

Notice of Appeal Form 1

Questions or concerns about this form or process can be directed to the Toronto Local Appeal Body by telephone 416-392-4697 or by email at tlab@toronto.ca.

Information, including completed forms, disclosure documents and statements, you disclose to the Toronto Local Appeal Body (TLAB) in relation to a TLAB appeal is an adjudicative record that is a public record available to parties, participants and the general public. The legal authority to make the information public is section 1.0.1. of the Planning Act. As stated in Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, the provisions protecting individual privacy in Part 2 of that Act do not apply to any information collected in the TLAB's prescribed forms and associated filings for appeals.

Questions about this collection can be directed to the Manager of Tribunal Operations, Court Services, 40 Orchard View Boulevard, 2nd Floor, Suite 253, Toronto, Ontario M4R 1B9 or by telephone at 416-392-3261.

Part 1: Appeal Type: A separate Notice of Appeal and additional appeal fee is required for each Subject of Appeal.

Subject of Appeal (check only one)	Type of Appeal (check only the boxes related to your appeal)	Planning Act Reference
Planning Act Section 45 (12)	<input type="checkbox"/> Appeal a decision on minor variance from the provisions of any bylaw passed under section 34 or 38.	45(1)
	<input type="checkbox"/> Appeal a decision on enlargement or extension of a building or structure that is legal non-conforming	45 (2) (a) (i)
	<input type="checkbox"/> Appeal a decision on enlargement or extension of a building or structure that is legal non-conforming for a purpose that is similar or more compatible to a permitted use	
	<input type="checkbox"/> Appeal the decision on a request to permit or refuse the use of land, building or structure that is legal non-conforming and that is similar to the purpose or more compatible to a permitted use	45 (2) (a) (ii)
	<input type="checkbox"/> Appeal the decision on a request to permit or refuse a use of land, building or structure that is generally defined for any purpose that conforms with the uses permitted in the bylaw	45(2)(b)
Planning Act Section 53	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Appeal for failure to make a decision on the application within 90 days	53(14)

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Part 2: Location Information

Address and/or legal description of property subject to the appeal		
Street Number	Street Name	Postal Code

Part 3: Estimated Hearing Time

Number of days you anticipate needed for the hearing

Part 4: Appellant Information

First Name	Last Name	
<input type="checkbox"/> Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.		
Single Name		
Corporation Name or Association Name (Association must be incorporated), if applicable		
Position Title (if applicable)	Email	
Street Number	Street Name	Suite/Unit Number
City/Town	Province	Postal Code
Telephone Number	Mobile Number	
Date (yyyy-mm-dd)		
NOTE: You must notify the Toronto Local Appeal Body for each appeal filed of any change of email, address or telephone number in writing via email to tlab@toronto.ca and include your TLAB Case File Number(s) in the subject line of the email after the Case File Number(s) has been assigned.		

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Part 5: Representative Information (if applicable)

I hereby authorize the named lawyer, law firm, corporation and/or individual(s) to represent me			
First Name		Last Name	
<input type="checkbox"/> Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.			
Single Name			
Corporation Name or Association Name (Association must be incorporated), if applicable			
Position Title (if applicable)		Email	
Street Number	Street Name		Suite/Unit Number
City/Town		Province	Postal Code
Telephone Number		Mobile Number	
<p>Please note: If you are representing the appellant and are not a solicitor, please confirm that you have authority as required by the TLAB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box and signing below.</p> <input type="checkbox"/> I certify that I have authority to act as a representative with respect to this appeal on behalf of the appellant and I understand that I may be asked to produce this authorization at any time.			
Representative Signature		Date (yyyy-mm-dd)	

Part 6: Accessibility

<p>We are committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at tribunalaccess@toronto.ca.</p>

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Part 7: Appeal Specific Information

Provide specific information about what you are appealing using numbered paragraphs and include the Committee of Adjustment File Number(s).

Provide the nature of your appeal and the reasons and grounds for your appeal. Be specific and provide only land-use planning reasons. Include the specific provisions, sections and/or policies of the Official Plan or By-law(s) which are the subject of your appeal as applicable.

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Part 7: Appeal Specific Information (Continued)

Yes No For this property are there other appeals existing or to be filed with the City of Toronto?

Yes No For this property are there other approvals applied for under the Planning Act or any other Act?

If you answered 'Yes' to any of the above, please provide Committee of Adjustment and City File Numbers, and the TLAB Case File Number(s), if any.

NOTE: Only decisions of the Committee of Adjustment under s.45 (12), s. 53 of the Planning Act are appealable to the Toronto Local Appeal Body.

