

City Council

Motion without Notice

MM43.31	ACTION			Ward: 20
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37 Allister Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Gary Crawford, seconded by Councillor Mark Grimes

- * Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
- * This Motion is subject to referral to the Scarborough 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 Gary Crawford, seconded by Councillor Mark Grimes, recommends that:

1. City Council direct the City Solicitor to attend the Toronto Local Appeal Body, with appropriate staff or outside consultants, as may be necessary, in support of the Committee of Adjustment's decision refusing Applications A0195/21SC and A0196/21SC respecting 37 Allister Avenue.
2. City Council authorize the City Solicitor to retain such outside consultants, as may be necessary, to oppose Applications A0195/21SC and A0196/21SC respecting 37 Allister Avenue.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding Applications A0195/21SC and A0196/21SC respecting 37 Allister 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.

Summary

This Motion will authorize the City Solicitor, along with appropriate City Staff or outside consultants, as necessary, to support the Committee of Adjustment's decision refusing the minor variance applications at 37 Allister Avenue, Applications A0195/21SC and A0196/21SC, (the "Applications") and attend the Toronto Local Appeal Body in order to oppose the Applications.

The Applications seek to permit the construction of two new two-storey detached dwellings at 37 Allister Avenue, which property is composed of two whole lots on a plan of subdivision, requesting minimum lot areas of 318.14 square metres, and lot frontages of 7.61 metres. In contrast, City of Toronto Zoning By-law 569-2013 permits the construction of a dwelling on this lot (and lots within this neighborhood, in general) as long as the lot contains a minimum lot area of 464 square metres, and a minimum lot frontage of 12 metres. Planning staff did not file a report with the Committee of Adjustment regarding the Applications.

The two whole lots of which 37 Allister Avenue is comprised, were registered on a Plan of Subdivision in 1927. However, once development occurred, the land was parceled out in double lots, leading to the present day situation in which most, if not all of the properties on said Plan of Subdivision were developed across two, undersized whole lots.

The Committee of Adjustment refused the Applications in its Notices of Decision issued on December 8, 2021. A copy of the Committee of Adjustment's decisions are attached.

The applicant appealed the Committee of Adjustment's decisions to the Toronto Local Appeal Body. A hearing is scheduled for July 19, 2022.

This matter is time sensitive and urgent as the deadline to request Party status at the Toronto Local Appeal Body is on May 12, 2022.

Background Information (City Council)

Member Motion MM43.31

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission/Consent for 37A Allister Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225625.pdf>)

Committee of Adjustment Scarborough Panel Notice of Decision on application for Minor Variance/Permission/Consent for 37B Allister Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225626.pdf>)