

City Council

Notice of Motion

MM13.15	ACTION			Ward: 2
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413 The Kingsway - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Stephen Holyday, seconded by Councillor Vincent Crisanti

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke 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 Stephen Holyday, seconded by Councillor Vincent Crisanti, recommends that:

1. City Council direct the City Solicitor to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the Appeal regarding 413 The Kingsway (Application A0328/23EYK).
2. City Council authorize the City Solicitor to attempt negotiate a resolution of the Appeal for 413 The Kingsway (Application A0328/23EYK) and City Council authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor and the Director of Community Planning, Etobicoke York District.

Summary

The applicant applied to the Committee of Adjustment requesting a variance from City-wide Zoning By-law 569-2013 related to the maximum permitted height of an ancillary building or structure (Application Number A0328/23EYK) (the Application).

The Application seeks to legalize and maintain an addition at the top of an existing cabana in the rear yard.

On October 26, 2023, the Etobicoke York District Panel of the Committee of Adjustment refused the Application (Decision in Attachment 1). The applicant has appealed the refusal to the Toronto Local Appeal Body (the Appeal).

In a report from the Director of Community Planning, Etobicoke York District dated September 28, 2023, Community Planning Staff raised concerns and recommended that the Application be refused (Staff Report in Attachment 2). Planning Staff opined that the Application does not meet the four tests for a minor variance under Section 45(1) of the Planning Act. In particular, Community Planning Staff opined that the prevailing height of ancillary structures in the neighbourhood is the as-of-right zoning condition and that the Application fails to respect and reinforce the character of the neighbourhood.

This Motion will authorize and direct the City Solicitor to attend the Toronto Local Appeal Body, along with appropriate City staff, in order to oppose the Appeal. This Motion will also authorize the City Solicitor to resolve the matter on behalf of the City in her discretion.

Background Information (City Council)

Member Motion MM13.15

Attachment 1 - Notice of Decision of the Committee of Adjustment (Application A0328/23EYK)

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-241441.pdf>)

Attachment 2 - Planning Staff Report dated September 28, 2023

(<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-241442.pdf>)