

133 Summerhill Avenue – Toronto Local Appeal Body Hearing – Request for Directions

Date: August 26, 2024

To: City Council

From: City Solicitor

Wards: Ward 11 - University Rosedale

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City of one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The applicant applied to the Committee of Adjustment requesting variances from City-wide Zoning By-law 569-2013 related to minimum rear yard soft landscaping, the minimum distance between main walls of a townhouse and maximum floor space index (Application Number A0132/24TEY) (the "Application").

The Application seeks to alter the existing two-and-one-half-storey townhouse dwelling by constructing a rear three-story addition with rear ground-level stairs, and to legalize and maintain the existing rear stone patio.

On July 23, 2024, the Toronto and East York of the Committee of Adjustment refused the Application (Decision in Public Attachment 1). The applicant has appealed the refusal to the Toronto Local Appeal Body (the "TLAB").

The TLAB has issued a notice of hearing for this matter; the deadline to seek party status for this matter is September 9, 2024, the deadline for expert witness statements is October 7, 2024, and the hearing is scheduled to proceed on November 13, 2024.

Direction from City Council is required on this matter.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

In a report to the Committee of Adjustment from the Director of Community Planning, Toronto and East York District dated July 10, 2024, Community Planning staff recommended refusal of the variance related to the rear yard soft landscaping as this variance does not meet the four tests for a minor variance under Section 45(1) of the *Planning Act*. (Report from Planning Staff to the Committee of Adjustment in Public Attachment 2).

The City Solicitor requires directions for the upcoming TLAB hearing. Given imminent procedural filing dates, this matter is urgent and cannot be deferred.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Notice of Decision of the Committee of Adjustment (Application A0132/24TEY), dated July 23, 2024
2. Public Attachment 2 - Report from City Planning staff to the Committee of Adjustment, dated July 10, 2024
3. Confidential Attachment 1 - Confidential Information