

## City Council

### Motion without Notice

MM39.32	ACTION			Ward: 2
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#### **48 Mattice Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Stephen Holyday, seconded by Councillor Mark Grimes**

*\* 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 Stephen Holyday, seconded by Councillor Mark Grimes, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend at the Toronto Local Appeal Body hearing to support the Committee of Adjustment's decision to refuse the Minor Variance applications requested in Application A0460/20EYK (Part 1) and A0461/20EYK (Part 2) and the Consent application request in B0023/21EYK respecting 48 Mattice Avenue.

1. City Council authorize the City Solicitor to negotiate a resolution of the appeal of the decision in Application A0460/20EYK (Part 1), A0461/20EYK (Part 2), and B0023/21EYK respecting 48 Mattice Avenue and City Council authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor, and with the Director of Community Planning, Etobicoke York District.

#### **Summary**

On January 13, 2022, the Committee of Adjustment (the "Committee") refused a Consent and Minor Variance applications brought by the owners of 48 Mattice Ave for the following variances: lot frontage, lot area, lot coverage, floor space index, rear yard setback, building height (solely for part B), building length, and building depth (the "Minor Variance Applications"). A copy of the Committee's decision for the Consent Application and both Minor Variance Applications (collectively, the "Applications") is attached. The Applications proposed to sever the subject property into two undersized residential lots and to construct two single detached dwellings on each lot.

In a report from the Director, Community Planning, Etobicoke York District, dated January 4, 2022, Planning opposed the consent and all the proposed variances. A copy of the Planning report is attached. Planning Staff opined that the approval of the consent and minor variances would weaken the established character of the neighbourhood and result in other applications of a similar nature. Planning Staff also stated that the proposed consent and minor variances would allow for the creation of two undersize lots that do not respect nor reinforce the physical

character of the neighbourhood, and ultimately, are not in keeping with the intent of the Official Plan and Zoning By-law.

In a report from the Supervisor, Tree Protection and Plan Review, dated January 4, 2022, Urban Forestry Staff opposed the consent and one variance in both the Minor Variance Applications: lot coverage. A copy of the Urban Forestry report is attached. Urban Forestry Staff opined that the approval of the consent and lot coverage variance will result in the construction of a driveway that requires the removal of two healthy by-law protected City trees and one healthy by-law protected private tree. Urban Forestry staff also stated that the Official Plan contains policies specifically to the protection, preservation and enhancement of trees.

On February 1, 2022, the owners appealed the Committee's decision to refuse the Application to the Toronto Local Appeal Body. The Toronto Local Appeal Body has not yet issued a notice of hearing for this file, however, a notice of hearing will be issued imminently.

### **Background Information (City Council)**

Member Motion MM39.32

Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 48 Mattice Avenue

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-199133.pdf>

(January 4, 2022) Report from the Director, Community Planning, Etobicoke York District on 48 Mattice Avenue

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-199153.pdf>

(January 4, 2022) Report from the Supervisor, Tree Protection and Plan Review - West District on 48 Mattice Avenue

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-199134.pdf>