

# **Arborist Presentation**

**The Etobicoke York Community Council Meeting  
January 5, 2022**

**EY29.10 Application to Remove a City Owned Tree 384 Rimilton Ave**

Prepared By:

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**THE  
URBAN  
ARBORIST**



— FROM THE ROOTS UP —

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**ISA Certified Arborist----Robert Rafal Lis----Cert. #ON-1374A**

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## **1.0 Introduction**

### ***1.1 Scope of Development***

The project consists of demolishing an existing home, severing the lot and building a new home on each lot. The homes will be fronting Rimilton Avenue and both homes will have a driveway access from Rimilton Avenue.

### ***1.2 Reason for Application to Remove City of Toronto owned tree***

Efforts have been made to update the Site Plan to address Transportation Services Comments dated August 6, 2019. It has been required by Transportation Services to increase the distance between the proposed driveway to the dwelling within Part 2 of 384 Rimilton Avenue and the operational area of Rimilton Avenue / Delta Street intersection whereby the floor plan of the proposed dwelling within Part 2 be reversed; i.e., identical to the proposed dwelling within Part 1, in which the garage is on the west side of the dwelling.

The requirement of changing the site plan to have the driveway on the west side of Part 2 and not the east side does not allow for retention of the tree as it is in direct conflict. No retention is possible.

The application to remove the City owned tree has been filed to fulfill the requirements by City of Toronto and denied. It has been advised by Toronto Tree Protection & Plan Review that the tree is retained and only an acceptable injury will occur. Is it possible that the driveway be flipped to the other side to retain the tree? If the tree cannot be retained then the removal request will be denied?

### ***1.3 Location of the Tree***

The Survey and Site Plan of the property show that the tree is located within the private property of 384 Rimilton Avenue. It was requested to be verified with Toronto Tree Protection and Plan Review to ensure ownership. It was stated that the tree is on the property line and that although it is a boundary tree, the City of Toronto Forestry department has been maintaining the tree so it is considered to be City owned.

When the property line is at such a close distance to the existing sidewalk the City of Toronto boulevard trees are typically planted or situated on the strip of land in between the sidewalk and street.

### ***1.4 Compensation being proposed for the Removal of City owned tree***

A reasonable and opportunistic compensation / replanting plan has been proposed where the owner is to pay the appraisal fee of the tree, and plant up to 3 trees on the boulevard of Rimilton Avenue and Delta Street. This compensation can see beneficial placement, a greater number of trees, and greater overall canopy coverage that in time will fulfill the stated goals of the City of Toronto to increase canopy coverage. The application has been denied by Toronto Tree Protection & Plan Review as there are no mechanisms in the Toronto Tree Protection By-Law to remove a healthy tree and only to injure it.

## **1.0 Introduction**

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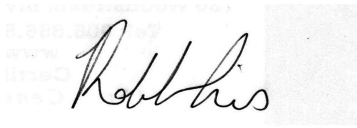
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**Robert Rafal Lis**  
**The Urban Arborist Inc.**  
**ISA Certified Arborist No. ON-1374A**  
**MTCU Qualified Arborist 18004025**  
**Butternut Health Assessor #644**



Ashraf Hanna, P.Eng.  
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Etobicoke York District

Engineering and Construction Services  
2 Civic Centre Court, 4<sup>th</sup> Floor  
Etobicoke, Ontario M9C 5A3

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Reply to: Vivian Yao, P. Eng.  
Tel: 416-394-8081  
Fax: 416-696-3776  
E-mail: Vivian.Yao@toronto.ca

## MEMORANDUM

**To:** Barbara Bartosik, Manager & Deputy Secretary Treasurer  
Committee of Adjustment, Etobicoke York Panel  
**Attention:** Anjelica Tzortzos

