

MOTION WITH NOTICE

Re-opening and Amending of Item 2026.MM42.49 - 447 Horsham Avenue - Request for City Solicitor to Withdraw Appeal from Toronto Local Appeal Body

Moved by: Councillor Lily Cheng

Seconded by: Councillor James Pasternak

RECOMMENDATIONS:

1. City Council amend its previous decision on Item 2026.MM42.49 by replacing it in its entirety with the following:
 1. City Council authorize the City Solicitor to withdraw the City's appeal of the Committee of Adjustment's approval of the Application A0156/26NY in respect of the property municipally known as 447 Horsham Avenue from the Toronto Local Appeal Body.

SUMMARY:

The Applicant applied to the Committee of Adjustment to request seventeen (17) variances from City-wide Zoning By-law 569-2013 (Application No. A0156/26NY) to construct a three-storey apartment building containing six dwelling units, and a two-storey garden suite in the rear of the yard (the "**Application**"). The Application was revised and reduced to six (6) variances, including east interior side yard setback, west corner side yard setback, distance between main walls on the ground floor, front yard setback, height of the first floor above established grade, and platform encroachment into side yard setback.

On June 4, 2026, the North York District Panel of the Committee of Adjustment approved the Application (the "**Decision**"). A copy of the Decision is attached as **Attachment 1**. The last date of appeal was June 24, 2026.

On June 22, 2026, the City Solicitor appealed the Decision to the Toronto Local Appeal Body on behalf of the City to preserve its statutory rights. The City Solicitor received instructions to appeal from City Council at its meeting on June 24-25, 2026, through Item MM42.49. A copy of MM42.49 is attached as **Attachment 2**.

Since the appeal was filed, the Office of Councillor Lily Cheng, City Planning staff, and the Applicant have worked diligently with the surrounding neighbourhood to further

improve the planning outcome for this site and address community concerns. Through these discussions, the Applicant has committed to improving the east side windows to minimize potential privacy impacts on neighbouring properties. In addition, applications have been submitted to the Committee of Adjustment seeking relief for the parking and fence height requirements to further enhance the proposed development and respond to neighbourhood considerations. The attached letter (**Attachment 3**) from the Applicant outlining these commitments forms part of the record for this Motion submission.

This Motion will authorize the City Solicitor to withdraw the City's Appeal of the Decision to the Toronto Local Appeal Body.

This matter is time-sensitive and urgent as a Toronto Local Appeal Body hearing date will be scheduled imminently.

ATTACHMENTS:

Attachment 1: Committee of Adjustment Decision for 447 Horsham Avenue, Application No. A0156/26NY, dated June 4, 2026.

Attachment 2: City Council Item MM42.49.

Attachment 3: Letter from the Applicant's lawyer

Date: July 17, 2026