

**City Council****Notice of Motion**

MM32.1	ACTION			Ward: 15
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**Representation at a Toronto Local Appeal Body hearing for 140 Divadale Drive - by Councillor Jaye Robinson, seconded by Councillor Mike Colle**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the North York Community Council. A two-thirds vote is required to waive referral.*

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

**Recommendations**

Councillor Jaye Robinson, seconded by Councillor Mike Colle, recommends that:

1. City Council authorize and direct the City Solicitor, with appropriate City staff, to attend the Toronto Local Appeal Body hearing respecting the appeal of the Committee of Adjustment's approval of Application A0001/21NY for 140 Divadale Drive, 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 A0001/21NY) (the "Application") to construct a new dwelling with an integral garage. The Application requests variances for height, length, side yard setbacks, and floor space index. The Committee of Adjustment approved the Application at its hearing on March 25, 2021. The Notice of Decision is attached as Attachment 1.

The Decision was appealed by the Leaside Residents Association to the Toronto Local Appeal Body. This Motion will authorize the City Solicitor 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 City Solicitor requires instructions to attend the

hearing in opposition to the proposal.

**Background Information (City Council)**

Member Motion MM32.1

Committee of Adjustment North York Panel Notice of Decision on Minor Variance for 140

Divadale Drive

(<http://www.toronto.ca/legdocs/mmis/2021/mm/bgrd/backgroundfile-166277.pdf>)