

## City Council

### Motion without Notice

MM19.29	ACTION			Ward: 14
---------	--------	--	--	----------

### **17 Boothroyd Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Paula Fletcher, seconded by Councillor Amber Morley**

*\* 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 Toronto and East York Community Council. A two-thirds vote is required to waive referral.  
\* This Motion relates to a Toronto Local Appeal Body and has been deemed urgent.*

#### **Recommendations**

Councillor Paula Fletcher, seconded by Councillor Amber Morley, recommends that:

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decisions regarding 17 Boothroyd Avenue (Applications A1008/23TEY, A1009/23TEY and B0070/23TEY) and to attend the Toronto Local Appeal Body, with appropriate City staff, to oppose the minor variances and consent requested in Applications A1008/23TEY, A1009/23TEY and B0070/23TEY regarding 17 Boothroyd Avenue.
2. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding Applications A1008/23TEY, A1009/23TEY and B0070/23TEY respecting 17 Boothroyd Avenue 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, Toronto and East York District.

#### **Summary**

The applicant applied to the Committee of Adjustment to obtain consent to sever the property into two undersized residential lots (Application B0070/23TEY) and to request variances from City-wide Zoning By-law 569-2013 with respect to minimum front lot lines (Applications A1008/23TEY and A1009/23TEY) to construct new three-storey detached dwellings on each of the proposed lots (the “Applications”).

The Toronto Local Appeal Body previously approved a 2020 Committee of Adjustment application (File 20 212449 STE 14 MV) for the property for variances relating to parking spaces, depth, floor space index, and landscaping to convert the existing two-storey detached triplex into a six-unit apartment building.

On May 15, 2024, the Toronto and East York District Panel of the Committee of Adjustment considered and approved new Applications, subject to conditions (the “Decisions”). A copy of the Notices of Decision of the Committee of Adjustment for the Applications is attached.

In a report from the Director, Community Planning, Toronto and East York District dated May 7, 2024, Community Planning Staff raised concerns with respect to the new Applications and recommended that the new Applications be refused. Planning Staff raised concerns that the front lot lines are not sufficient widths for the proposed severance and are not consistent with the existing front lot lines in the surrounding context. Planning Staff also noted that the proposed front lot lines will not allow for adequate access to the northern lot. Planning Staff opined that the requested variances fail to meet the intent of the Zoning By-law and the Official Plan, are not minor in nature, and are not desirable for the appropriate development or use of the land. A copy of the Planning Report is attached.

Planning did not oppose the 2020 application to convert the existing two-storey detached triplex into a six-unit apartment building.

There are also concerns that the Applications would result in the demolition of existing rental units on the property and accordingly appropriate tenant assistance should be provided in accordance with Policy 3.2.1.12 of the City of Toronto's Official Plan.

In order to preserve the City's right of appeal, the City Solicitor appealed the Committee of Adjustment's Decisions to the Toronto Local Appeal Body on June 3, 2024.

This Motion will give the City Solicitor authority to appeal the Committee of Adjustment's Decisions respecting 17 Boothroyd Avenue and to attend the Toronto Local Appeal Body, along with appropriate City Staff, in order to oppose the Applications. This Motion will also give the City Solicitor authority 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, Toronto and East York District.

This matter is time sensitive and urgent as the City Solicitor has already appealed the Decisions 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 MM19.29

Attachment 1 - Notices of Decision of the Committee of Adjustment (Application Nos. A1008/23TEY, A1009/23TEY and B0070/23TEY)

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-246903.pdf>)

Attachment 2: Planning Staff Report dated May 7, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-246904.pdf>)