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**Date:** January 15<sup>th</sup>, 2019

**To:** North York Community Council –City Clerk's Office-Secretariat

**From:** Councillor John Filion

**Subject:** Representation at the Toronto Local Appeal Body for 37 Stafford Road

## **SUMMARY:**

The Applicant has applied to the Committee of Adjustment (Application Nos. B0044/18NY, A0663/18NY, A0664/18NY) to obtain consent to sever the property at 37 Stafford Road into two undersized residential lots and for minor variances from Zoning By-laws 7625 and 569-2013 to permit the construction of a new two-storey dwellings on each of the proposed severed lots (the "Applications").

City Planning submitted a staff report to the Committee of Adjustment regarding the Application dated December 21, 2017 (the "Staff Report"). In the Staff Report, City Planning recommended that the Committee refuse the consent and minor variances as the applications fail to satisfy Section 5 1(24) and Section 45(1) of the Planning Act.

At its hearing on December 6, 2018, the Committee of Adjustment approved the applications for both the consent and minor variances. A similar application for consent and minor variances was previously heard and refused by the Committee on January 11, 2018. Copies of the Notices of Decision and Staff Report are attached.

In order to preserve the City's right of appeal, the City Solicitor has already appealed the Committee's Decision to the Toronto Local Appeal Body (the "TLAB").

This motion will give the City Solicitor retroactive authority to appeal the Decision to the TLAB. This motion will also authorize the City Solicitor, and appropriate City Staff, to attend the TLAB in order to oppose the proposed 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 City Solicitor has already appealed the Decision to the Toronto Local Appeal Body in order to preserve the City's statutory right and requires instructions to appeal and attend the hearing for this matter.

## **RECOMMENDATIONS:**

1. City Council authorize and direct the City Solicitor to appeal the decisions of the Committee of Adjustment to the Toronto Local Appeal Body in order to oppose the approval of the applicant's proposed development in Application Nos. B0044/18NY; A0663/18NY; and A0664/NY respecting 37 Stafford Road.

2. City Council authorize and direct the City Solicitor, City Planning, and any other appropriate City staff to attend the Toronto Local Appeal Body hearing for 37 Stafford Road to oppose the Committee of Adjustment's approval of the consent and minor variances requested through Application Nos. B0044/18NY; A0663/18NY; and A0664/NY.

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 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.

## **ATTACHMENTS:**

Attachment 1: Notice of Decision of the Committee of Adjustment dated December 6, 2018

Attachment 2: Planning Staff Report dated December 21, 2017

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