Adjustment on September 17, 2019 that the recommendations in its original report dated November 22, 2018 continue to apply. At the rescheduled hearing on September 26, 2019, the Committee of Adjustment refused the applications. The Notice of Decisions are attached. The applicant appealed the decisions to the Toronto Local Appeal Body.

This Motion will authorize the City Solicitor, and appropriate City staff, to attend the Toronto Local Appeal Body in order to oppose the proposed consent and minor variances requested in the applications. 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 decision of the Committee of Adjustment has been appealed to the Toronto Local Appeal Body and the City Solicitor requires instructions to attend the hearing in opposition of the proposal.

Background Information (City Council)

Member Motion MM11.23

Committee of Adjustment Toronto and East York Panel Notice of Decision on Consent for 67 Morse Street

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-139493.pdf>

(November 22, 2018) Report from the Director, Community Planning, Toronto and East York District on 67 Morse Street

<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-139494.pdf>