
Date: January 15th, 2019

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

From: Councillor John Filion

Subject: Representation at the Toronto Local Appeal Body for 122 Elmwood Avenue

SUMMARY:

The Applicant has applied to the Committee of Adjustment (Application No. A0760/18NY) for variances to the applicable zoning by-laws to permit the construction of a new detached dwelling (the "Application") at 122 Elmwood Avenue. The proposed variances relate to building height, building depth, building length, lot coverage, exterior stairs, rear platform area, east side yard setback, and west side yard setback.

City Planning submitted a staff report to the Committee of Adjustment regarding the Application dated November 27, 2018 (the "Staff Report"). In the Staff Report, City Planning expressed concerns with the variances related to east and west side yard setbacks, additional building height, lot coverage.

At its hearing on December 6, 2018, the Committee of Adjustment approved the Application (the "Decision"). A copy of the Notice of Decision of the Committee of Adjustment and the Staff Report are attached.

In order to preserve the City's right of appeal, the City Solicitor appealed the Committee's Decision to the Toronto Local Appeal Body (the "TLAB") on December 21, 2018.

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. That City Council authorize the City Solicitor to appeal the December 6, 2018 decision of the North York Committee of Adjustment regarding Application No. A0760/18NY respecting 122 Elmwood Avenue to the Toronto Local Appeal Body.

2. That City Council authorize the City Solicitor to negotiate a settlement of the appeal of Application No. A0760/18NY respecting 122 Elmwood Avenue and authorize the City Solicitor to settle the matter on behalf of the City at her discretion after consultation with the Ward Councillor.
3. That City Council, in the event that a settlement is not reached, authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the variances requested in Application No. A0760/18NY respecting 122 Elmwood Avenue.
4. That City Council authorize the City Solicitor and any necessary staff to take all steps necessary to bring resolution to the matter including retaining outside consultants as required.

ATTACHMENTS:

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

Attachment 2: Planning Staff Report dated November 27, 2018

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