



MOTION WITH NOTICE

35 Elder Avenue – Request for City Solicitor to Attend at the Toronto Local Appeal Body

Moved by: Councillor Morley

Seconded by: Councillor Fletcher

RECOMMENDATIONS:

1. City Council authorize the City Solicitor to appear before the Toronto Local Appeal Body in opposition to the owner's appeal from the Committee of Adjustment's refusal of the Applications A0103/25EYK, A0104/25EYK, B0010/25EYK in respect of the property municipally known as 35 Elder Avenue (the "**Appeal**").
2. City Council authorize the City Solicitor to resolve the Appeal and settle the matter on behalf of the City at their discretion in consultation with the Ward Councillor and Development Review.

SUMMARY:

The Applicant applied to the Committee of Adjustment to obtain a consent to sever the property municipally known as 35 Elder Avenue into two residential lots (Application No. B0010/25EYK), and to request variances from City-wide Zoning By-law 569-2013 (Application Nos. A0103/25EYK and A0104/25EYK) to construct a new dwelling and garden suite on each of the newly created lots (the "**Applications**"). The Applications required variances to By-law 569-2013, including lot frontage, lot area, and number of dwelling units.

On November 20, 2025, the Etobicoke York District Panel of the Committee of Adjustment refused the Applications. Copies of the Committee's decisions are attached as **Attachment 1**. The Applicant has appealed the refusal to the Toronto Local Appeal Body (the "**Appeal**").

On February 18, 2026, the Applicant filed revised plans with the Toronto Local Appeal Body. These plans removed the proposed garden suites on each of the lots and made no changes to the proposed dwellings.

This Motion will authorize the City Solicitor to attend the Toronto Local Appeal Body to oppose the Appeal and to resolve the matter on behalf of the City in their discretion.

This matter is time-sensitive and urgent as a hearing has been scheduled and the City has filed for Party status to preserve its rights.

ATTACHMENTS:

Attachment 1: Notices of Decision of the Committee of Adjustment regarding 35 Elder Avenue, Application Nos. A0103/25EYK, A0104/25EYK, B0010/25EYK, dated November 20, 2025.

Date: March 18, 2026