



Sabrina Salatino
Manager and Deputy Secretary-Treasurer

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

Committee of Adjustment
Toronto and East York
Toronto City Hall
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Toronto, Ontario M5H 2N2

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Tuesday, April 30, 2024

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

File Number: A0024/24TEY
Property Address: 1438-1440 QUEEN ST W
Legal Description: PLAN 387 E/PT LOT 11
Agent: JOSEPH BATTAGLIA
Owner(s): 2133523 ONTARIO INC NIKOLAOS PETRAKIS
Zoning: CR 2.5 (c1.0; r2.0) SS2 (x1766) (ZAP)
Ward: Parkdale-High Park (04)
Community: Toronto
Heritage: Listed

Notice was given and a Public Hearing was held on **Wednesday, April 24, 2024**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing two-storey mixed-use building (containing retail space on the ground floor and four residential dwelling units on the second storey) by constructing a rear second storey addition, and a complete third storey addition. The existing retail space will be maintained and unaltered. There will be a total of 16 residential dwelling units on the second and third storeys of this altered building.

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

- Chapter 40.10.40.70.(2)(B)(ii), By-law 569-2013**
Where the rear lot line abuts a lane, the building must be setback 7.5 m from the lot line of the lot abutting the lane on the opposite side of the lane.
The altered building will be located 7.06 m from the lot line of the lot abutting the lane on the opposite side of the lane.

2. Chapter 40.10.40.70.(2)(C), By-law 569-2013

Where the main wall of a building has windows or openings, the main wall must be set back at a minimum of 5.5 m from a lot line that is not adjacent to a street or lane.

In this case, the main wall containing windows or openings will be located **1.2 m** from the side (east) lot line.

3. Chapter 900.11.10.(2)(B)(ii), (iii), and (iii), Exception CR 2, By-law 569-2013

A minimum of 12 parking spaces are required to be provided on-site for residential and visitor parking.

In this case, two parking spaces will be provided on-site.

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 approve 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.

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

- (1) The owner/applicant must provide an acceptable tenant relocation and assistance plan to lessen hardship for tenants of the existing rental dwelling units proposed to be demolished at 1438-1440 Queen St. W, in conformity with Policy 3.2.1.12 of the Official Plan. The tenant relocation and assistance plan shall be consistent with the City's standard practices and developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning, addressing the following:
 - (a) Minimum financial compensation and notice as required under the Residential Tenancies Act, 2006 when a tenant receives a notice of termination for the purposes of demolition;
 - (b) Additional compensation above and beyond the Residential Tenancies Act, 2006 in the form of a rent gap payment;

- (c) Additional notice of the date of termination of each existing tenant's tenancy, above and beyond the minimum notice required under the Residential Tenancies Act, 2006;
 - (d) A moving allowance for each existing tenant and consistent with the City's current practices;
 - (e) Special needs compensation for any existing tenant who suffers from a physical and/or mental health challenge, and/or is sixty-five (65) years of age or older; and
 - (f) Upon the request of a tenant, making a rental leasing agent available to assist the tenant in identifying and securing alternative rental accommodation.
- (2) The owner must enter into, and register on title to the lands at 1438-1440 Queen Street West, an agreement pursuant to Section 45(9) of the Planning Act to secure the tenant relocation and assistance plan required (see condition (1) above), to the satisfaction of the Director, Community Planning, Toronto and East York District, City Planning.
- (3) The owner/applicant must submit building permit drawings, including plans, elevations and details to the satisfaction of the Senior Manager, Heritage Planning, Urban Design, City Planning Division.

SIGNATURE PAGE

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GARY MCKAY (CHAIR)



PETER REED



LARRY CLAY



DOUG WILKINS



NAZILA ATARODI

DATE DECISION MAILED ON: **Tuesday, April 30, 2024**

LAST DATE OF APPEAL: **Tuesday, May 14, 2024**

CERTIFIED TRUE COPY



Sabrina Salatino
Manager and Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

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.tey@toronto.ca and 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.

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/>