

City Council

Notice of Motion

MM16.4	ACTION			Ward: 17
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36 George Henry Boulevard - Request for City Solicitor to Attend the Toronto Local Appeal Body - by Councillor Shelley Carroll, seconded by Councillor Kristyn Wong-Tam

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North York 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.*

Recommendations

Councillor Shelley Carroll, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decision in Application A0648/19NY respecting 36 George Henry Boulevard.
2. City Council authorize the City Solicitor and appropriate City Staff to attend at the Toronto Local Appeal Body hearing to oppose Application A0648/19NY respecting 36 George Henry Boulevard.
3. City Council authorize the City Solicitor to retain outside consultants as necessary.
4. City Council authorize the City Solicitor to negotiate a settlement of the appeal of Application A0648/19NY respecting 36 George Henry Boulevard and City Council 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, North York District.

Summary

On February 6, 2020, the North York Panel of the Committee of Adjustment approved an Application brought by the owner of 36 George Henry Boulevard for a minor variance pertaining to the stable top-of-bank setback in order to construct a two story addition to the front of the dwelling and second story addition above the existing garage and family room.

The Application was initially presented as containing three dwelling units, including the main unit, a secondary suite in the basement and a self-contained unit over the garage with access through a side door. The inclusion of a third unit resulted in variance to permit a duplex where it is not permitted by the Zoning By-law.

In a report from the Director, Community Planning, North York District dated November 13, 2019, Community Planning Staff identified that the Applicant would be seeking an adjournment to address the duplex variance. The Application was deferred.

The Application was revised to, amongst other things, provide for access to the addition above the garage from the main unit, such that it is no longer considered a self-contained dwelling unit. As revised, the Application was approved by the Committee of Adjustment on February 6, 2020. Despite these revisions, there are outstanding concerns that the addition above the garage will be used as a third dwelling unit.

This Motion will authorize the City Solicitor to appeal the Application to the Toronto Local Appeal Body, to attend the Toronto Local Appeal Body in opposition to the Application, and to secure the necessary authorization and resources to support the City's appeal.

Background Information (City Council)

Member Motion MM16.4

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 36 George Henry Boulevard

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-146306.pdf>)

(November 13, 2019) Report from the Director, Community Planning, North York District on 36 George Henry Boulevard

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-146307.pdf>)