



NOTICE OF MOTION

369 Cummer Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body

Moved by: Councillor Lily Cheng

Seconded by: Councillor James Pasternak

SUMMARY:

The applicant applied to the Committee of Adjustment requesting consent to sever the subject lands into two (2) residential lots, and submitted two (2) related minor variance applications (the “Applications”) requesting relief from City-wide Zoning By-law 569-2013 in order to allow the construction of a new dwelling and garden suite on each new lot (Application Numbers B0034/24NY, A0435/24NY and A0436/24NY). Each new lot would contain three (3) dwelling units and require variances to the lot frontage and area.

On October 23, 2025, the North York District Panel of the Committee of Adjustment refused the Applications (Decisions in Attachment 1). The applicant has appealed the refusals to the Toronto Local Appeal Body (the “Appeal”).

In its report dated May 5, 2025, City Planning Staff opined that the consent application failed to satisfy the consent criteria under s. 51(24) and that the minor variances do not meet the four tests under s. 45(1) of the Planning Act. As a result, City Planning Staff recommended that the Applications be refused (Staff Report in Attachment 2).

This motion will authorize and direct the City Solicitor to attend the Toronto Local Appeal Body, along with appropriate City staff, in order to oppose the Appeal. This Motion will also authorize the City Solicitor to resolve the matter on behalf of the City in her discretion.

This motion is time sensitive and urgent as the City Solicitor requires instructions to obtain party status in the Appeal and subsequently attend the hearing in opposition to the Appeal.

RECOMMENDATIONS:

1. City Council direct the City Solicitor to seek party status at the Toronto Local Appeal Body, and to attend the Toronto Local Appeal Body hearing, with appropriate City staff, in order to support the Committee of Adjustment's decision to refuse Applications nos. B0034/24NY; A0435/24NY and A0436/24NY, respecting 369 Cummer Avenue.

2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the Appeal of the decision in Application (Application nos. B0034/24NY; A0435/24NY and A0436/24NY, respecting 369 Cummer Avenue and to resolve the matter on behalf of the City at the City Solicitor's discretion in consultation with the Ward Councillor and the Director of Community Planning, North York District.

ATTACHMENTS:

Attachment 1: Notices of Decision of the Committee of Adjustment dated October 23, 2025

Attachment 2: Planning Staff Report dated May 5, 2025

Date: November 18, 2025