

City Council

Notice of Motion

MM47.21	ACTION			Ward: 16
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1-3 Talwood Drive - 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 appeal the Committee of Adjustment's decisions regarding 1-3 Talwood Drive (B0002/22NY, B0003/22NY, A0020/22NY, A0021/22NY and A0022/22NY) and to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the consents and minor variances requested, and any other variances and relief that may be requested.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the appeal of the decisions in Applications B0002/22NY, B0003/22NY, A0020/22NY, A0021/22NY and A0022/22NY, respecting 1-3 Talwood Drive, 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, North York District.

Summary

This Motion will authorize the City Solicitor, along with appropriate City Staff to oppose the Committee of Adjustment's decisions approving the consent and minor variance applications at 1-3 Talwood Drive (Applications B0002/22NY, B0003/22NY, A0020/22NY, A0021/22NY, A0022/22NY) (the "Applications") and to attend the Toronto Local Appeal Body in order to oppose the Applications.

Applications B0002/22NY and B0003/22NY seek consent to sever a portion of each of two lots to create a new undersized lot, while the retained portions of the existing lots will also result in two undersized lots, for a total of three newly created undersized lots. Applications A0020/22NY, A0021/22NY and A0022/22NY request variances to the City-wide Zoning By-law 569-2013 to facilitate the construction of a new detached dwelling on each of the three newly created lots.

In a report (June 16, 2022) from the Director, Community Planning, North York District, Community Planning Staff raised concerns with respect to the Applications and recommended that the Applications be refused. A copy of the Planning Report is attached. Planning Staff opined that the requested consent to sever fails to satisfy the consent criteria under Section 51(24) of the Planning Act and that the requested minor variance applications do not meet the four tests for minor variance under s. 45(1) of the Planning Act. In particular, Community Planning Staff opined that the Applications fail to respect and reinforce the character of the neighbourhood and that they do not satisfy the general intent and purpose of the Official Plan and Zoning By-law.

On June 23, 2022, the Committee of Adjustment issued decisions approving the Applications, subject to conditions. The Decisions are attached. This Motion will direct the City Solicitor to appeal the Decisions to the Toronto Local Appeal Body in order to oppose the Applications.

No hearing date has been scheduled as of the date of this Motion, however, a hearing will be scheduled shortly.

Background Information (City Council)

Member Motion MM47.21

Committee of Adjustment North York Panel Notice of Decisions on application for Minor Variance/Permission/Consent for 1 - 3 Talwood Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228648.pdf>)

(June 16, 2022) Report from the Director, Community Planning, North York District on 1 - 3 Talwood Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228649.pdf>)

(June 13, 2022) Memorandum from the Acting Supervisor, Tree Protection and Plan Review, North York District on 1 - 3 Talwood Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228650.pdf>)

(June 16, 2022) Memorandum from the Acting Supervisor - Tree Protection and Plan Review, Urban Forestry, North York District on 1-3 Talwood Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228635.pdf>)

(June 21, 2022) Memorandum from the Acting Supervisor, Tree Protection and Plan Review, North York District on 1-3 Talwood Drive

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228636.pdf>)