**From:** Ashraf Hanna, P.Eng.  
Manager, Development Engineering, Etobicoke York District  
Attn: Vivian Yao

**Date:** August 6, 2019

**Subject:** **Committee of Adjustment File: B0035/19EYK, A0347/19EYK, A0348/19EYK**  
**Legal Description: PART OF LOT 49 REGISTERED PLAN 2225, CITY OF TORONTO**  
**Owner: Gurpreet Singh & Jagandeep Singh Riar**  
**Applicant/Agent: RA JEFFERIES AND ASSOCIATES C/O ROB JEFF RIES**  
**Address: 384 Rimilton Avenue**  
**Ward: Etobicoke-Lakeshore (3)**

### APPLICATION DESCRIPTION

Engineering and Construction Services Division and Transportation Services Division have reviewed the above-noted consent and minor variance applications made by RA JEFFERIES AND ASSOCIATES C/O ROB JEFF RIES on behalf of Gurpreet Singh & Jagandeep Singh Riar.

The subject site is located on the northwest corner of Rimilton Avenue and Delta Street, in the former City of Etobicoke (Ward 3; Formerly Ward 6). The site is currently occupied by an existing detached single-storey residential dwelling unit with an attached garage. The applicant is proposing to sever the existing property into two lots, demolish the existing dwelling and attached garage, and construct a new three-storey detached dwelling with an integral garage on each of the new lots.

Under the current consent and minor variance applications, the applicant is proposing to sever the existing lot into two parts (PARTS 1 AND 2; 384A and 384B, respectively); these Parts are illustrated on the submitted draft Reference Plan (no date).

The site is zoned RM (u3) (x18) according to City-Wide Zoning By-law No. 569-2013, as amended. According to Etobicoke Zoning Code, the site is zoned R3 and is also subject to By-law(s) 1979-67(P) and 1981-272.

## COMMENTS

### *TRANSPORTATION SERVICES*

It has been confirmed with the Land & Property Surveys Unit of Engineering & Construction Services that there are no requirements related to property conveyances for Official Plan road allowance widening purposes along the Rimilton Avenue and Delta Street frontage of the subject site.

The applicant is required to apply for revised municipal numbering prior to the issuance of any building permit. Request can be submitted to [municipaladdress@toronto.ca](mailto:municipaladdress@toronto.ca).

According to the basement plans, revised December 17, 2018, each of the proposed dwellings will have an integral single-car garage with internal dimensions of  $\pm 3.35$  metres wide by  $\pm 5.79$  metres long, providing one legal parking space within each garage.

According to the site plans, (Part 1, dated July 2, 2019 and Part 2, dated May 1, 2019), a 3.4-metre wide driveway is provided for each proposed dwelling. Each dwelling is set back 6.0 metres from the Rimilton Avenue right-of-way limit, affording sufficient room for one legal parking space to be provided on the leading driveway in front of the garage and entirely on private property for each of the dwellings.

In order to increase the distance between the proposed driveway to the dwelling within Part 2 (385B Rimilton Avenue) and the operational area of the Rimilton Avenue/Delta Street intersection, we require that the floor plan of the proposed dwelling within Part 2 to be reversed; i.e., identical to the proposed dwelling within Part 1 (385B Rimilton Avenue), in which the garage is on the west side of the dwelling.

Depressed curb and gutter shall be illustrated for each proposed driveway according to City of Toronto Standard No. T-600.05-1.

Regarding the above, a utility pole is located within the municipal boulevard near the west lot line of the subject property. The revised site plan shall illustrate the driveway for the proposed dwelling within Part 1, such that a minimum 1.0-metre horizontal clearance is maintained between the driveway and the utility pole. Should it be deemed necessary to relocate the utility pole, such a relocation shall be undertaken at no cost to the municipality.

The applicant is required to illustrate the restoration of the redundant existing driveway and curb cut abutting the Delta Street site frontage with sod and raised curb & gutter in accordance to the City of Toronto Standard No. T-600.05-1.

The applicant is advised that they must contact Ms. Joanne Vecchiarelli of Right-of-Way Management Section at 416-338-1045 in order to obtain all requirements related to the Municipal Road Damage Deposit (MRDD).

