

City Council**Notice of Motion**

| | | | | |
|---------------|---------------|--|--|----------|
| MM39.7 | ACTION | | | Ward: 14 |
|---------------|---------------|--|--|----------|

818 Eastern Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Paula Fletcher, seconded by Councillor Ana Bailão

- * Notice of this Motion has been given.*
- * This Motion is subject to referral to the Toronto and East 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 Paula Fletcher, seconded by Councillor Ana Bailão, recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Toronto Local Appeal Body to oppose minor variance Application A0706/21TEY respecting 818 Eastern Avenue, as well as any other variances and relief that may be requested.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding Application A0706/21TEY respecting 818 Eastern Avenue, and City Council authorize the City Solicitor to resolve the matter on behalf of the City, in the City Solicitor's discretion, after consulting with the Ward Councillor and the Director, Community Planning, Toronto and East York District.

Summary

On December 1, 2021, the Committee of Adjustment (the "Committee") refused an application brought by an agent of the owner of 818 Eastern Avenue for a variance to the provisions of the former City of Toronto Zoning By-law 438-86 to permit a dog daycare and boarding use in a zone which does not permit the use (the "Application"). A copy of the Committee's decision is attached.

On December 20, 2021, the owner appealed the Committee's decision to refuse the Application to the Toronto Local Appeal Body.

In a report from the Director, Community Planning, Toronto and East York District dated November 24, 2021, Community Planning Staff opposed the Application. A copy of the Planning report is attached. Community Planning Staff opined that the requested uses discussed above are not permitted by the former City of Toronto Zoning By-law 438-86. Community Planning Staff further opined that the Application fails to maintain the intent of the Zoning By-law and the Official Plan, is not minor in nature, and is not desirable for the appropriate

development or use of the land.

This Motion will authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body and oppose the appeal. A hearing date has not yet been scheduled, but a hearing date is anticipated to be scheduled shortly.

Background Information (City Council)

Member Motion MM39.7

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 818 Eastern Avenue

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-175548.pdf>

(November 24, 2021) Report from Director, Community Planning, Toronto and East York District on 818 Eastern Avenue

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-175549.pdf>