



Date: February 26, 2024
To: Members of Etobicoke York Community Council
From: Councillor Stephen Holyday
Subject: 8 Yorkleigh Avenue Request for City Solicitor to Report to City Council and Preserve Appeal Rights

I would like to request that the following item be added to the Etobicoke York Community Council Agenda.

SUMMARY:

On February 8, 2024, the Committee of Adjustment (the "Committee") approved applications brought by the owner of 8 Yorkleigh Avenue for a proposal to sever the lot and construct a new dwelling on each of the new lots, and for three minor variances from City-wide Zoning By-law 569-2013 in respect of one of the new lots (the "Application"). A copy of the Committee's decision on the Application is attached as Attachment 1.

Applications for a similar proposal were brought by the owner on two previous occasions. The first proposal was heard by the Committee on August 13, 2020 and was refused. A copy of the Committee's decisions in respect of the first proposal is attached as Attachment 2.

The second proposal was heard by the Committee on July 13, 2021 and was approved. However, a neighbourhood resident appealed the Committee's approval to the TLAB and the TLAB subsequently refused the associated applications in a decision issued on August 19, 2022. A copy of the TLAB decision is attached as Attachment 3.

The owner subsequently appealed the TLAB's decision to the Ontario Divisional Court. In a decision issued on February 16, 2023, the Divisional Court upheld the TLAB decision. The Divisional Court's decision is attached as Attachment 4.

It should be noted that on June 4, 2021, City Planning produced a report for consideration at Etobicoke York Community Council that surveyed options for protecting "Estate Lots" in Etobicoke Neighbourhoods. This report is attached as Attachment 5.

This motion will direct the City Solicitor to report directly to the March 20, 2024 City Council regarding the history, information, circumstances, analysis, and options to Council on the Committee's recent decision to grant a severance in respect of 8 Yorkleigh Avenue.

This motion will also give the City Solicitor authority to take the necessary steps to preserve Council's right of appeal to the TLAB concerning the Committee's recent decision to grant a severance in respect of 8 Yorkleigh Avenue until such time Council may consider the options.

RECOMMENDATIONS:

1. Etobicoke York Community Council request the Solicitor to report directly to the March 20, 2024 City Council regarding the history, information, circumstances, analysis, and options to Council on the recent Committee of Adjustment decision to grant a severance of 8 Yorkleigh Avenue.

2. Etobicoke York Community Council recommend that City Council authorize the City Solicitor to take the necessary steps to preserve Council's right of appeal to the TLAB concerning the 8 Yorkleigh Avenue Committee of Adjustment Decision until such time Council may consider the options.

BACKGROUND:

Attachment 1: Notices of Decisions of the Committee regarding Applications B0043/23EYK and A0423/23EYK, dated February 8, 2024

Attachment 2: Notices of Decisions of the Committee, dated August 13, 2020

Attachment 3: TLAB Decision dated August 19, 2022

Attachment 4: Divisional Court decision dated February 16, 2023

Attachment 5: City Planning Report, "Estate Lots in Etobicoke Neighbourhoods" dated June 4, 2021

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'S. Holyday', written over a horizontal line.

Councillor Stephen Holyday
Councillor Ward 2, Etobicoke Centre