

City Council

Motion without Notice

MM12.19	ACTION			Ward: 6
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44 Exbury Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor James Pasternak, seconded by Councillor Mike Colle

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor James Pasternak, seconded by Councillor Mike Colle, recommends that:

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decision regarding 44 Exbury Road (Application B0013/23NY) and City Council direct the City Solicitor to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the consent requested in Application B0013/23NY regarding 44 Exbury Road.
2. City Council authorize the City Solicitor to negotiate a settlement of the appeal of the decision in Application B0013/23NY respecting 44 Exbury Road and City Council authorize the City Solicitor to settle the matter on behalf of the City at their discretion after consultation with the Ward Councillor and the Director of Community Planning, North York District.

Summary

This Motion will give the City Solicitor authority to appeal the Committee of Adjustment's decision approving the consent to sever application at 44 Exbury Road (Application B0013/23NY) (the "Application") and to attend the Toronto Local Appeal Body, along with appropriate City Staff, in order to oppose the Application.

The Application seeks a consent to sever the property at 44 Exbury Road into two undersized residential lots to construct a new semi-detached dwelling on each of the two newly-created lots.

In a report from the Director of Community Planning, North York District dated October 2, 2023, Community Planning Staff raised concerns with respect to the Application and recommended that the Application 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. In particular, Community Planning Staff opined that the Application fails to respect and reinforce the character of the neighbourhood.

On October 12, 2023, the Committee of Adjustment issued a decision approving the Application, subject to 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 of Adjustment's Decision to the Toronto Local Appeal Body on November 6, 2023.

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 MM12.19

Committee of Adjustment North York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 44 Exbury Road

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-240631.pdf>)

(October 2, 2023) Report from the Director, Community Planning, North York District on 44 Exbury Road

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-240632.pdf>)