

**City Council****Motion without Notice**

<b>MM11.23</b>	<b>ACTION</b>			Ward: 3
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**19 Branch Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Amber Morley, seconded by Councillor Alejandra Bravo**

*\* 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 Etobicoke York Community Council. A two-thirds vote is required to waive referral.  
\* This Motion has been deemed urgent by the Chair.*

**Recommendations**

Councillor Amber Morley, seconded by Councillor Alejandra Bravo, recommends that:

1. City Council authorizes the City Solicitor to both appeal and attend the Toronto Local Appeal Body as a party, with appropriate City staff, in order to oppose the Committee of Adjustment's Decision regarding the proposed development at 19 Branch Avenue (Application A0288/23EYK).
2. City Council authorize the City Solicitor to attempt to negotiate a resolution and City Council authorize the City Solicitor to resolve the matter on behalf of the City, at the City Solicitor's discretion, after consultation with the Ward Councillor and the Director, Community Planning, Etobicoke York District.

**Summary**

Elizabeth Porritt (the "Applicant"), through her agent, Ambient Designs Ltd., applied to the Committee of Adjustment (Application Number A0288/23EYK) for variances to the City-wide Zoning By-law 569-2013 to permit the construction of a triplex (the "Application"). The proposed variances relate to lot frontage, lot area, side yard setback, front yard encroachment, building setback, and lot line.

The Application did not include a Rental Housing Declaration of Use and Screening Form, as should have been part of the submission. As a result, the City does not have confirmation that appropriate tenant assistance is provided in accordance with Policy 3.2.1.12. of the City of Toronto's Official Plan.

Community Planning did not submit a Staff Report for this matter.

At its hearing on August 31, 2023, the Etobicoke York District Panel of the Committee of Adjustment approved the Application, subject to two conditions (the "Decision"). A copy of the Notice of Decision of the Committee of Adjustment is attached.

In order to preserve the City's right of appeal, the City Solicitor appealed the Committee's Decision to the Toronto Local Appeal Body on September 19, 2023.

This Motion will give the City Solicitor retroactive authority to appeal the Decision to the Toronto Local Appeal Body. This Motion will also authorize the City Solicitor, and appropriate City Staff, to attend the Toronto Local Appeal Body in order to oppose the Decision. This Motion will also give the City Solicitor authority to negotiate a settlement of the appeal.

This matter is time sensitive and urgent as the City Solicitor has already appealed the Decision to the Toronto Local Appeal Body in order to preserve the City's statutory right and requires instructions to appeal and attend the hearing for this matter.

### **Background Information (City Council)**

Member Motion MM11.23

Attachment 1 - Notice of Decision of the Committee of Adjustment

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-239726.pdf>)