

## City Council

### Motion without Notice

MM43.37	ACTION			Ward: 12
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### **43 Russell Hill Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Josh Matlow, seconded by Councillor Mike Layton**

*\* 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 Josh Matlow, seconded by Councillor Mike Layton, recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Toronto Local Appeal Body in opposition to the minor variances applications respecting 43 Russell Hill Road (Application A1029/ 21TEY and A0320/ 21TEY).
2. City Council authorize the City Solicitor to retain outside consultants as may be necessary in order to oppose the Applications and to support the City's position respecting the Appeals.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the Application and Appeal, and City Council authorize the City Solicitor be authorized to resolve the matter on behalf of the City, in the City Solicitor's discretion, after consulting with the Ward Councillor and with the Director of Community Planning, Toronto and East York District.

#### **Summary**

This Motion will authorize the City Solicitor, along with appropriate City Staff and outside consultants, as necessary, to attend the Toronto Local Appeal Body in order to oppose the minor variances applications made to the Committee of Adjustment respecting the property at 43 Russell Hill Road (Application A1029/ 21TEY and A0320/ 21TEY) ("Applications").

The Applications seek to alter the existing three-storey detached dwelling by constructing a rear three-storey addition, and to construct an accessory structure and playground in the front yard. In total, the Applications seek six variances, which relate to height, number of storeys, rear yard landscaping, front yard ancillary buildings, and rooftop platform size. Planning Staff did not submit a report to the Committee of Adjustment.

The Committee of Adjustment refused the variances in its first decision dated July 22, 2021, and approved some of the variances in its second decision dated October 7, 2021. Copies of both Notices of Decision are attached to this Motion. The first decision was appealed to the Toronto Local Appeal Body by the Owner, and the second decision was appealed to the Toronto Local Appeal Body by a neighbouring resident (the "Appeals").

This Motion will give the City solicitor authority to oppose the Applications at the Toronto Local Appeal Body. In addition, this Motion will give the City Solicitor authority to attempt to negotiate a settlement of the Appeals. Finally, this Motion will give the City Solicitor authority to retain outside consultants as necessary.

This matter is time sensitive and urgent as the Appeals have been scheduled for a hearing and the City Solicitor requires instructions to attend in opposition to the Applications.

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

Member Motion MM43.37

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 43 Russell Hill Road

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225728.pdf>

Committee of Adjustment Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 43 Russell Hill Road

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-225729.pdf>