

Tuesday, July 15, 2025

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

**File Number:** A0109/25SC  
**Property Address:** 42 DONALDA CRES  
**Legal Description:** PLAN 1909 PT LOT 50 TO 52PT RP 64R5712 PART 2  
**Agent:** MIKO URBAN CONSULTING INC  
**Owner(s):** TIMOTHY JOHN BERENDS; BARBARA JEAN BERENDS  
**Zoning:** RD (f15.0; a510) (x272) [Waiver]  
**Ward:** Scarborough-Agincourt (22)  
**Community:** Agincourt Community  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, July 9, 2025**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new one-storey rear yard garden suite. There are no alterations proposed for the existing two-storey dwelling.

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

- 1. Chapter 150.7.60.40, By-law 569-2013**  
The maximum permitted height of an ancillary building containing a garden suite is 6.0 m.  
The proposed ancillary building containing the garden suite will have a height of 7.2 m.
- 2. Chapter 150.7.60.70.(1)(C)(ii), By-law 569-2013**  
The maximum permitted lot coverage of an ancillary building containing a garden suite is 60 m<sup>2</sup>.  
The proposed ancillary building containing the garden suite will have a coverage floor area of 106.9888 m<sup>2</sup>.

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 obtain the necessary permits for the removal of any trees. In compensation for the removal of the two existing trees, the applicant must plant two (2) replacement trees in the rear yard, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review, Scarborough District. *Contact:* [tppreast@toronto.ca](mailto:tppreast@toronto.ca)
- (2) The owner/applicant must construct the development substantially in accordance with the following drawings to the satisfaction of the Director, Community Planning, Scarborough District:
  - (a) Site Plan, Drawing No. SP01, prepared by Mi-Ko Urban Consulting Inc., dated February 10, 2025, and as generally illustrated on Figure 1 attached to this decision;
  - (b) Proposed Front Elevation, Drawing No. A05, prepared by Mi-Ko Urban Consulting Inc., dated December 03, 2024, and as generally illustrated on Figure 2 attached to this decision;
  - (c) Proposed North Elevation, Drawing No. A06, prepared by Mi-Ko Urban Consulting Inc., dated December 03, 2024, and as generally illustrated on Figure 3 attached to this decision;
  - (d) Proposed Rear Elevation, Drawing No. A07, prepared by Mi-Ko Urban Consulting Inc., dated December 03, 2024, and as generally illustrated on Figure 4 attached to this decision; and
  - (e) Proposed South Elevation, Drawing No. A08, prepared by Mi-Ko Urban Consulting Inc., dated December 03, 2024, and as generally illustrated on Figure 5 attached to this decision.

Any other zoning non-conformities that may appear on these plans that are not reflected in the written decision are NOT otherwise authorized.

- (2) The owner/applicant must submit 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, to the satisfaction of the Supervisor, Tree Protection and Plan Review, Urban Forestry, Scarborough District. *Contact:* [tppreast@toronto.ca](mailto:tppreast@toronto.ca)
- (3) As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the owner/applicant must grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the owner/applicant's information. The applicant may contact [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- (4) The owner/applicant must provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
- **Warning:** The Owner is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration.

*Contact:* [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com)

