
Date: October 7, 2020

To: North York Community Council –City Clerk's Office-Secretariat

From: Councillor John Filion

Subject: Representation at the Toronto Local Appeal Body for 160 Ellerslie Avenue

SUMMARY:

This motion will give the City Solicitor authority, along with appropriate City Staff, to attend the Toronto Local Appeal Body (the "TLAB") in order to oppose the Committee of Adjustment's (the "COA") decision approving the minor variance application regarding 160 Ellerslie Avenue (Application No. A0243/20NY) (the "Application").

The Application sought to construct a rear one-storey addition, a deck, and west side two-storey addition to the existing dwelling. The Application required a total of twelve (12) variances to Zoning By-law 569-2013 and former City of North York By-law 7625. The variances sought were to increase the dwelling's main wall height; increase the number of storeys from 2 to 3; reduce side-yard setbacks; increase the dwelling's overall height; reduce the front-yard setback; increase the area of rear platform; among other variances. Planning staff raised concerns with respect to the variances regarding the west side-yard setback and the rear platform. Planning staff recommended that the COA modify the west side-yard setback in order that the revised setback be 1.5 metres rather than 1.217 metres, and that the COA refuse the variance seeking to increase the area of the rear platform because it is not maintaining the neighbourhood's character.

On September 10, 2020, the COA modified and approved the Application; it responded to Planning staff's recommendation by modifying the west side-yard setback variance from 1.217 metres to 1.5 metres and approved all other variances without modification (the "Decision"). The owners of 160 Ellerslie Avenue (the "Appellant") appealed the Decision to the TLAB because they seek to reduce the west side-yard setback variance (the "Appeal").

The Appeal, which will be considered by the TLAB, seeks approval of the Application.

At this time, a TLAB hearing date is yet to be scheduled for this Appeal.

RECOMMENDATIONS:

1. That City Council direct the City Solicitor to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the Appeal of the Committee of Adjustment's decision to approve the minor variances requested in Application No. A0243/20NY, and any other variances that may be requested, regarding 160 Ellerslie Avenue.
2. That City Council authorize the City Solicitor to retain such outside consultants as may be necessary to oppose the Appeal.
3. That City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the Appeal, and that the City Solicitor be authorized to resolve the matter on behalf of the City, in her discretion, after consulting with the Ward Councillor and with the Director of Community Planning, North York District District.

ATTACHMENTS:

Attachment 1: Notice of Decision of the Committee of Adjustment regarding Application No. A0243/20NY

Attachment 2: Community Planning Memorandum to the Committee of Adjustment regarding Application No. A0243/20NY, dated August 18, 2020

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