

City Council

Motion without Notice

MM26.18	ACTION			Ward: 18
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186 Ellerslie Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor John Filion, seconded by Councillor Mike Colle

** 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 John Filion, seconded by Councillor Mike Colle, 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 Consent and Minor Variances applications requested in Applications B0001/20NY, A0038/20NY, and A0039/20NY respecting 186 Ellerslie Avenue.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decisions in Applications B0001/20NY, A0038/20NY, and A0039/20NY respecting 186 Ellerslie Avenue and 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 July 14, 2020, the Committee of Adjustment (the "Committee") refused a Consent to Sever and two Minor Variance applications brought by the owner of 186 Ellerslie Avenue for the following variances: side yard setback, rear deck setback, lot area, lot frontage, lot coverage, front yard setback, platform, maximum height for side exterior side walls, maximum building height and maximum finished first floor height. A copy of the Committee's decisions are

attached. The Applications proposed to construct two new detached dwellings on undersized lots.

In the report (May 22, 2020) from Community Planning, North York District, staff opposed the Applications and recommended its refusal. A copy of Planning's staff report is attached. Planning staff stated that the proposed lot frontage do not form the prevailing character of the lots found in the immediate context and thus fail to satisfy the general intent and purpose of the Official Plan and Zoning By-law. Planning staff also opined that the proposed side yard setbacks are not in keeping with the prevailing pattern of side yard setbacks within the neighbourhood and thus fail to satisfy the general intent of the Official Plan and Zoning By-law. Planning staff opined that the Applications do not confirm to the Official Plan, and the requested Consent to Sever application fails to satisfy the criteria under section 51(24) of the Planning Act and the requested Minor Variance applications do not meet the four tests under section 45(1) of the Planning Act.

On August 14, 2020, the owner appealed the Committee's decision to refuse the Applications to the Toronto Local Appeal Body. The Toronto Local Appeal Body has issued a notice of hearing for this file and the City's deadline to elect to be a party is November 26, 2020.

Background Information (City Council)

Member Motion MM26.18

Committee of Adjustment North York Panel Notice of Decision on Consent for 186 Ellerslie Avenue

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-158955.pdf>)

(May 22, 2020) Report from Community Planning, North York District on 186 Ellerslie Avenue

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-158923.pdf>)