

City Council**Motion Without Notice**

MM27.26	ACTION			Ward: 18
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120 Hendon Avenue - Representation at a Toronto Local Appeal Body hearing - 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 and direct the City Solicitor to seek party status in the appeal of the Committee of Adjustment's approval of Application A0274/20NY for 120 Hendon 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 A0274/20NY) (the "Application") to remove the existing sloped roof from the detached garage and replace with a flat roof. The applicant made a similar application in 2018, which was refused by the Committee of Adjustment, and subsequently appealed and refused by the Toronto Local Appeal Body, after substantial City involvement in opposition to the application. The current Application requests a variance for the maximum permitted height of an ancillary building or structure from 4.0 metres to 5.69 metres. City Planning provided a report to the Committee of Adjustment dated September 1, 2020 recommending refusal of the Application if the proposed height remained as originally proposed. The report is attached. At its hearing on September 17, 2020, the Committee of Adjustment approved the Application (the "Decision") with a condition. The Notice of Decision is attached.

The Decision was appealed by a resident and the Toronto Local Appeal Body has scheduled a hearing for April 21, 2021. This Motion will authorize the City Solicitor to seek party status in

the proceeding and attend the Toronto Local Appeal Body with appropriate City Staff or outside consultants, in order to oppose the minor variance 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 deadline to seek party status has already passed and the City Solicitor requires instructions to attend the hearing in opposition to the proposal.

Background Information (City Council)

Member Motion MM27.26

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 120 Hendon Avenue

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-159512.pdf>

(September 1, 2020) Report from the Acting Director, Community Planning, North York District on 120 Hendon Avenue

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-159514.pdf>