### **RECOMMENDATION**

Engineering and Construction Services Division and Transportation Services Division wish to advise that we have no objections to the subject consent and minor variance applications, subject to the following conditions being satisfied:

1. Revise the site plan to illustrate a positive slope of a minimum 2% to a maximum 4% that will be maintained on each of the proposed driveways, as measured from the curb line of Rimilton Avenue to the proposed garage door entrance;
2. In order to increase the distance between the proposed driveway to the dwelling within Part 2 (385B Rimilton Avenue) and the operational area of the Rimilton Avenue/Delta Street intersection, we require that the floor plan of the proposed dwelling within Part 2 to be reversed; i.e., identical to the proposed dwelling within Part 1 (385B Rimilton Avenue), in which the garage is on the west side of the dwelling;
3. Depressed curb and gutter shall be illustrated for each proposed driveway according to City of Toronto Standard No. T-600.05-1;
4. A utility pole is located within the municipal boulevard near the west lot line of the subject property. The revised site plan shall illustrate the proposed driveway for Part 1, such that a minimum 1.0-metre horizontal clearance is maintained between the driveway and the utility pole;
5. The applicant is required to illustrate the restoration of the redundant existing driveway and curb cut abutting the Delta Street site frontage with sod and raised curb & gutter in accordance to the City of Toronto Standard No. T-600.05-1;
6. If the existing hedge abutting the east lot line of the property is to be retained, the following notation shall be provided on the site plan: "The hedge shall be maintained at a height of no more than 0.85 metres measured from the travelled portion of the road, as per Section 743-36 of the Toronto Municipal Code"; and
7. Add the following notations to the Site Plan:
  - i. *"The applicant is required to restore any redundant section of the existing driveway that is being closed with sod and a poured raised concrete curb within the municipal boulevard according to City of Toronto Design Standard;*



- ii. *"The proposed new driveways shall be constructed to the applicable City of Toronto Design Standards at no cost to the municipality";*
- iii. *"The applicant shall also submit a Municipal Road Damage Deposit (MRDD) prior to obtaining a Building Permit." The applicant is advised to contact Ms. Joanne Vecchiarelli of our Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements;" and*
- iv. *"The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance."*

The applicant shall submit revised site plans illustrating the above-noted revisions to the satisfaction of Engineering and Construction Services and Transportation Services, at no cost to the City.

### **ADVISORY COMMENTS**

Should this application be approved the applicant is to be advised of the following requirements in writing:

#### **1. Site Servicing Connections**

A 150mmø municipal watermain and 600mmø municipal sanitary sewer are available on Rimilton Avenue to serve the subject lands.

It is the responsibility of the applicant to ensure that the elevations of the sewers are compatible with the intended use of the property. Separate water and sanitary sewer connections will be required for each dwelling or parcel of land.

The owner will be required to make an application to Toronto Water Division, North York Civic Centre, 5100 Yonge Street, 2<sup>nd</sup> Floor, for the installation of any proposed services within the City right-of-way. For further information, please contact Toronto Water at 416-395-6082.

#### **2. Road Allowance Permits**

The applicant must obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. Chapter 743-4 of the Toronto Municipal Code requires that any person who requests a building permit, (except FASTTRACK applications) pay a Municipal Road Damage Deposit. The applicant is advised to contact Joanne Vecchiarelli at 416-338-1045 of our Right-of-Way Management Unit regarding site-specific permit requirements.

#### **3. Storm Sewer Connections**

The City Sewer Use By-Law prohibits connections to a storm sewer from single family residential dwellings. Foundation drains for new dwellings are to be pumped to grade and roof drains are to discharge onto a landscaped area.

**4. Site Grading**

In conjunction with a building permit application, to ensure that the development of the subject land does not create a drainage problem to this or abutting lands, the applicant must submit a lot grading plan to the Buildings Division in accordance with the Building Division's Policy on Building and Drainage for Infill Housing.

**5. Driveways**

Toronto Water and Engineering and Construction Services oppose reverse slope driveways. The proposed driveways should be designed and constructed with a positive slope from the roadway to the garage and the portion of the driveway within the public road allowance must maintain a minimum 2% slope.

