

City Council

Motion without Notice

MM32.42	ACTION			Ward: 22
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42 Donalda Crescent - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Nick Mantas, seconded by Councillor Paul Ainslie

** 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 Nick Mantas, seconded by Councillor Paul Ainslie, recommends that:

1. City Council authorize the City Solicitor to attend the Toronto Local Appeal Body to appeal the Committee of Adjustment's decisions regarding 42 Donalda Crescent (Application No. A0109/25SC) and to attend the Toronto Local Appeal Body with appropriate City Staff, in order to oppose the development proposed in application A0109/25SC.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to negotiate a resolution regarding 42 Donalda Crescent (Application No. A0109/25SC) and authorize the City Solicitor to resolve the matter on behalf of the City, at their discretion, after consultation with the Ward Councillor and the Director of Community Planning, Scarborough 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 42 Donalda Crescent (Application No. A0109/25SC) (the "Application"); to attend the Toronto Local Appeal Body to oppose the development of the Application; to retain outside consultants as necessary; and to negotiate a settlement of the appeal.

The applicant applied to the Committee of Adjustment, Scarborough District (the "Committee") requesting variances from City-wide Zoning By-law 569-2013 relating to the height and lot coverage of an ancillary building containing a garden suite in order to construct a new one-storey rear yard garden suite.

In a report from the Director of Community Planning, Scarborough District dated July 2, 2025, Community Planning staff recommended approval of the Application subject to conditions (the Staff Report is attached as Attachment 1). Urban Forestry provided a report dated July 2, 2025 with one condition (the Urban Forestry Memorandum is attached as Attachment 2).

On July 15, 2025, the Committee approved the Application (the “Decision”) subject to conditions. A copy of the Notice of Decision of the Committee of Adjustment is attached as Attachment 3. The City will be imminently appealing the Committee’s decision to the Toronto Local Appeal Body.

This motion will give the City Solicitor authority to attend the Toronto Local Appeal Body, with appropriate City Staff, in order appeal of the Committee of Adjustment’s decision to approve the minor variance application at 42 Donalda Crescent and to retain outside consultants as necessary. This motion will also 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, Scarborough District.

This matter is time sensitive and urgent as the City Solicitor requires instructions to appeal and to subsequently attend the Toronto Local Appeal Body hearing which can be scheduled at any time.

Background Information (City Council)

Member Motion MM32.42

Attachment 1 - Community Planning Staff Report dated July 2, 2025

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-257618.pdf>)

Attachment 2 - Urban Forestry Memorandum dated July 2, 2025

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-257619.pdf>)

Attachment 3 - Notice of Decision of the Committee of Adjustment regarding Application No. A0109/25SC dated July 15, 2025

(<https://www.toronto.ca/legdocs/mmis/2025/mm/bgrd/backgroundfile-257620.pdf>)