

---

**Kyle Knoeck**  
Acting Director, Zoning and Secretary-  
Treasurer  
Committee of Adjustment  
City Planning DivisionCommittee of Adjustment  
Toronto and East York  
Toronto City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2416-392-0413  
coa.tey@toronto.ca

Wednesday, November 3, 2021

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

**File Number:** A0609/21TEY  
**Property Address:** 16 FERNDALE AVE  
**Legal Description:** PLAN 1422 PT LOT 22  
**Agent:** JOHN BOONE  
**Owner(s):** PAUL FAYKISS  
DOROTHY LEE  
**Zoning:** R (d0.6) (x922) (ZZC)  
**Ward:** Toronto-St. Paul's (12)  
**Community:** Toronto  
**Heritage:** Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, November 3, 2021**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a two-storey ancillary building (for the use of a laneway suite) in the rear yard of the property (abutting the lane). The second level is proposed to be cantilevered along the rear (west) lot line and will have a Juliet balcony.

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

- 1. Chapter 150.8.50.10.(1)(B), By-law 569-2013**  
A minimum of 85% (52.35 m<sup>2</sup>) of the area between the rear main wall of the residential building and the front main wall of the ancillary building containing a laneway suite must be maintained as soft landscaping.  
In this case, 52% (32.06 m<sup>2</sup>) will be maintained as soft landscaping.
- 2. Chapter 150.8.50.10.(1)(C), By-law 569-2013**  
A minimum of 75% (1.4 m<sup>2</sup>) of the area between the ancillary building containing a laneway suite and the lot line abutting a lane, excluding a permitted driveway, must be maintained as soft landscaping.  
In this case, **23.19% (1.13 m<sup>2</sup>) of soft landscaping will be maintained.**

**3. Chapter 150.8.60.20.(2)(B), By-law 569-2013**

The minimum required rear yard setback for a building containing a laneway suite is 1.5 m.

In this case, the cantilevered second floor of the ancillary building will be located 0.15 m from the rear (west) lot line and the juliet balcony will be located 0.03 m from the rear (west) lot line.

**4. Chapter 150.8.60.30.(1)(B), By-law 569-2013**

An ancillary building containing a laneway suite must be no less than 7.5 m from a residential building on the same lot if the height of the ancillary building is greater than 4 m.

In this case, the ancillary building containing a laneway suite will have a height of 6 m and will be located 6.63 m from the residential building on the lot.

**5. Chapter 150.8.60.30.(2), By-law 569-2013**

No part of an ancillary building containing a laneway suite may penetrate a 45 degree angular plane projected towards the rear lot line beginning from a height of 4 m at a distance of 7.5 m from rear main wall of the residential building.

In this case, the ancillary building containing a laneway suite will penetrate the 45 degree angular plane.

**6. Chapter 150.8.60.40.(1)(A), By-law 569-2013**

The maximum permitted maximum height of the laneway suite is 4 m if the ancillary building containing a laneway suite is located a minimum of 5 m to less than 7.5 m from the residential building on the lot.

In this case, the ancillary building containing a laneway suite will have a height of 6 m.

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 refuse 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) are not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is not minor.

**SIGNATURE PAGE**

**File Number:** A0609/21TEY  
**Property Address:** 16 FERNDALE AVE  
**Legal Description:** PLAN 1422 PT LOT 22  
**Agent:** JOHN BOONE  
**Owner(s):** PAUL FAYKISS  
DOROTHY LEE  
**Zoning:** R (d0.6) (x922) (ZZC)  
**Ward:** Toronto-St. Paul's (12)  
**Community:** Toronto  
**Heritage:** Not Applicable



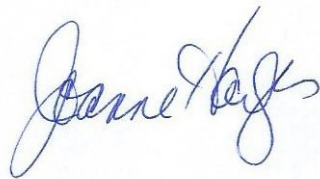
---

BRUCE MULLOCK  
(CHAIR)

LISA VALENTINI

ZAHEER BHYAT

**DISSENTED**



---

AARON CHENG

JOANNE HAYES

DATE DECISION MAILED ON: **Tuesday, November 9, 2021**

LAST DATE OF APPEAL: **Tuesday November 23, 2021**

CERTIFIED TRUE COPY

---

Sylvia Mullaste  
Acting Deputy Secretary-Treasurer  
Committee of Adjustment, Toronto and East York District

## Appeal Information

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.tey@toronto.ca](mailto:coa.tey@toronto.ca) and [Sabrina.Salatino@toronto.ca](mailto:Sabrina.Salatino@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 Ontario Land Tribunal (OLT) 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).

### ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

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

- A completed OLT 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 Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/appeals-process/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 **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.