

City Council

Motion without Notice

MM30.39	ACTION			Ward: 1
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114 Restever Gate - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Vincent Crisanti, seconded by Councillor Frances Nunziata

** 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 Vincent Crisanti, seconded by Councillor Frances Nunziata, recommends that:

1. City Council direct the City Solicitor to appeal the Committee of Adjustment's decision regarding 14 Restever Gate (Application A0130/25EYK) and to attend the Toronto Local Appeal Body with appropriate City Staff, in order to oppose the development proposed in application A0130/25EYK.
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 of the appeal regarding 14 Restever Gate (Application A0130/25EYK), 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, Etobicoke York District.

Summary

This motion will give the City Solicitor the authority to appeal the Committee of Adjustment's decision approving the minor variance application at 114 Restever Gate (Application A0130/25EYK); to attend the Toronto Local Appeal Body to oppose the development in the Application; to retain outside consultants as necessary; and to negotiate a resolution of the appeal.

On March 5, 2025, the Applicant applied to the Committee for variances to the City-wide Zoning By-law 569-2013. The Application sought approval to construct a new detached fourplex, requesting a height of 10.33m with a parking space located in the front yard and a platform that encroaches 3.22m into the required rear yard setback.

In a report from Tree Protection and Plan Review staff dated April 9, 2025, Environment, Climate and Forestry staff recommended refusal of the Application (the Staff Report is attached as Attachment 1). Environment, Climate and Forestry staff noted that approval of the requested variances may result in construction that requires the removal of healthy by-law protected trees.

On May 1, 2025, the Etobicoke York District Panel of the Committee of Adjustment approved the Application, subject to two conditions. A copy of the Notice of Decision of the Committee of Adjustment is attached as Attachment 2.

This matter is time sensitive and urgent as the City Solicitor has appealed the Decision to the Toronto Local Appeal Body in order to preserve the City's statutory rights and requires instruction to appeal and attend the hearing for this matter.

Background Information (City Council)

Member Motion MM30.39

Attachment 1 - Environment, Climate and Forestry Staff Report dated April 9, 2025

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-255649.pdf>)

Attachment 2 - Notice of Decision of the Committee of Adjustment regarding Application A0130/25EYK dated May 1, 2025

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-255650.pdf>)