

Kyle Knoeck, M.Sc.Pl., MCIP, RPP
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

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

Thursday, February 8, 2024

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

File Number: B0043/23EYK
Property Address: 8 YORKLEIGH AVE
Legal Description: RCP 9748 LOT 138
Agent: ACTION PLANNING CONSULTANTS
Owner(s): MARQUIS MANORS LIMITED MARQUIS MANORS LIMITED
Zoning: RD
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable

Notice was given and the application considered on Thursday, February 8, 2024, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the lot into two residential lots.

Retained- Part 1

Address to be assigned.

The lot frontage will be 21.0 m and the lot area will be 695.0 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring no variances to the Zoning By-law.

Conveyed- Part 2

Address to be assigned.

The lot frontage will be 19.22 m and the lot area will be 644.8 m². The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0423/23EYK.

File Numbers B0043/23EYK, & A0423/23EYK 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. Submission of a complete application for a permit to injure or remove a City-owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.
7. 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.

8. The following conditions shall be fulfilled to the satisfaction of Heritage Planning, Urban Design:
 - 8.1 The applicant shall retain a consultant archaeologist, licensed by the Ministry of Citizenship and Multiculturalism, under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1- 2 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the Ministry of Citizenship and Multiculturalism's 2011 Standards and Guidelines for Consultant Archaeologists.
 - 8.2 Should the archaeological assessment process continue beyond a Stage 1-2 assessment, any recommendations for Stage 3 - 4 mitigation strategies must be reviewed and approved by Heritage Planning prior to commencement of the site mitigation.
 - 8.3 The consultant archaeologist shall submit a copy of the relevant Assessment report(s) to the Heritage Planning Unit in both hard copy format and as an Acrobat PDF file. All archaeological assessment reports will be submitted to the City of Toronto for approval concurrent with their submission to the Ministry of Citizenship and Multiculturalism.
 - 8.4 No demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Planning Unit) and the Ministry of Citizenship and Multiculturalism (Archaeology Programs Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.
9. 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.
10. Within **TWO YEARS** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions.

SIGNATURE PAGE

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Owner(s): MARQUIS MANORS LIMITED MARQUIS MANORS LIMITED
Zoning: RD
Ward: Etobicoke Centre(02)
Community:
Heritage: Not Applicable



Donald Taylor (signed)



Bill Dalton (signed)



Rick Ross (signed)



Dominic Gulli (signed)

DATE DECISION MAILED ON: Friday, February 16, 2024

LAST DATE OF APPEAL: Thursday, March 7, 2024

CERTIFIED TRUE COPY

Barbara Bartosik
Manager and Deputy Secretary-Treasurer

Appeal Information

Only the applicant, the Minister, a specified person or any public body may appeal this decision.

Further, only individuals, corporations and public agencies may appeal decisions in respect of applications for consent. 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.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ey@toronto.ca and Barbara.Bartosik@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.

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 should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB, 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.

ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>

Kyle Knoeck, M.Sc.Pl., MCIP, RPP
Director, Zoning and Secretary-Treasurer
Committee of Adjustment
City Planning Division

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Thursday, February 8, 2024

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

File Number: A0423/23EYK
Property Address: 8 YORKLEIGH AVE – PART 2
Legal Description: RCP 9748 LOT 138
Agent: ACTION PLANNING CONSULTANTS
Owner(s): MARQUIS MANORS LIMITED MARQUIS MANORS LIMITED
Zoning: RD
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, February 8, 2024, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new detached dwelling with an attached garage.

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

- 1. Section 10.20.30.20.(1)(A), By-law 569-2013**
The minimum required lot frontage is 21.0 m.
The lot will have a frontage of 19.22 m.
- 2. Section 10.20.30.10.(1)(A), By-law 569-2013**
The minimum required lot area is 695.0 m².
The lot area will be 644.8 m².
- 3. Section 10.5.80.40.(3)(B), By-law 569-2013**
Vehicle access to a parking space on a corner lot must be from a flanking street that is not a major street.
The proposed vehicle access to a parking space is from the front of the lot.

File Numbers B0043/23EYK, & A0423/23EYK 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 B0043/23EYK**.
2. Submission of a complete application for a permit to injure or remove a City-owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.
3. 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.
4. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
 - 4.1 Explicitly dimension and illustrate the width of the proposed curb cut for each driveway that is located within the Freemont Avenue public road allowance, which must match the widths of the respective driveway that is illustrated on private property.
 - 4.2 Explicitly dimension and identify all portions of the existing site driveway that are no longer required and will be closed, including the portion of the existing driveway that is located within the Yorkleigh Avenue right-of-way limit.
 - 4.3 Explicitly dimension and identify the front-yard setback for each dwelling unit, as measured along the shortest distance for each respective driveway, from the Freemont Avenue property line to the front of each garage.

- 4.4 To facilitate access and provide adequate sight lines, identify and dimension the removal of the existing hedge along Freemont Avenue across the entire width of the proposed site driveways, and for a minimum distance of 2.0m on either side of the driveways, as measured along the Freemont Avenue property line.
- 4.5 Illustrate the removal of the existing tree along the Freemont Avenue right-of-way limit that is located within the driveway of the Part 1 Lot.
- 4.6 The following notations must be included on the revised site plan drawings:
 - a. "All portions of the existing site driveway that are no longer required must be close and restored in accordance with applicable City standards to the satisfaction of the Transportation Services Division, and at no cost to the City of Toronto."
 - b. "The owner must obtain all required permits from the Permits and Enforcement unit of Transportation Services prior to commencing construction, which may include but not be limited to permits associated with payment of a Municipal Road Damage Deposit, removal of the existing culvert, approval of all encroachments within the abutting public rights-of-way, etc. The owner must contact the Permits and Enforcement unit of Transportation Services in order to obtain exact details regarding all required permits."
 - c. "All work within the Yorkleigh Avenue and Freemont Avenue public rights-of-way must be done to the satisfaction of the Transportation Services Division, and at no cost to the City of Toronto."
 - d. "The owner will be required to obtain and submit written approval from the Parks, Forestry and Recreation Division with respect to any tree removal and/or tree protection requirements."
- 4.7 The applicant shall revise and submit 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 between the proposed garage door entrance to the curb line of Freemont Avenue.

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Zoning: RD
Ward: Etobicoke Centre (02)
Community:
Heritage: Not Applicable



Donald Taylor (signed)



Bill Dalton (signed)



Rick Ross (signed)



Dominic Gulli (signed)

DATE DECISION MAILED ON: Friday, February 16, 2024

LAST DATE OF APPEAL: Wednesday, February 28, 2024

CERTIFIED TRUE COPY

Barbara Bartosik

Manager and Deputy Secretary-Treasurer

Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

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