**6. Utilities**

The applicant will be financially responsible for all work proposed within the road allowance including any costs arising from the relocation or removal of existing services and utilities which may become necessary through the development or use of this land.

**7. Municipal Numbering**

The applicant is advised to contact Mr. John House, Property Records Supervisor, at 416-392-8338 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. For details please see:

<https://www.toronto.ca/city-government/planning-development/municipal-numbering-of-a-property/>

If you have any questions regarding these comments, please contact Vivian Yao at 416-394-8081.



*for*  
Ashraf Hanna, P.Eng.  
Manager, Development Engineering  
Engineering and Construction Services, Etobicoke York District

VY/

copy: 384 Rimilton Avenue, B0035/19EYK, A0347/19EYK , A0348/19EYK  
Transportation Services (Attn: Luigi Nicolucci / Ashmead Mohammed)





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

Committee of Adjustment  
Etobicoke York  
Etobicoke Civic Centre  
2 Civic Centre Court  
Toronto, Ontario M9C 5A3

EDDIE PERES  
C/O EKP DESIGNS  
537 ROGERS RD  
TORONTO ON M6M 1B4

Wednesday, August 11, 2021

Dear EDDIE PERES:

Subject: Provisional Consent for: 384 RIMILTON AVE  
Committee of Adjustment Consent Application File No.: B0035/19EYK

This is to confirm that no appeal was filed, and the Decision of the Committee of Adjustment was Final and Binding on August 11, 2021.

**The Decision is Provisional as it contains Condition(s) which must be fulfilled within one year of the mailing date of this Decision.** Please forward the document(s) confirming that the condition(s) are fulfilled. When all condition(s) have been met, the Secretary-Treasurer of the Committee of Adjustment will issue a Certificate of Consent.

If the Condition(s) are not satisfied within this one-year period, the Provisional Consent will be deemed to have lapsed, and the application to have been refused. Please note that a letter of reminder will not be sent.

Yours truly,



**for Barbara Bartosik**  
Manager and Deputy Secretary-Treasurer

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

Committee of Adjustment  
Etobicoke York  
Etobicoke Civic Centre  
2 Civic Centre Court  
Toronto, Ontario M9C 5A3

416-394-8060  
coa.ey@toronto.ca

Tuesday, July 13, 2021

**NOTICE OF DECISION  
CONSENT  
(Section 53 of the Planning Act)**

**File Number:** B0035/19EYK  
**Property Address:** 384 RIMILTON AVE  
**Legal Description:** PLAN 2225 S PT LOT 49  
**Agent:** EDDIE PERES  
**Owner(s):** JAGANDEEP SINGH RIAR GURPREET SINGH  
**Zoning:** RM & R3  
**Ward:** Etobicoke-Lakeshore (03)  
**Community:**  
**Heritage:** Not Applicable

Notice was given and the application considered on Tuesday, July 13, 2021, as required by the Planning Act.

**THE CONSENT REQUESTED:**

To obtain consent to sever the property into two undersized residential lots.

**Retained - Part 2**

**Address to be assigned**

The lot frontage will be 8.06 m and the lot area will be 241.26 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new semi-detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0348/19EYK.

**Conveyed- Part 1**

**Address to be assigned**

The lot frontage will be 8.06 m and the lot area will be 241.31 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new semi-detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0347/19EYK.

**File numbers B0035/19EYK, A0347/19EYK, & A0348/19EYK will be considered jointly.**



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 Consent Application is Approved on Condition**

The Committee has considered the provisions of Section 51(24) of the *Planning Act* and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the transaction as shown on the plan filed with the Committee of Adjustment on the condition that before a Certificate of Official is issued, as required by Section 53(42) of the *Planning Act*, the applicant is to fulfill the following conditions to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment:

1. Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, in the form of a statement of tax account current to within 30 days of an applicant's request to the Deputy Secretary-Treasurer of the Committee of Adjustment to issue the Certificate of Official.
2. Municipal numbers for the subject lots indicated on the applicable registered reference plan of survey shall be assigned to the satisfaction of the Supervisor, Surveys, Engineering Support Services, Engineering and Construction Services.
3. One electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of, the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.
4. One electronic copy of the registered reference plan of survey satisfying the requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment.
5. Prepare and submit a digital draft of the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) of the *Planning Act* if applicable as it pertains to the conveyed land and/or consent transaction to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment.
6. Where there is no existing street tree, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cash-in-lieu payment is \$583/tree.

