

City Council

Notice of Motion

MM23.16	ACTION			Ward: 11
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171 Pendrith Street - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Dianne Saxe, seconded by Councilor Parthi Kandavel

** Notice of this Motion has been given.*

** 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 Hearing and has been deemed urgent.*

Recommendations

Councillor Dianne Saxe, seconded by Councillor Parthi Kandavel, recommends that:

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decision regarding 171 Pendrith Street (Application A0475/23TEY) and to attend the Toronto Local Appeal Body to oppose the development proposed in application A0475/23TEY.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. 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 171 Pendrith Street (A0475/23TEY); to attend the Toronto Local Appeal Body to oppose the development proposed in application A0475/23TEY; to retain outside consultants as necessary; and to negotiate a settlement of the appeal.

On October 2, 2024, the Committee of Adjustment approved an application brought by the agent of the owner of 171 Pendrith Street for a proposal to construct a new three-storey detached dwelling on the site, with an internal garage, a covered front porch with stairs, a rear ground floor deck, and a rear walkout basement. To facilitate this application, four 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 City's primary issue with the Application is that the front yard land scaping is inadequate as the Application reduces the minimum 75% (9.56 square metres) of the required front yard landscaped open space down to 41.8% (5.33 square metres). The second issue with the

Application is that may result in the death of a mature City owned tree located in close proximity to the subject site.

In order for the City to continue to effectively assess and call its case, the City Solicitor requires the expertise of an external consultants to advise on the applicant's proposed plan, and to potentially make recommendations respecting a solution.

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 October 22, 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 MM23.16

Attachment 1 - Notice of Decision of the Committee regarding Application A0475/23TEY, dated October 2, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-250064.pdf>)