

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

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Thursday, February 29, 2024

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

File Number: A0002/24NY
Property Address: 3450 DUFFERIN ST
Legal Description: PLAN 867 PT LOTS 13 AND 14 PLAN 2322 PT LOTS 101 TO 108
PT CLSD RD RP 64R15356 PARTS 1 TO 5
Agent: DUFFERIN YORKDALE FITZROVIA INC
Owner(s): DUFFERIN YORKDALE FITZROVIA INC
Zoning: CR 1.0 (c1.0; r0.0) SS2 (x204)
Ward: Eglinton-Lawrence (08)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, February 29, 2024, as required by the Planning Act.

THE CONSENT REQUESTED:

Proposal to amend By-law 687-2020 to postpone the opening of a Child Care Facility.

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

**REQUESTED VARIANCE TO THE ZONING BY-LAW
(By-law 687-2020 (LPAT), Schedule A, Paragraph 1)**

By-law Text

No later than the earlier of registration of the condominium corporation in the second most easterly building on the Site, the first residential occupancy of the easterly building on the Site, registration of a condominium corporation in the easterly building on the Site or three years after the issuance of an above-grade building permit for any building on the Site, the owner at its sole expense agrees to construct, complete to a level of substantial performance as defined in the Construction Act, with all systems commissioned, operating, fully functional and in good repair, a Child Care Facility in the podium between the two easterly buildings on the Site, including associated exterior play space in compliance with the City of Toronto Child Care Development Guideline September 2016, and, as applicable, Toronto Children's Services Early Learning & Child Assessment for Quality Improvement, 2014 (AQI), the Toronto Accessibility Guidelines, 2004 and all then-current criteria necessary to obtain a license to operate the Child Care

Facility, technical standards issued by governing authorities for child care facilities, all provincial legislation, regulations and codes, municipal by-laws and regulations as may be amended, including, without limitation: the Child Care and Early Years Act, 2014; CAN/CSA-Z614-03 Children's Play Spaces & Equipment or equivalent, Annex H; the Accessibility for Ontarians with Disabilities Act; and the Tier 1, Toronto Green Standard, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

Proposed Variance Text

No later than the earlier of registration of the condominium corporation in the second most easterly building on the Site, the first residential occupancy of the second most easterly building on the Site, registration of a condominium corporation in the easterly building on the Site or three years after the issuance of an above-grade building permit for any building on the Site, the owner at its sole expense agrees to construct, complete to a level of substantial performance as defined in the Construction Act, with all systems commissioned, operating, fully functional and in good repair, a Child Care Facility as generally reflected on the plans dated September 15, 2023 and filed with the City on September 28, 2023, including associated exterior play space in compliance with the City of Toronto Child Care Development Guideline September 2016, and, as applicable, Toronto Children's Services Early Learning & Child Assessment for Quality Improvement, 2014 (AQI), the Toronto Accessibility Guidelines, 2004 and all then-current criteria necessary to obtain a license to operate the Child Care Facility, technical standards issued by governing authorities for child care facilities, all provincial legislation, regulations and codes, municipal by-laws and regulations as may be amended, including, without limitation: the Child Care and Early Years Act, 2014; CAN/CSA-Z614-03 Children's Play Spaces & Equipment or equivalent, Annex H; the Accessibility for Ontarians with Disabilities Act; and the Tier 1, Toronto Green Standard, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

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 Owner shall obtain approval from City Council for any changes required to the existing Section 37 Agreement registered on title to the lands as Instrument No. AT5385339 as an amending Section 37 Agreement to be entered into and registered on title to the lands to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

SIGNATURE PAGE

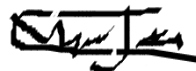
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JORDAN ALLISON (signed)

M. Cassin

MARIANNE CASSIN (signed)



LARRY SWARTZ (signed)



SHAHIN FAZELI (signed)



STAN KUMOREK (signed)

DATE DECISION MAILED ON: Thursday, March 7, 2024

LAST DATE OF APPEAL: Wednesday, March 20, 2024

CERTIFIED TRUE COPY

Sai-Man Lam
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.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and sai-man.lam@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/>