7. Once all of the other conditions have been satisfied, the applicant shall request, in writing, that the Deputy Secretary-Treasurer of the Committee of Adjustment issue the Certificate of Official.
8. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions.

## SIGNATURE PAGE

**File Number:** B0035/19EYK  
**Property Address:** 384 RIMILTON AVE  
Legal Description: PLAN 2225 S PT LOT 49  
Applicant: EDDIE PERES  
Owner(s): JAGANDEEP SINGH RIAR GURPREET SINGH  
Zoning: RM & R3  
Ward: Etobicoke-Lakeshore(03)  
Community:  
Heritage: Not Applicable



Allan Smithies (signed)



Stan Kumorek (signed)



Sophia Ruddock (signed)



Neil Palmer (signed)



Michi McCloskey (signed)

DATE DECISION MAILED ON: Wednesday, July 21, 2021

LAST DATE OF APPEAL: Tuesday, August 10, 2021

CERTIFIED TRUE COPY



**Philip Carvalino**  
Manager and Deputy Secretary-Treasurer

### Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.ey@toronto.ca](mailto:coa.ey@toronto.ca) and [Philip.Carvalino@toronto.ca](mailto:Philip.Carvalino@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.
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

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.
- \$400 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.

**NOTE:** Only individuals, corporations and public agencies may appeal a decision. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf

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

Committee of Adjustment  
Etobicoke York  
Etobicoke Civic Centre  
2 Civic Centre Court  
Toronto, Ontario M9C 5A3

EDDIE PERES  
C/O EKP DESIGNS  
537 ROGERS RD  
TORONTO ON M6M 1B4

Wednesday, August 4, 2021

Dear: EDDIE PERES

Subject: Final and Binding Decision for: 384 RIMILTON AVE  
Committee of Adjustment Minor Variance File No.: A0347/19EYK

This is to confirm that no appeal was filed, and the Decision of the Committee of Adjustment was Final and Binding on August 4, 2021.

Building permits are required if construction is to take place. Plans submitted to the Buildings Division should reflect any conditions imposed by the Committee of Adjustment.

When you apply for a Building Permit, please take a photocopy of this Final and Binding letter and a copy of the Decision with you.

Yours truly,



for

**Barbara Bartosik**  
Manager and Deputy Secretary-Treasurer

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

Committee of Adjustment  
Etobicoke York  
Etobicoke Civic Centre  
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Toronto, Ontario M9C 5A3

416-394-8060  
coa.ey@toronto.ca

Tuesday, July 13, 2021

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

**File Number:** A0347/19EYK  
**Property Address:** 384 RIMILTON AVE – PART 1  
**Legal Description:** PLAN 2225 S PT LOT 49  
**Agent:** EDDIE PERES  
**Owner(s):** JAGANDEEP SINGH RIAR GURPREET SINGH  
**Zoning:** RM & R3  
**Ward:** Etobicoke-Lakeshore (03)  
**Community:**  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Tuesday, July 13, 2021, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new semi-detached dwelling with an attached garage.

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

- 1. Section 900.3.6.10.(18)(B), By-law 569-2013**  
The minimum required lot frontage is 18 m.  
The lot will have a frontage of 8.06 m.
- 2. Section 900.6.10.(18)(A), By-law 569-2013**  
The minimum required lot area is 665 m<sup>2</sup>.  
The lot will have a lot area of 241.31 m<sup>2</sup>.
- 3. Section 900.6.10.(18)(C), By-law 569-2013**  
The maximum permitted lot coverage is 33% (79.63 m<sup>2</sup>).  
The new dwelling will cover 37.9% of the lot area (91.52 m<sup>2</sup>).
- 4. Section 1.(a), By-law 67-1979**  
The maximum permitted gross floor area is 0.4 times the area of the lot (96.52 m<sup>2</sup>).

