

City Council

Motion without Notice

MM3.15	ACTION			Ward: 11
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400 Euclid Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Dianne Saxe, seconded by Councillor Brad Bradford

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
** 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 has been deemed urgent by the Chair.*

Recommendations

Councillor Dianne Saxe, seconded by Councillor Brad Bradford, recommends that:

1. City Council authorize the City Solicitor to seek party status at the Toronto Local Appeal Body hearing, and if successful, to attend at the Toronto Local Appeal Body hearing with appropriate City staff to oppose the Committee of Adjustment's decision to refuse the variances requested in Application A0459/22TEY.
2. City Council authorize the City Solicitor to request that the Toronto Local Appeal Body authorize the requested variances be subject to any such conditions as may be deemed appropriate in the opinion of the City Solicitor, in consultation with Chief Planner and Executive Director, City Planning and any other relevant City divisions, to ensure minimal disruption to the existing tenants on the site.

Summary

In April, 2022, the Owner of 400 Euclid Avenue applied to the Committee of Adjustment for a variance application to legalize and maintain the existing two-storey semi-detached house which was converted into a total of twenty-two (22) units that were constructed without the benefit of a building permit, and to maintain the reconstructed front basement walkout. City staff originally believed that the twenty-one (21) of the twenty-two (22) units were dwelling rooms in a rooming house but have since confirmed by way of a site visit that the property currently consists of twenty-two (22) self-contained rental dwelling units that are not dwelling rooms. Through discussions with tenants, City staff were also informed that the property provides affordable housing to low-income individuals, hospitality workers, artists, seniors, and newcomers. City staff also observed that the property is in good condition and was recently renovated.

City Planning staff wrote a report to the Committee of Adjustment dated August 12, 2022 acknowledging that multi-tenant houses serve as an important part of the affordable rental housing market and provide single-room accommodation to diverse communities within the

City, and recommending a number of a conditions of approval should the Committee authorize the variance application.

On August 17, 2022, the Committee of Adjustment refused the variance application after which the Owner appealed to the Toronto Local Appeal Body. During the week of November 28, 2022, the Owner served summonses on City staff to compel them to give evidence at the Toronto Local Appeal Body hearing. Further, on November 29, 2022, City staff conducted a site visit of the property and confirmed that the property contained twenty-two (22) self-contained dwelling units. On December 19, 2022, as City staff were summonsed, the City Solicitor attended the Toronto Local Appeal Body Hearing Pre-Conference Hearing in an observation role.

The City understands that the applicant will remove the cooktop facilities from all units, except the dwelling unit at the rear of the property. Those units would then become dwelling rooms, not dwelling units, as defined under City-wide Zoning By-law 569-2013. Through further discussions with the applicant, it is City staff's understanding that the applicant proposes to establish a shared food preparation facility in an unoccupied unit in the building for access by the tenants of the dwelling rooms. The overall number of dwelling rooms to be legalized would be nineteen (19), not including the rooms in the dwelling unit. Matters related to other applicable law requirements such as those specified under the Building Code will be addressed through the building permit process, and the onus would be on the applicant to ensure that the plans submitted comply with applicable law.

Staff's priority is to minimize displacement of tenants of the existing building which currently provides affordable housing. In the circumstances, it is advisable that the City seek party status in the Toronto Local Appeal Body proceedings. The City Solicitor requires instructions to do so. The hearing in this matter scheduled for April 18, 20 and 21, 2023 which is to be a hearing on the merits of the variance application.

This Motion is urgent because the Toronto Local Appeal Body requires that the City seek party status, if at all, as soon as possible.

Background Information (City Council)

Member Motion MM3.16

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-234247.pdf>)