

City Council

Notice of Motion

MM47.22	ACTION			Ward: 16
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78 Tisdale Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Deputy Mayor Denzil Minnan-Wong, seconded by Councillor Jaye Robinson

** Notice of this Motion has been given.*

** This Motion is subject to referral to the North 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

Deputy Mayor Denzil Minnan-Wong, seconded by Councillor Jaye Robinson, 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 regarding the proposed development at 78 Tisdale Avenue (Application A0205/22NY).
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the Appeal for 78 Tisdale Avenue (Application A0205/22NY) 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 the Director, Community Planning, North York District.

Summary

On January 31, 2017, City Council approved a rezoning for the lands known as 78 Tisdale Avenue (the "Lands"). The applicant currently has open Plan of Subdivision and Site Plan Control applications to permit a 35-unit, three-storey townhouse development in six blocks on a new public street.

On May 23, 2022, the applicant applied to the Committee of Adjustment seeking minor variances to permit the construction of a 53-unit four storey townhouse development on the Lands and to make corresponding changes to the draft plan of subdivision, including changing the building type from street-facing to back-to-back townhouses and changing the configuration of blocks and access. The applicant also sought variances from maximum lot coverage, minimum front yard setback and maximum permitted height requirements under Zoning By-law 261-2017 (Application A0205/22NY) (the "Application").

City Planning Staff recommended refusal of the Application as Planning Staff concluded that the Application does not satisfy the statutory test under Section 45 of the Planning Act. A copy of the Planning Staff report is attached. Planning Staff opined that the Application is not minor;

rather, it is a substantial departure from what was approved by City Council on January 31, 2017 and requires comprehensive technical review by City staff to determine feasibility and appropriateness. Planning Staff are also of the opinion that the magnitude of the proposed changes requires the submission of updated reports and drawings to Engineering and Construction Services respecting water and sewer servicing, stormwater management, fire services, solid waste collection and transportation impacts.

The Committee of Adjustment held a hearing on June 9, 2022 and refused the Application (the "Decision"). The Decision has been appealed to the Toronto Local Appeal Body by the applicant (the "Appeal") and a hearing will be scheduled shortly. A copy of the Decision is attached.

This Motion will authorize and direct the City Solicitor to attend the Toronto Local Appeal Body, along with appropriate staff, in order to oppose the Appeal.

Background Information (City Council)

Member Motion MM47.22

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission for 78 Tisdale Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228638.pdf>)

(June 2, 2022) Report from the Director, Community Planning, North York District on 78 Tisdale Avenue

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228639.pdf>)