The new dwelling will have a gross floor area of 0.67 times the area of the lot (161.17 m<sup>2</sup>).

**5. Section 3(A), By-law 67-1979**

The maximum permitted height is 7.5 m, measured to the top of the roof.  
The new dwelling will have a height of 7.93 m, measured to the top of the roof.

**6. Section 10.5.40.60.(1)(C), By-law 569-2013**

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than 1.17 m.

The proposed platform will encroach 0.89 m into the required rear yard setback and will be 0.61 m from the east side lot line.

**File numbers B0035/19EYK, A0347/19EYK, & A0348/19EYK will be considered jointly.**

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 Approved on Condition**

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

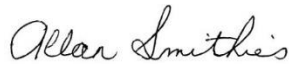
1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0035/19EYK**
2. Submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.

3. Where there is no existing street tree, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cash-in-lieu payment is \$583/tree.
4. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
  - 4.1 Revise the site plan to illustrate a positive slope of a minimum 2% to a maximum 4% that will be maintained on each of the proposed driveways, as measured from the curb line of Rimilton Avenue to the proposed garage door entrance;
  - 4.2 In order to increase the distance between the proposed driveway to the dwelling within Part 2 (385B Rimilton Avenue) and the operational area of the Rimilton Avenue/Delta Street intersection, we require that the floor plan of the proposed dwelling within Part 2 to be reversed; i.e., identical to the proposed dwelling within Part 1(3858 Rimilton Avenue), in which the garage is on the west side of the dwelling;
  - 4.3. Depressed curb and gutter shall be illustrated for each proposed driveway according to City of Toronto Standard No. T-600.05-1;
  - 4.3. A utility pole is located within the municipal boulevard near the west lot line of the subject property. The revised site plan shall illustrate the proposed driveway for Part 1, such that a minimum 1.0-metre horizontal clearance is maintained between the driveway and the utility pole;
  - 4.4. The applicant is required to illustrate the restoration of the redundant existing driveway and curb cut abutting the Delta Street site frontage with sod and raised curb & gutter in accordance to the City of Toronto Standard No. T-600.05-1;
  - 4.5. If the existing hedge abutting the east lot line of the property is to be retained, the following notation shall be provided on the site plan: "The hedge shall be maintained at a height of no more than 0.85 metres measured from the travelled portion of the road, as per Section 743-36 of the Toronto Municipal Code"; and
  - 4.6 Add the following notations to the Site Plan:
    - i. "The applicant is required to restore am' redundant section of the existing driveway that is being closed with sod and a poured raised concrete curb within the municipal boulevard according to City of Toronto Design Standard;

- ii. “The proposed new driveways shall be constructed to the applicable City of Toronto Design Standards at no cost to the municipality”;
- iii. “The applicant shall also submit a Municipal Road Damage Deposit (MRDD,) prior to obtaining a Building Permit.” The applicant is advised to contact Ms. Joanne Vecchiarelli of our Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements;” and
- iv. “The applicant shall obtain the necessary authorizations and permits from the City’s Right-of-Way Management Section of the Transportation Services before excavating within or encroaching into the municipal road allowance.

**SIGNATURE PAGE**

**File Number:** A0347/19EYK  
**Property Address:** 384 RIMILTON AVE  
Legal Description: PLAN 2225 S PT LOT 49  
Agent: EDDIE PERES  
Owner(s): JAGANDEEP SINGH RIAR GURPREET SINGH  
Zoning: RM & R3  
Ward: Etobicoke-Lakeshore (03)  
Community:  
Heritage: Not Applicable



Allan Smithies (signed)  
(signed)



Stan Kumorek (signed)



Sophia Ruddock



Neil Palmer (signed)



Michi McCloskey (signed)

DATE DECISION MAILED ON: Wednesday, July 21, 2021

LAST DATE OF APPEAL: Tuesday, August 3, 2021

CERTIFIED TRUE COPY



**Philip Carvalino**  
Manager and Deputy Secretary-Treasurer

**Appeal Information**

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.ey@toronto.ca](mailto:coa.ey@toronto.ca) and [Philip.Carvalino@toronto.ca](mailto:Philip.Carvalino@toronto.ca) by the last date of appeal as shown on the signature page.

