TORONTO

City Planning Division
Gary Wright, Acting, Chief Planner and Executive Director

Committee of Adjustment
100 Queen Street West
Toronto ON M5H 2N2
Tel: 416-392-7565
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NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number:	A0909/08TEY, A0910/08TEY & A0911/08TEY	Zoning	R2 Z0.6 H10.0 (Waiver)
Owner(s):	1741283 ONTARIO INC TRUSTEE	Ward:	Toronto-Danforth (30)
Agent:	MICHAEL VAUGHAN		
Property Address:	**35 PEYTON LANE**	Community**:**	
Legal Description:	CON 1 PT LOT 11		

Notice was given and a Public Hearing was held on **Wednesday, August 25, 2010**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To demolish the two existing one-storey buildngs and to redevelop the land with 3, three-storey detached dwellings on each of the new lots described in Consent Application B0129/08TEY.

REQUESTED PERMISSION:

The property currently has lawful nonconforming status under the *Planning Act*, as the existing one-storey buildings were constructed and used for commercial storage purposes prior to and since the passing of the Zoning By-law which does not permit the said use in an R2.Z.6 H10.0 Zone. Any alterations, additions or extension of the uses within these existing buildings can only be made with the permission of the Committee of Adjustment, as stipulated in the *Planning Act*, Section 45(2) (a)(ii), which states:

Section 45(2)(a)(ii) *Planning Act*
Where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, the use of such land, building or structure for a purpose that in the opinion of the Committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the Committee continued until the date of the application to the Committee.

The Committee considered jointly, Application Numbers B0129/08TEY, A0909/08TEY, A0910/08TEY and A0911/08TEY.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance/Permission Application is Approved on Condition

(1) **Prior to the issuance of a building permit**, the applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0128/08TEY**.

(2) Prior to the issuance of a demolition and/or building permit, the applicant shall satisfy all matters relating to City and Privately owned trees, to the satisfaction of the Supervisor, Urban Forestry – Tree Protection & Plan Review.

(3) The new dwellings shall be constructed substantially in accordance with the plans of file with the Committee of Adjustment, dated stamped received on August 28, 2008, specifically with respect to: the use of the buildings; the siting of the buildings on the lots; and the building envelopes.

(4) The integral garages shall be equipped with automated door openers.

The reasons for the decision are:

1. The Committee of Adjustment considers that the application has met the requirements of subsection 45 (2)(a)(i) & (ii) of the Planning Act; and

2. In the opinion of the Committee of Adjustment, the variance is minor in nature, the proposal is desirable for the appropriate development and use of the subject property, and maintains the general intent and purpose of the Zoning By-law and Official Plan.

SIGNATURE PAGE

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		DISSENTED
Robert Brown (Signed)	Gillian Burton (Signed)	George Vasilopoulos

John Tassiopoulos (Signed)

DATE DECISION MAILED ON: **Tuesday, August 31, 2010**

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: **Tuesday, September 14, 2010**

CERTIFIED TRUE COPY

Anita M. MacLeod
Manager & Deputy Secretary Treasurer
Toronto and East York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of $125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of $25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.