



Date: January 4, 2023  
To: Members of Etobicoke York Community Council  
From: Councillor Stephen Holyday  
Subject: 51 Westroyal Road – Request for City Solicitor to Attend at the Toronto Local Appeal Body

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I would like to request that the following item be added to the Etobicoke York Community Council Agenda.

### **SUMMARY:**

On November 10, 2022, the Committee of Adjustment (the "Committee") refused a Minor Variance application brought by the owner of 51 Westroyal Road for the following variances: floor space index, height of front and rear main walls, soffit height, rear deck floor height, and encroachment of rear deck platform into rear yard setback. A copy of the Committee's decision for the Minor Variance Application (the "Application") is attached. The Application proposes to construct a second storey addition above the existing dwelling and a new rear deck

In a report from the Director, Community Planning, Etobicoke York District, dated November 1, 2022, Planning opposed the Application. A copy of the Planning report is attached. Planning Staff opined that the Application does not satisfy the statutory test for Minor Variances under section 45 of the *Planning Act*. Planning Staff also opined that the requested variances are not in keeping with prevailing characteristics in the established neighbourhood.

On November 29, 2022, the owner appealed the Committee's decision to refuse the Application to the Toronto Local Appeal Body (the "TLAB"). This motion is urgent as TLAB has issued a notice of hearing for this matter; the deadline for the City to seek party status for this matter is February 2, 2023, and the hearing is scheduled to proceed on April 6, 2023.

### **RECOMMENDATION:**

That Etobicoke York Community Council recommend that:

1. That City Council authorize the City Solicitor to seek party status at the Toronto Local Appeal Body hearing, and to attend at the Toronto Local Appeal Body hearing with appropriate City Staff to support the Committee of Adjustment's decision to refuse the Minor Variance application requested in Application No. A0275/22EYK respecting 51 Westroyal Road.



2. That City Council authorize the City Solicitor to negotiate a resolution of the appeal of the decision in Application No. A0275/22EYK respecting 51 Westroyal Road, and authorize the City Solicitor to settle the matter on behalf of the City at her discretion after consultation with the Ward Councillor, the Director of Community Planning, Etobicoke York District.

Sincerely,

Stephen Holyday  
Councillor  
Ward 2, Etobicoke Centre

**BACKGROUND:**

Attachment 1: Notice of Decision of the Committee of Adjustment

Attachment 2: Community Planning Staff Report to the Committee of Adjustment