

City Council

Notice of Motion

MM26.3	ACTION			Ward: 12
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251 Dunvegan Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Josh Matlow, seconded by Councillor Mike Layton

** Notice of this Motion has been given.*

** This Motion is subject to referral to Toronto and East York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to an Toronto Local Appeal Body Hearing and has been deemed urgent.*

Recommendations

Councillor Josh Matlow, seconded by Councillor Mike Layton recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend at the Toronto Local Appeal Body hearing to support the Committee of Adjustment's decision to refuse the Minor Variance application requested in Application A1304/19TEY, respecting 251 Dunvegan Road.
2. City Council authorize the City Solicitor to retain outside consultants as necessary and at the City Solicitor's discretion.
3. City Council authorize the City Solicitor to negotiate a resolution of the appeal of the decision in Application A1304/19TEY respecting 251 Dunvegan Road 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, Community Planning, Toronto and East York District.

Summary

On September 21, 2020, the Committee of Adjustment refused a Minor Variance Application brought by the owners of 251 Dunvegan Road for the following variances: encroachment into the rear yard setback, exterior stairs encroachment into the building setback, building height, building length, building depth, floor space index, rear second storey platform area, front yard setback, rear yard setback, and side yard setback. A copy of the Committee's decision is attached. The Application proposed to construct a new two-storey detached dwelling and an in-ground swimming pool in the rear yard.

In a report (September 8, 2020) from the Supervisor, Tree Protection and Plan Review, Urban

Forestry Staff opposed two variances: building length and building depth. A copy of the Urban Forestry report is attached. Urban Forestry Staff opined that the approval of both the building length and depth variances will result in the removal or intolerable injury to two healthy By-law protected private trees. Urban Forestry staff also stated that the Official Plan contains policies specifically to the protection, preservation and enhancement of trees.

On October 6, 2020, the owners appealed the Committee's decision to refuse the Application to the Toronto Local Appeal Body. The Toronto Local Appeal Body has issued a notice of hearing for this file and the deadline for the City to elect to be a party in this matter is December 3, 2020.

Background Information (City Council)

Member Motion MM26.3

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 251 Dunvegan Road

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-158701.pdf>)

(September 8, 2020) Report from the Supervisor, Tree Protection and Plan Review - South District on 251 Dunvegan Road

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-158702.pdf>)