

City Council

Motion without Notice

MM22.25	ACTION			Ward: 18
---------	--------	--	--	----------

86 Harlandale Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Lily Cheng, seconded by Councillor James Pasternak

** 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 Lily Cheng, seconded by Councillor James Pasternak, recommends that:

1. City Council direct the City Solicitor to seek party status at the Toronto Local Appeal Body, and to attend the Toronto Local Appeal Body hearing, with appropriate City staff, in order to support the Committee of Adjustment's decision to refuse Consent to Sever application and the associated Minor Variance applications requested in Application B0019/24NY, A0236/24NY and A0237/24NY respecting 86 Harlandale Avenue.
2. City Council authorize the City Solicitor to attempt negotiate a resolution of the appeal of the decision in Application B0019/24NY, A0236/24NY and A0237/24NY respecting 86 Harlandale 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 of Community Planning, North York District.

Summary

The applicant applied to the Committee of Adjustment to obtain consent to sever the property municipally addressed as 86 Harlandale Avenue into two residential lots (Application B0019/24NY) and to request variances from the City-wide Zoning By-law 569-2013 with respect to minimum front lot lines (Application A0236/24NY and A0237/24NY) to construct a new dwelling on each of the newly created lots (the "Applications").

In August 1, 2024, the North York District Panel of the Committee of Adjustment refused the Applications (Decisions in Attachments 1, 2 and 3). The applicant has appealed the refusal to the Toronto Local Appeal Body (the "Appeal").

In a report from the Director of Community Planning, North York District dated July 24, 2024, Community Planning Staff recommended refusal of the application for consent and the associated minor variances (Staff Report in Attachment 4). Planning Staff opined that the application for consent to sever fails to satisfy the consent criteria under Section 51(24) of the Planning Act and that the requested minor variance applications do not meet the four tests for a minor variance under Section 45(1) of the Planning Act.

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.

This motion is urgent as the Toronto Local Appeal Body has issued a notice of hearing for this matter; the deadline for the City to seek party status for this matter is October 17, 2024, the deadline for expert witness statements is November 18, 2024, and the hearing is scheduled to proceed on January 9, 2025.

Background Information (City Council)

Member Motion MM22.25

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249390.pdf>)

Attachment 1 - Notice of Decision of the Committee of Adjustment (Application No. B0019/24NY)

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249322.pdf>)

Attachment 2 - Notice of Decision of the Committee of Adjustment (Application No. A0236/24NY)

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249323.pdf>)

Attachment 3 - Notice of Decision of the Committee of Adjustment (Application No. A0237/24NY)

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249324.pdf>)

Attachment 4 - Planning Staff Report dated July 24, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-249325.pdf>)