

**Michael Mizzi**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

Committee of Adjustment  
North York  
North York Civic Centre  
5100 Yonge Street  
Toronto, Ontario M2N 5V7

416-395-6446  
coa.ny@toronto.ca

Tuesday, June 2, 2020

**NOTICE OF DECISION  
MINOR VARIANCE/PERMISSION  
(Section 45 of the Planning Act)**

**File Number:** A0761/19NY  
**Property Address:** 21 KILLDEER CRES PART 2  
**Legal Description:** PLAN 3111 LOT 983  
**Agent:** RUBINOFF DESIGN GROUP  
**Owner(s):** TRACEY FINES  
**Zoning:** R1B / RD (f12.0;a370;d0.6) [ZZC]  
**Ward:** Don Valley West (15)  
**Community:** East York  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Thursday, March 5, 2020, as required by the Planning Act.

A notice was previously given on March 12, 2020. Pursuant to Ontario Regulation 149/20, made under the *Planning Act*, R.S.O. 1990, c. P.13, the Deputy Secretary-Treasurer of the City of Toronto is providing notice again under subsection 44(10) of the *Planning Act* as required by subsection 4(1) of Ontario Regulation 149/20, which commences the 20-day appeal under s. 44(12) of the *Planning Act* from the date of this letter.

**PURPOSE OF THE APPLICATION:**

To construct a new dwelling.

**REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

1. **Chapter 10.20.40.70.(1), By-law No. 569-2013**  
The required minimum front yard setback is 6.0m.  
The proposed front yard setback is **4.65m**.
2. **Chapter 10.20.40.10.(1), By-law No. 569-2013**  
The permitted maximum height of a building or structure is 8.5m.  
The proposed height of the building is 8.98m.

3. **Chapter 10.20.40.40.(1), By-law No. 569-2013**  
The permitted maximum floor space index is 0.6 times the area of the lot.  
The proposed floor space index is **0.674** times the area of the lot.
4. **Chapter 10.5.40.60.(7), By-law No. 569-2013**  
Roof eaves may encroach a maximum of 0.9m provided that they are no closer than 0.30m to a lot line.  
The proposed eaves encroach **1.88m** into the required front yard setback.
5. **Section 6.3.3, By-law No. 569-2013**  
The maximum permitted building height is 8.5m.  
The proposed building height is 9.0m.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT: The Minor Variance Application is Refused**

It is the decision of the Committee of Adjustment to **NOT** approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) is not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

## SIGNATURE PAGE

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Allan Smithies (signed)



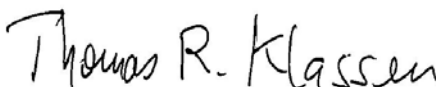
Nadini Sankar (signed)



Nazila Atarodi (signed)



Giuseppe Bartolo (signed)



Thomas Klassen (signed)

DATE DECISION MAILED ON: Tuesday, June 2, 2020

LAST DATE OF APPEAL: Monday, June 22, 2020

CERTIFIED TRUE COPY

**Daniel Antonacci**  
Manager and Deputy Secretary-Treasurer

## Appeal Information

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to Daniel.Antonacci@toronto.ca and coa.ny@toronto.ca by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal\* to the Local Planning Appeal Tribunal (LPAT) for the same matter.

### **TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS**

To appeal this decision to the TLAB you need the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

### **LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS**

To appeal this decision to the LPAT you need the following:

- A completed LPAT Appellant Form (A1) in digital format on a USB stick and in paper format; and
- \$300 with an additional reduced fee of \$25 for each connected appeal filed by the same appellant.
- Fees are payable to the Minister of Finance by certified cheque or money order (Canadian funds).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>.

\*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.

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