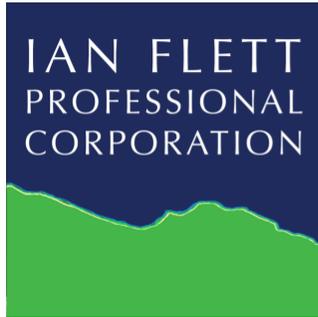
NOTE: If there are any related appeals filed with the Local Planning Appeal Tribunal (LPAT), you must complete the LPAT prescribed Appellant Form (A1 Appeal Form) within any applicable appeal limitation period.

Part 8: Other Applicable Information

Part 9: Required Fee

Total Fee Submitted (\$)

Payment Date (yyyy-mm-dd)



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March 16, 2026

By Email

Committee of Adjustment, North York District
coa.ny@toronto.ca
sai-man.lam@toronto.ca

Attention: Sai-Man Lam
Manager and Deputy Secretary-Treasurer

Dear Mr. Lam;

**RE: Notice of Appeal to the Toronto Local Appeal Body; Reasons
221 Donlea Drive
Committee of Adjustment File No.: A0029/26NY**

Reasons for Appeal

The Committee erred in refusing the application for the following reasons:

1. The Committee failed to properly consider the revised application before it.

The application that proceeded to decision was not the original proposal. By the time of the hearing, the proposal had been materially revised in direct response to planning staff concerns. As reflected in the Notice of Decision, the live application had been reduced to six variances only. The staff report confirms that the Applicant agreed to revise the proposal by:

- increasing rear yard soft landscaping,
- increasing the garden suite rear setback,
- eliminating the garden suite separation-distance variance,
- eliminating the garden suite height variance,
- reducing the garden suite gross floor area,
- eliminating the garden suite lot coverage variance, and

- eliminating the equipment-height variance.
2. **The Committee failed to give appropriate weight to the position of City planning staff.**

Planning staff expressly concluded that, as revised, the proposal improved concerns regarding privacy, overlook, density, and open space / green space, and that the development maintained the intent of the Official Plan and Zoning By-law, was minor in nature, and represented appropriate development for the site. The Committee reached the opposite conclusion without giving intelligible reasons for rejecting that professional planning opinion.

3. **The revised variances maintain the general intent and purpose of the Zoning By-law.**

The revised scheme substantially reduced the extent of variance sought from the original filing. The remaining variances are limited and specific:

- fourplex front yard setback: 6.60 m where 7.17 m is required;
- fourplex west side yard setback: 0.3 m where 0.9 m is required;
- garden suite rear yard soft landscaping: 47.84% where 50% is required;
- garden suite rear yard setback: 3.0 m at first storey and 2.0 m at second storey where 3.0 m is required;
- garden suite west side yard setback: 0.3 m where 1.5 m is required; and
- garden suite GFA: 128.62 m² where 120 m² is permitted.

The revised plans show that the Applicant achieved full compliance on a number of earlier garden suite metrics, including separation distance, height, lot coverage, and equipment height.

4. **The revised variances maintain the general intent and purpose of the Official Plan.**

The proposal is for low-rise residential intensification on a site designated Neighbourhoods. The planning rationale filed in support of the application explains that the site is within the Laird Major Transit Station Area and that the Official Plan has been amended to permit multiplexes and garden suites in Neighbourhoods as part of the City's intensification and housing objectives. The proposal remains a low-rise built form and, as revised, was found by planning staff to satisfy the Official Plan intent.

5. The Committee erred in finding the variances were not desirable for the appropriate development of the land.

The proposed development replaces an existing detached dwelling and garage with a fourplex and garden suite, providing five family-sized, ground-oriented residential units. The plans show four three-bedroom units in the main building and one three-bedroom garden suite unit. Our client's supporting planning materials identify this as a form of contextually responsive, low-rise intensification supported by the current planning framework.

6. The Committee erred in finding the remaining variances were not minor.

"Minor" is not a numbers exercise alone. Here, the application was materially revised to remove the more significant original deficiencies. Planning staff ultimately concluded that the remaining variances, viewed in context, were minor. In particular:

7. The appeal should be allowed and the variances authorized.

The Applicant requests that TLAB conduct a de novo hearing, find that the four tests are met for the revised variances, and authorize the minor variances in the form reflected in the Committee's Notice of Decision, or such further modified form as may be supported by the evidence.

The Applicant requests notice of all future steps and hearing dates in this matter.

Yours truly,

**IAN FLETT
PROFESSIONAL CORPORATION**

Per:



Ian Flett