

## City Council

### Notice of Motion

MM23.12	ACTION			Ward: 20
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### **16 Martindale Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Parthi Kandavel, seconded by Councillor Dianne Saxe**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Scarborough 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 Parthi Kandavel, seconded by Councillor Dianne Saxe, recommends that:

1. City Council authorize the City Solicitor to attend the Toronto Local Appeal Body to uphold the Committee of Adjustment's refusal of Application A0174/22SC, respecting 16 Martindale Road.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to attempt to negotiate a resolution regarding Application A0174/22SC respecting 16 Martindale Road, and to resolve the matter on behalf of the City, in the City Solicitor's discretion, after consulting with the Ward Councillor and the Director, Scarborough District Community Planning.

### **Summary**

On September 18, 2024, the Committee of Adjustment (the "Committee") refused Application A0174/22SC brought by the owner of 16 Martindale Road for six variances to City of Toronto Zoning By-law 569-2013 to demolish the existing dwelling and to construct a new two-storey detached dwelling (the "Decision"). A copy of the Decision is attached as Attachment 1. In the Decision, the Committee decided to refuse Application A0174/22SC (the "Application") finding that the proposed variances do not maintain the general intent and purpose of the Official Plan and Zoning By-Law, are not considered desirable for the appropriate development of the land and are not minor.

On October 2, 2024, the owner appealed the Committee's Decision to the Toronto Local Appeal Body (the "Appeal").

The Application presents outstanding concerns relating, but not limited to, the proposed floor space area, building height, building length, building depth and rear yard setback.

The Toronto Local Appeal Body hearing has been scheduled for January 28, 2025. The Notice of Hearing is attached as Attachment 2. The deadline for the City to file for party status is November 25, 2024 – as such this Motion is urgent.

This Motion will give the City Solicitor authority to attend at the Toronto Local Appeal Body to oppose the Appeal. The Motion also authorizes the City Solicitor to negotiate a settlement of the Appeal and retain outside consultants as necessary.

### **Background Information (City Council)**

Member Motion MM23.12

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-250069.pdf>)

Attachment 1 - Notice of Decision of the Committee of Adjustment regarding Application No. A0174/22SC dated September 18, 2024

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-250070.pdf>)

Attachment 2 - Notice of Hearing at the Toronto Local Appeal Body

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-250071.pdf>)