

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

Committee of Adjustment  
Scarborough  
Scarborough Civic Centre  
150 Borough Drive  
Toronto, Ontario M1P 4N7

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coa.sc@toronto.ca

Wednesday, November 17, 2021

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

**File Number:** A0276/21SC  
**Property Address:** 1161 KINGSTON RD  
**Legal Description:** PLAN 1425 PT LOT 29  
**Agent:** BOUSFIELDS INC  
**Owner(s):** 1161 KINGSTON ROAD GP INC  
**Zoning:** Commercial-Residential (CR) Zone [W]  
**Ward:** Scarborough Southwest (20)  
**Community:** Birchcliff Community  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on Wednesday, November 17, 2021, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct an eight-storey mixed-use building containing 57 dwelling units and commercial space at grade.

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

1. **Performance Standard 284, By-law No. 8786**  
The maximum permitted building height is 6 storeys or 20 m, excluding basements and rooftop mechanical penthouses.  
The proposed building height is 8 storeys, with an overall height of 26.41 m, excluding privacy screens, generators, ladders, green roof elements, chimneys, skylights, vents, antennae, elevator machine rooms, and parapet walls measured from the Canadian Geodetic Elevation of 133.74 m.
2. **Performance Standard 284, By-law No. 8786**  
The maximum permitted gross floor area is 3.5 times the area of the lot or parcel.  
The proposed gross floor area is 3.95 times the area of the lot.
3. **Performance Standard 290, By-law No. 8786**

A minimum building setback of 3 m from the lot line along Kingston Road for all uses permitted in the "CR" Zone, with the exception of dwelling units on the first floor.

The proposed building setback from the lot line along Kingston Road is 2 m excluding canopies used for weather protection.

4. **Performance Standard 291, By-law No. 8786**

A minimum building setback of 1.5 m from a lot line abutting a public street other than Kingston Road.

The proposed building setback from the lot line along Courcelette Road is 0 m.

5. **Performance Standard 293, By-law No. 8786**

Buildings shall not exceed a 45-degree angular plane from the lot line of abutting Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M) Zones.

The proposed building exceeds a 45-degree angular plane measured from the mid-point of the lot line of the abutting Two-Family Residential (T) Zone.

6. **Performance Standard 294, By-law No. 8786**

Minimum 7.5 m building setback from the rear lot line abutting Single-Family Residential (S), Two-Family Residential (T) and Multiple-Family (M) Zones.

By-law No. 8786, as amended, considers Courcelette Road as the front lot line as the site is located on a corner lot and Courcelette Road is the shorter of the two frontages. The proposed building provides a 0 m setback from the east (rear) lot line.

7. **Performance Standard 296, By-law No. 8786**

For that portion of a building above 14 m in height, buildings shall be stepped back an additional 1.5 m from the main wall abutting a public street.

At 14 m in height, a 0 to 2.13 m step-back from the front main wall along Kingston Road and a 0 m step-back from the front main wall along Courcelette Road is provided.

8. **Performance Standard 298, By-law No. 8786**

A minimum 1.5 m strip of land immediately abutting Single-Family Residential (S), Two-Family Residential (T), Multiple-Family (M) Zones shall be used for soft landscaping purposes only.

A 0.87 to 1.17 m wide strip of soft landscaping is provided at the southeast corner of the site.

9. **Performance Standard 300, By-law No. 8786**

Minimum floor to ceiling height of the first floor shall be 4.5 m for buildings or structures.

The proposed floor to ceiling height of the first floor is 3.5 m.

10. **Performance Standard 301, By-law No. 8786**

Minimum of 2 m<sup>2</sup> of outdoor amenity space for each dwelling unit of which at least 40 m<sup>2</sup> is to be provided in a location adjoining or directly accessible from the indoor amenity space.

A total of 98 m<sup>2</sup> of outdoor amenity space or 1.71 m<sup>2</sup> per dwelling unit, of which at least 40 m<sup>2</sup> is provided in a location adjoining or directly accessible from the indoor amenity space.

11. **Clause VI(12)(2), By-law No. 8786**

In areas designated on Schedule "A" as "CR", the lands not covered by permitted buildings, structures and required parking spaces, shall be used only for landscaping, 50% of which shall be soft landscaping. Outdoor patio areas ancillary to a non-residential use in the "CR" Zone shall not be considered landscaping and shall be permitted.

The lands not covered by permitted buildings, structures and required parking spaces, may be used for landscaping as well as driveways, loading or parking spaces, walkways and electrical elements and directly associated elements such as curbs or retaining walls, of which a minimum of 83 m<sup>2</sup> shall be used for landscaping, consisting of a minimum 50 m<sup>2</sup> or 60% soft landscaping.

12. **Clause VI(19), By-law No. 8786**

In areas designated in Schedule "A" as "CR", the basement shall be used only for storage purposes for the occupants of the building.

The P1 level shall be used for storage purposes for the occupants of the building, in addition to indoor residential amenity space and mechanical and electrical rooms.

13. **Clause VII(1)(1), By-law No. 8786**

A total of 59 parking spaces are required, consisting of 57 resident spaces, 0 visitor spaces and 2 non-residential spaces.

A total of 34 parking spaces shall be provided, consisting of 33 resident spaces, 1 car share space and 0 residential visitor / non-residential spaces. Four of the proposed parking spaces will be designated small car spaces.

14. **Clause VII(1)(4)(1), By-law No. 8786**

The minimum dimensions of a parking space accessed by a 6 m wide drive aisle shall be 5.6 m in length, 2 m in height and 2.6 m in width and where accessed by a less than 6 m wide drive aisle shall be 5.6 m in length, 2 m in height and 3 m in width.

Bicycle parking spaces may encroach into or obstruct a required vehicle parking space provided that the encroachment is no more than 0.6 m into the length of the required parking space.

15. **Clause VII(1)(4)(1), By-law No. 8786**

The minimum dimensions of a parking space accessed by a 6 m wide drive aisle shall be 5.6 m in length, 2 m in height and 2.6 m in width and where accessed by a less than 6 m wide drive aisle shall be 5.6 m in length, 2 m in height and 3 m in width.

A total of four (4) designated small car parking spaces will be provided. Where the drive aisle has a width of 6 m or greater, the proposed building will contain two (2) small car parking spaces which have a minimum width of 2.6 m and a minimum length of 5.6 m, despite being obstructed on one or two sides. Where the drive aisle has a width of less than 6 m, the proposed building will contain two (2) `small

car' parking spaces, which have a minimum width of 2.9 m and a minimum length of 5 m, despite being obstructed on one or two sides.

16. **Clause VII(1)(4)(2)(3), By-law No. 8786**

For uses other than those set out in Subsections 1.4.2.1 and 1.4.2.2, a driveway shall have a minimum width of 3 m per lane.

The two-way driveway has a minimum width of 4 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**



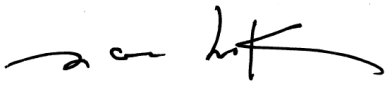


It is the decision of the Committee of Adjustment to NOT approve this variance application for the following reasons:

- 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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**Table 1, Panel Member Digital Signatures**

 _____ Amy Emm	 _____ Anne McCauley	 _____ Gary McKay
 _____ Hena Kabir	 _____ Muhammad Saeed	

DATE DECISION MAILED ON: Tuesday, November 23, 2021

LAST DATE OF APPEAL: Tuesday, December 7, 2021

CERTIFIED TRUE COPY

  
**Colin Ramdial**  
Manager and Deputy Secretary-Treasurer

## Appeal Information

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

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

To appeal this decision, you must submit 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

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

To appeal this decision, you must submit 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.