



MOTION WITHOUT NOTICE

9 Hertford Avenue - Request for City Solicitor to Attend at the Toronto Local Appeal Body

Moved by: Councillor Frances Nunziata

Seconded by: Councillor Paula Fletcher

SUMMARY:

This motion will authorize the City Solicitor to appear before the Toronto Local Appeal Body (“TLAB”), with appropriate City Staff, to oppose the appeal of the Committee of Adjustment’s refusal of the minor variance and consent applications for the property municipally known as 9 Hertford Avenue (Application No. B0008/26EYK, A0047/26EYK and A0048/26EYK) (the “Applications”). This motion will also authorize the City Solicitor to retain external consultants, as required, and 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.

The Applicant applied to the Etobicoke York District Committee of Adjustment (the “Committee”) proposing the severance of an existing lot into two undersized lots and the development of two semi-detached fourplexes with rear-yard garden suites, along with a pedestrian access easement. It further sought multiple minor variances from City-wide Zoning By-law 569-2013, including relief related to lot frontage, front and side yard setbacks, building height, garden suite height and setbacks, and the minimum separation distance between principal and ancillary structures.

On April 15, 2026, Community Planning Staff provided a report to the Committee recommending approval of the Applications subject to conditions (Attachment 1).

On April 16, 2026, Urban Forestry Staff provided advisory comments to the Committee recommending deferral and refusal of the Applications due to impacts on by-law protected tree(s), as detailed in the attached memorandum (Attachment 2).

On April 23, 2026, the Committee of Adjustment refused the Applications (the “Decision”). The Notice of Decision is attached as Attachment 3.

On May 16, 2026, the Applicant appealed the Committee’s Decision to the TLAB.

The proposed development represents a significant overdevelopment of the site, is not compatible with the existing neighbourhood, and is not functional.

This motion is required to authorize the City Solicitor to attend the TLAB to oppose the appeal of the Committee’s Decision. This matter is time-sensitive, as the City Solicitor requires instructions to secure party status and prepare for a hearing that may be scheduled at any time.

RECOMMENDATIONS:

1. City Council direct the City Solicitor to seek party status at the Toronto Local Appeal Body and attend the hearing regarding 9 Hertford Avenue (Application No. B0008/26EYK), with appropriate City staff, to oppose the appeal of the Committee of Adjustment's Decision.
2. City Council authorize the City Solicitor to retain outside consultants as necessary.
3. City Council authorize the City Solicitor to negotiate a resolution and, if appropriate, resolve the matter on behalf of the City, in consultation with the Ward Councillor and the Director of Community Planning, Etobicoke York District.

ATTACHMENTS:

- Attachment 1: Community Planning Staff Report dated April 15, 2026
- Attachment 2: Urban Forestry Report dated April 16, 2026
- Attachment 3: Notice of Decision of the Committee of Adjustment dated April 23, 2026

May 20, 2026