

City Council**Motion without Notice**

MM27.24	ACTION			Ward: 4
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37 Boustead Avenue - Representation at a Toronto Local Appeal Body hearing - by Councillor Gord Perks, seconded by Councillor Mike Layton

** 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 Gord Perks, seconded by Councillor Mike Layton, recommends that:

1. City Council authorize and direct the City Solicitor to appeal the Committee of Adjustment's approval of Application A0403/20TEY for 37 Boustead Avenue, and to attend the Toronto Local Appeal Body hearing, with appropriate City staff, in opposition to the proposal.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. 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.

Summary

The applicant applied to the Committee of Adjustment (Application A0403/20TEY) (the "Application") to alter the existing two-storey detached dwelling at 37 Boustead Avenue by constructing a rear three storey addition, a full third storey addition and a rear second storey balcony. The Application also proposes interior alterations in order to facilitate an additional secondary suite, which would result in a total of four units within the dwelling. More specifically, the Application requests variances with respect to floor space index, building depth, front yard parking, number of parking spaces and secondary suite requirements. City Planning provided a report to the Committee of Adjustment dated December 2, 2020 recommending refusal of the Application on the basis of the parking related variances. The report is attached. At its hearing on December 10, 2020, the Committee of Adjustment approved the Application (the "Decision") with a condition. The Notice of Decision is attached.

This Motion will authorize the City Solicitor to appeal the Decision and to attend the Toronto Local Appeal Body with appropriate City Staff or outside consultants, in order to oppose the

minor 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 last day to appeal the Decision is December 30, 2020 and the City Solicitor requires instructions to appeal and subsequently attend the hearing in opposition to the proposal.

Background Information (City Council)

Member Motion MM27.24

(December 2, 2020) Report from the Director, Community Planning, Toronto and East York District on 37 Boustead Avenue

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-159502.pdf>

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 37 Boustead Avenue

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-159501.pdf>