Decision Notice - MV.doc



Figure 2: Front Elevation

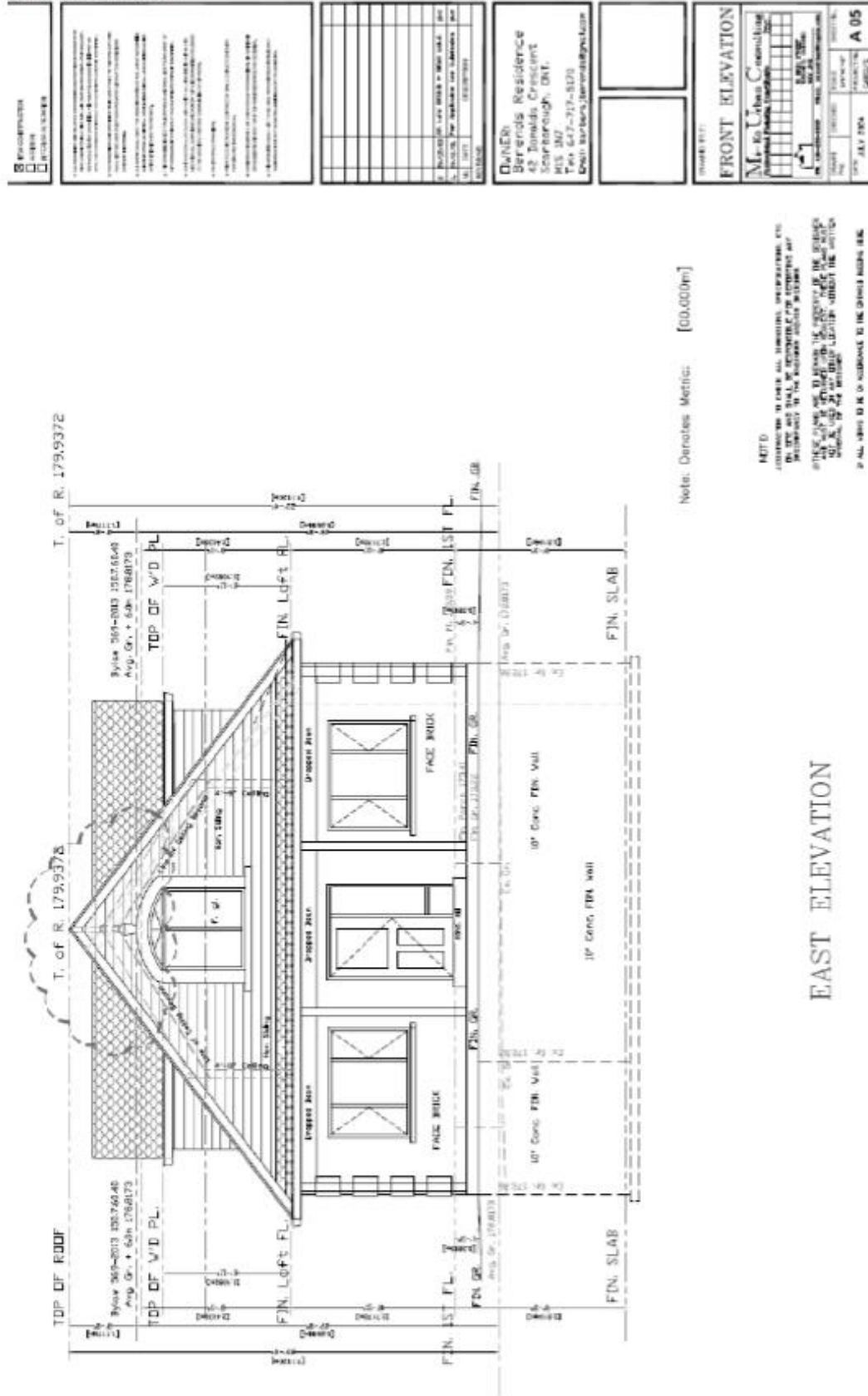
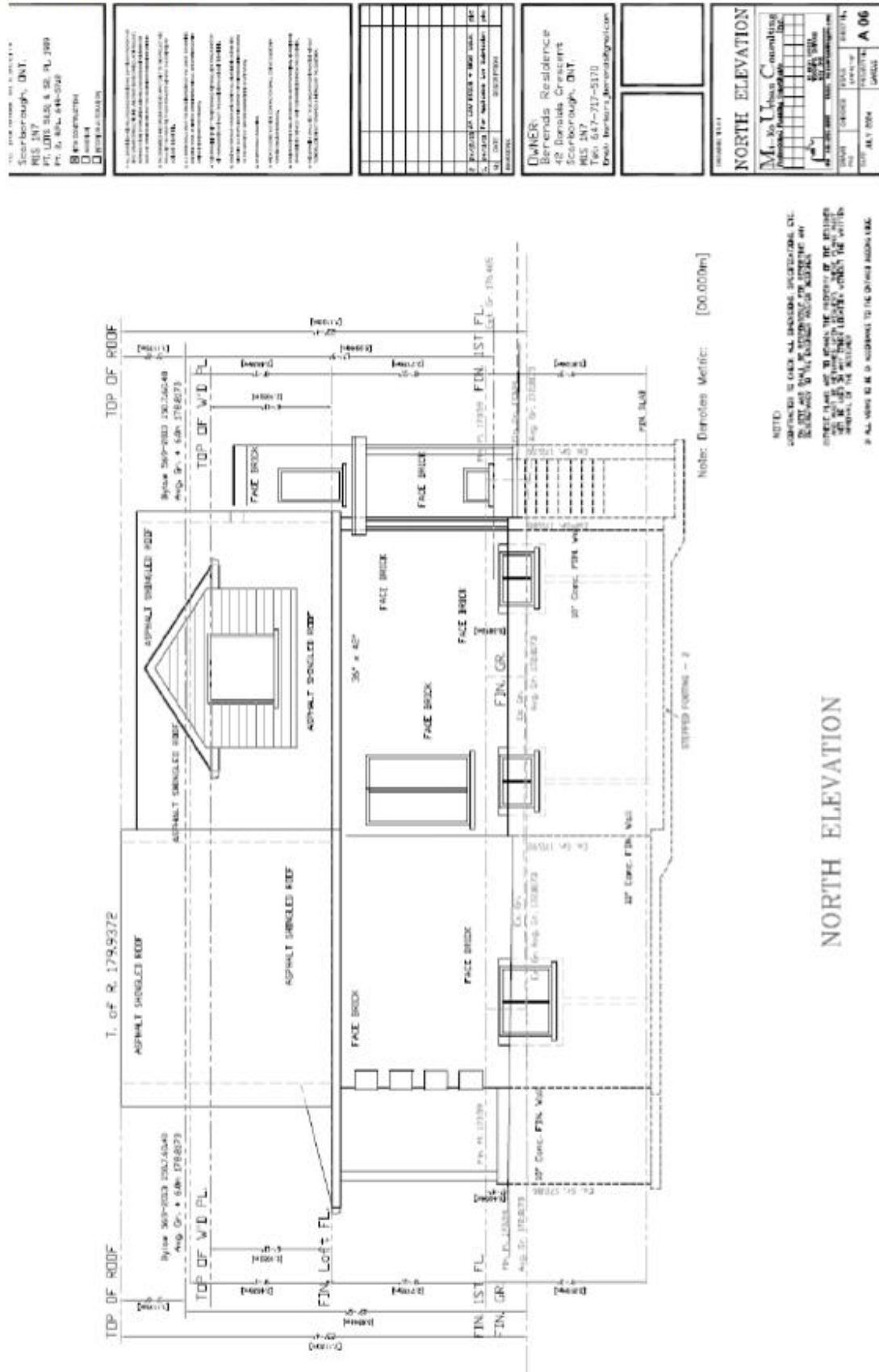