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

Committee of Adjustment  
Etobicoke York  
Etobicoke Civic Centre  
2 Civic Centre Court  
Toronto, Ontario M9C 5A3

EDDIE PERES  
C/O EKP DESIGNS  
537 ROGERS RD  
TORONTO ON M6M 1B4

Wednesday, August 4, 2021

Dear: EDDIE PERES

Subject: Final and Binding Decision for: 384 RIMILTON AVE  
Committee of Adjustment Minor Variance File No.: A0348/19EYK

This is to confirm that no appeal was filed, and the Decision of the Committee of Adjustment was Final and Binding on August 4, 2021.

Building permits are required if construction is to take place. Plans submitted to the Buildings Division should reflect any conditions imposed by the Committee of Adjustment.

When you apply for a Building Permit, please take a photocopy of this Final and Binding letter and a copy of the Decision with you.

Yours truly,



for

**Barbara Bartosik**  
Manager and Deputy Secretary-Treasurer

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

Committee of Adjustment  
Etobicoke York  
Etobicoke Civic Centre  
2 Civic Centre Court  
Toronto, Ontario M9C 5A3

416-394-8060  
coa.ey@toronto.ca

Tuesday, July 13, 2021

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

**File Number:** A0348/19EYK  
**Property Address:** 384 RIMILTON AVE – PART 2  
**Legal Description:** PLAN 2225 S PT LOT 49  
**Agent:** EDDIE PERES  
**Owner(s):** JAGANDEEP SINGH RIAR GURPREET SINGH  
**Zoning:** RM & R3  
**Ward:** Etobicoke-Lakeshore (03)  
**Community:**  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Tuesday, July 13, 2021, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new semi-detached dwelling with an attached garage.

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

- 1. Section 900.3.6.10.(18)(B), By-law 569-2013**  
The minimum required lot frontage is 18 m.  
The lot will have a frontage of 8.06 m.
- 2. Section 900.6.10.(18)(A), By-law 569-2013**  
The minimum required lot area is 665 m<sup>2</sup>.  
The lot will have a lot area of 241.26 m<sup>2</sup>.
- 3. Section 900.6.10.(18)(C), By-law 569-2013**  
The maximum permitted lot coverage is 33% (79.61 m<sup>2</sup>).  
The new dwelling will cover 37.9% of the lot area (91.52 m<sup>2</sup>).
- 4. Section 1.(a), By-law 67-1979**  
The maximum permitted gross floor area is 0.4 times the area of the lot (96.52 m<sup>2</sup>).

The new dwelling will have a gross floor area of 0.67 times the area of the lot (161.17 m<sup>2</sup>).

**5. Section 3(A), By-law 67-1979**

The maximum permitted height is 7.5 m, measured to the top of the roof.

The new dwelling will have a height of 7.93 m, measured to the top of the roof.

**6. Section 10.5.40.60.(1)(C), By-law 569-2013**

A platform without main walls, attached to or less than 0.3 m from a building, with a floor no higher than the first floor of the building above established grade may encroach into the required rear yard setback 2.5 m if it is no closer to a side lot line than 1.17 m.

The proposed platform will encroach 0.85 m into the required rear yard setback and will be 0.61 m from the west side lot line.

**File numbers B0035/19EYK, A0347/19EYK, & A0348/19EYK will be considered jointly.**

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 Approved on Condition**

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):


1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0035/19EYK**
2. Submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.

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Allan Smithies (signed)



Stan Kumorek (signed)



Sophia Ruddock (signed)



Michi McCloskey (signed)



Neil Palmer (signed)

DATE DECISION MAILED ON: Wednesday, July 21, 2021

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CERTIFIED TRUE COPY



**Philip Carvalino**  
Manager and Deputy Secretary-Treasurer

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