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## City Council

### Notice of Motion

MM45.1	ACTION			Ward: 9
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#### **59 R Hepbourne Street - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Ana Bailão, seconded by Councillor Paula Fletcher**

*\* 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 Ana Bailão, seconded by Councillor Paula Fletcher, recommends that:

1. City Council direct the City Solicitor to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the appeal of the Committee of Adjustment's decision to refuse the consent and minor variance applications in respect of 59 R Hepbourne Street (Applications B0094/21TEY, A1227/21TEY and A1228/21TEY).
2. City Council authorize the City Solicitor to retain such outside consultants as may be necessary to oppose said appeal.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding said appeal 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 with the Director, Community Planning, Toronto and East York District.

#### **Summary**

This Motion will give the City Solicitor authority, along with appropriate City Staff, to attend the Toronto Local Appeal Body in order to support the Committee of Adjustment's decision to refuse the consent and minor variance applications (the "Applications") in respect of 59 R Hepbourne Street (Applications B0094/21TEY, A1227/21TEY and A1228/21TEY).

The Applications propose to sever the lot into two undersized residential lots and to construct two new three-storey detached dwellings with rear integral garages on each of the severed lots. With respect to the two minor variance applications specifically, variances from City-wide Zoning By-law 569-2013 are sought with respect to:

1. minimum required building setbacks for a terrace and porch;
2. minimum required lot area (for both minor variance applications, or "Both");
3. minimum required lot frontage (Both);
4. minimum rear lot line abutting a lane (Both);

5. minimum side exterior main wall height (Both);
6. maximum floor space index (Both);
7. minimum side yard setback (Both);
8. maximum canopy encroachment (Both);
9. minimum architectural feature encroachment (Both);
10. a use on land that does not abut an existing street (Both);
11. a use on land that does not have service connections to a lot line (Both); and
12. a dwelling to be located on land that does not abut an existing street (Both).

Engineering and Construction Services staff recommended that the Committee of Adjustment refuse the Applications. Engineering and Construction Services staff were of the opinion that there is no municipal infrastructure in the public lane on which the proposed severed lots will front and none will be permitted to be installed to service the proposed severed lots (see the Engineering and Construction Services supplementary memorandum attached to this Motion).

Community Planning Staff also recommended that the Committee of Adjustment refuse the Applications. Community Planning Staff were of the opinion that the requested consent and minor variances fail to satisfy the relevant statutory criteria (see the Planning Staff Report attached to this Motion).

On March 2, 2022, the Committee refused the requested consent and minor variances (see the Committee of Adjustment's Notice of Decision attached to this Motion).

The Applicant has appealed the refusal to the Toronto Local Appeal Body (the "Appeal"). The hearing of the Appeal has been scheduled for August 11, 2022 (see the Toronto Local Appeal Body's Notice of Hearing attached to this Motion).

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

Member Motion MM45.1

(November 23, 2021) Supplementary memorandum from the Manager, Development Engineering, Toronto and East York District on 59 R Hepbourne Street  
(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226828.pdf>)

(February 22, 2022) Report from the Director, Community Planning, Toronto and East York District on 59 R Hepbourne Street  
(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226829.pdf>)

Committee of Adjustment Toronto and East York Panel Notices of Decisions on application for Minor Variance/Permission/Consent for 59 R Hepbourne Street  
(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226830.pdf>)

(April 28, 2022) Toronto Local Appeal Body Notice of Hearing  
(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-226831.pdf>)