Figure 3: North Elevation

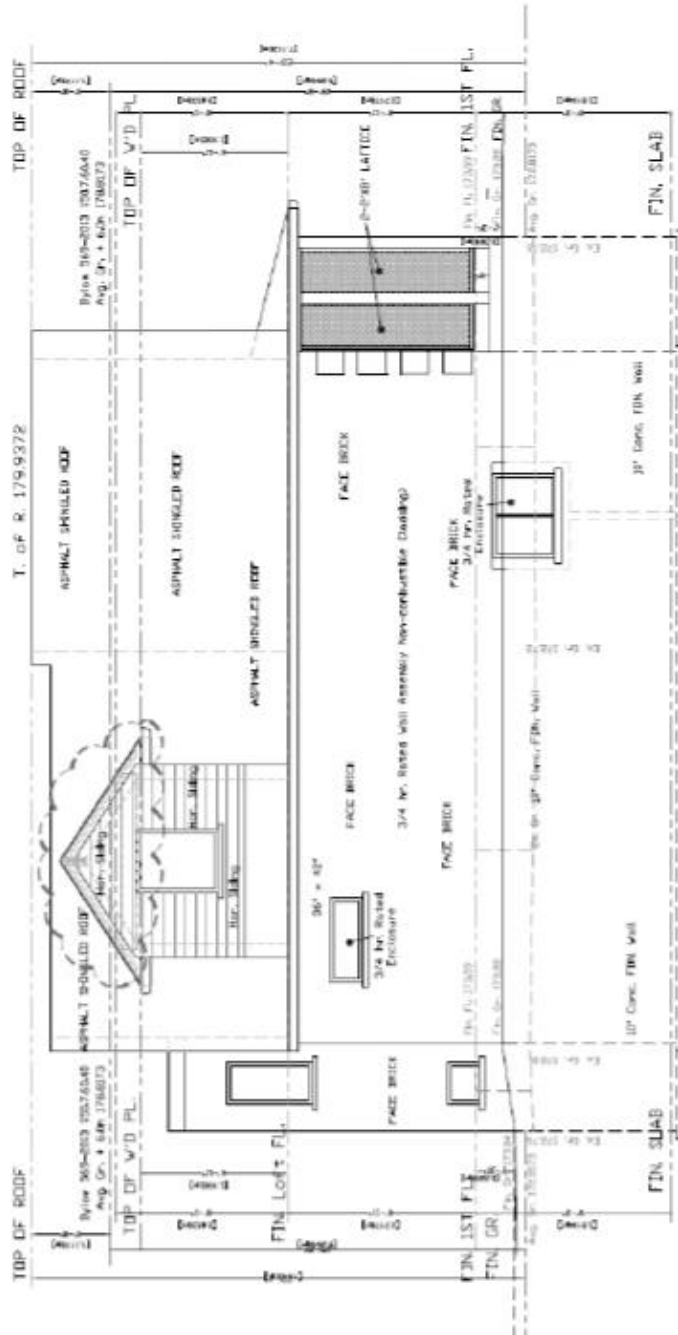
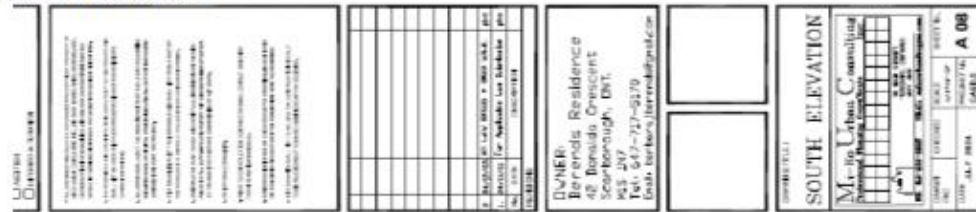


Storage Vorage 42, Bonville Crescent Scarborough, Ont. M1S 1B7 Tel. 416-291-8333 & 361-1809 Fax 416-291-8333		<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial	
I, the undersigned, being the duly authorized representative of the above-named company, hereby certify that the above information is true and correct to the best of my knowledge and belief.		I, the undersigned, being the duly authorized representative of the above-named company, hereby certify that the above information is true and correct to the best of my knowledge and belief.	
Signature of Authorized Representative _____ Name of Authorized Representative _____		Signature of Authorized Representative _____ Name of Authorized Representative _____	
Date of Issuance _____		Date of Issuance _____	





Figure 5: South Elevation



Note: Denotes Metric: [00.000m]

[illegible]

SOUTH ELEVATION



## SIGNATURE PAGE

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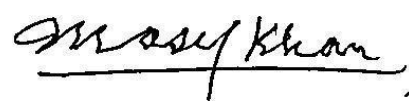
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DAVID STINSON (CHAIR)



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ANNE MCCAULEY



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ASIF KHAN



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ERIC HOU



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NANCY OOMEN

**DATE DECISION MAILED ON: Tuesday, July 15, 2025**

**LAST DATE OF APPEAL: Tuesday, July 29, 2025**

**CERTIFIED TRUE COPY**



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**Colin Ramdial**

Manager and Deputy Secretary-Treasurer  
Committee of Adjustment, Scarborough 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.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.

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](http://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/>