



## **MOTION WITHOUT NOTICE**

### **537 Kennedy Road - Request for City Solicitor to Attend at the Toronto Local Appeal Body**

**Moved by: Councillor Parthi Kandavel**

**Seconded by: Councillor Anthony Perruzza**

#### **SUMMARY:**

The owner of the lands municipally known as 537 Kennedy Road (the “Applicant”), applied to the Committee of Adjustment requesting variances to legalize an existing structure for use as a garden suite. The structure, constructed without building permits in 2014, requires multiple variances related to massing and placement. An application for this structure was first received in 2021. The Applicant subsequently submitted several revisions to the application and hearings related to the application scheduled for December 2021 and April 2024 were deferred upon the Applicant’s request.

On February 17, 2026, the Applicant submitted a further revised application (the “Application”). The Application requires variances to City-wide Zoning By-law No. 569-2013, including but not limited to minimum required side yard setback, maximum permitted height and maximum gross floor area. On April 14, 2026, the Scarborough District Panel of the Committee of Adjustment refused the requested variances (the “Decision”) (Decision in Attachment 1).

In its report dated March 31, 2026, Community Planning Staff noted that there were concerns with the Application, in particular, there is concern regarding the size and scale of the current garage structure/proposed garden suite relative to both the dimensions of the subject property, as well as the smaller primary residential dwelling on the lot. Community Planning Staff concluded that the proposed garden suite variances do not meet the intent of the City-wide garden suite framework and recommended refusal of the Application (Staff Report in Attachment 2).

This motion will give the City Solicitor authority to attend before the Toronto Local Appeal Body, with appropriate City Staff, in support of the Committee of Adjustment’s decision to refuse the minor variance application. 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.

#### **Reason for Urgency:**

This matter is time sensitive and urgent as the Applicant has appealed the Decision to the Toronto Local Appeal Body and a hearing will be imminently scheduled. The City Solicitor requires instruction to obtain party status and subsequently attend the hearing.

## **RECOMMENDATIONS:**

1. City Council direct the City Solicitor to seek party status and to attend the Toronto Local Appeal Body hearing regarding 537 Kennedy Road (Application No. A0348/21SC) with appropriate City Staff, to uphold the Committee of Adjustment's decision to refuse the development proposed in application No. A0348/21SC.
2. City Council authorize the City Solicitor to negotiate a resolution regarding 537 Kennedy Road (Application No. A0348/21SC) 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.

## **ATTACHMENTS:**

Attachment 1: Notice of Decision of the Committee of Adjustment

Attachment 2: March 31, 2026 Staff Report to the Committee of Adjustment

Date: June 19, 2026