

City Council

Motion without Notice

MM29.10	ACTION			Ward: 18
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164 Homewood Avenue - Request for the City Solicitor to Appeal the Committee of Adjustment Decision and Attend at the Toronto Local Appeal Body - by Councillor Lily Cheng, seconded by Councillor James Pasternak

** 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 North York Community Council. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

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

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decision pertaining to 164 Homewood Avenue (Application A0076/25NY) and to attend the Toronto Local Appeal Body.
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 of the decision in Application A0076/25NY respecting 164 Homewood Avenue and authorize the City Solicitor to settle the matter on behalf of the City at their discretion after consultation with the Ward Councillor and the Director of Community Planning, North York District.

Summary

This Motion will give the City Solicitor authority to appeal the Committee of Adjustment's decision approving the minor variance application for 164 Homewood Avenue (Application A0076/25NY) and to attend the Toronto Local Appeal Body to oppose the Application.

The Applicant is the owner of the lands municipally known as 164 Homewood Avenue in the City of Toronto. On February 20, 2025, the Applicant applied to the Committee for variances to City-wide Zoning By-law 569-2013, seeking increases to the maximum permitted building height and maximum lot coverage to construct a new three-storey fourplex with below-grade parking spaces and an as of right garden suite with residential dwelling.

The proposed dwelling proposes a 34.8 percent lot coverage whereas the permitted lot coverage is 30 percent and a 10.65m building height whereas the permitted height is 10m, posing massing and coverage issues disproportionate to the neighbourhood.

Community Planning did not submit a Staff Report on this matter.

On April 11, 2025, the Committee issued a decision approving the Application, subject to conditions. A copy of the Notice of Decision of the Committee of Adjustment is attached as Attachment 1.

In order 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 April 17, 2025.

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 and requires instructions to appeal and attend the hearing for this matter.

Background Information (City Council)

Member Motion MM29.10

Attachment 1 - Notice of Decision of the Committee of Adjustment dated April 11, 2025

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-254785.pdf>)