

City Council

Notice of Motion

MM8.6	ACTION			Ward: 15
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64 Mildenhall Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Jaye Robinson, seconded by Councillor Mike Colle

** 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

Councillor Jaye Robinson, seconded by Councillor Mike Colle, recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend the Toronto Local Appeal Body to uphold the Committee of Adjustment's refusal of the Application for 64 Mildenhall Road (Application A0141/23NY).
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding the Application for 64 Mildenhall Road (Application A0141/23NY), 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 the Director, Community Planning, North York District.

Summary

On April 27, 2023, the Committee of Adjustment (the "Committee") refused an application brought by the owner of 64 Mildenhall Road for a proposal to construct a new dwelling, and for which ten minor variances from City-wide Zoning By-law 569-2013 (the "Application") were sought. A copy of the Committee's decision on the Application is attached as Attachment 1.

On May 11, 2023, the owner appealed the Committee's decision to refuse the Application to the Toronto Local Appeal Body. A hearing has been scheduled for October 16, 2023. A copy of the Notice of Hearing issued by the Toronto Local Appeal Body is attached as Attachment 2.

This motion will authorize the City Solicitor, along with appropriate City Staff, to attend the Toronto Local Appeal Body to oppose the appeal. This motion will also give the City Solicitor authority to negotiate a settlement of the appeal and retain outside consultants as necessary.

In a report from the Director, Community Planning, North York District dated April 20, 2023, Community Planning Staff recommended that a modification to the proposed building length be made, which modification the applicant agreed to make, and that should the Committee approve the Application, it be made subject to two conditions. A copy of the Community Planning report is attached as Attachment 3.

Background Information (City Council)

Member Motion MM8.6

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 64 Mildenhall Road

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-238318.pdf>)

Notice of Hearing

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-238319.pdf>)

(April 20, 2023) Report from the Director, Community Planning, North York District, on 64 Mildenhall Road

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-238322.pdf>)