

City Council

Motion Without Notice

MM19.34	ACTION			Ward: 11
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222 Rosedale Heights Drive - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Dianne Saxe, seconded by Councillor Alejandra Bravo

** 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 Dianne Saxe, seconded by Councillor Alejandra Bravo, recommends that:

1. That City Council direct the City Solicitor to appeal the Committee of Adjustment's decision regarding 222 Rosedale Heights Drive (Application A0257/24TEY) and to attend the Toronto Local Appeal Body to oppose the development proposed in application A0257/24TEY.
2. That City Council authorize the City Solicitor to retain outside consultants as necessary.
3. That City Council authorize the City Solicitor to negotiate a settlement of the appeal, and that the City Solicitor be authorized to resolve the matter on behalf of the City, in the City Solicitor's discretion, after consulting with the Ward Councillor and the Director of Community Planning, Toronto and East York District.

Summary

This Motion will give the City Solicitor authority to appeal the Committee of Adjustment's decision approving the minor variance application at 222 Rosedale Heights Drive (A0257/24TEY); to attend the Toronto Local Appeal Body to oppose the development proposed in Application A0257/24TEY; to retain outside consultants as necessary; and to negotiate a settlement of the appeal.

On June 11, 2024, the Committee of Adjustment approved an application brought by the agent of the owner of 222 Rosedale Heights Drive for a proposal to alter the existing two-storey detached dwelling on the site, and for which three minor variances from City-wide Zoning By-law 569-2013 were sought. A copy of the Committee of Adjustment's decision on this application is attached as Attachment 1.

The proposed development at 222 Rosedale Heights Drive contemplates encroachment into the minimum Tree Protection Zone of a mature private tree located on a neighbouring property, 11 Harper Avenue, and which is in very close proximity to another neighbouring property, 15 Harper Avenue. The proposed development's extension of the two-storey addition may also

result in impacts to the tree's crown. The cumulative effects of these impacts to the tree may result in the death of the tree.

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 June 25, 2024.

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 of appeal. Thus, the City Solicitor requires instructions to appeal and to attend the hearing for this matter.

Background Information (City Council)

Member Motion MM19.34

Attachment 1 - Notice of Decision of the Committee regarding Application A0257/24TEY, dated June 11, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-247180.pdf>)