

**Allyson Power**  
Director of Policy and Secretary-Treasurer  
Committee of Adjustment  
Development Review Division

416-396-3223  
coa.sc@toronto.ca

Tuesday, April 14, 2026

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

**File Number:** A0348/21SC  
**Property Address:** 537 KENNEDY RD  
**Legal Description:** PLAN 3507 PT LOT 12  
**Agent:** MATTHEW HELFAND  
**Owner(s):** CRISTOPHER DALE C DERHAK  
**Zoning:** Residential Detached (RD) Zone [ZR]  
**Ward:** Scarborough Southwest (20)  
**Community:** Kennedy Park Community  
**Heritage:** Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, April 8, 2026**, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To legalize and maintain the existing rear yard two-storey Garden Suite. This application was previously deferred at the December 2021 & April 2024 hearings.

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

- 1. Chapter 150.7.60.20.(6)(B), By-law No. 569-2013**  
The minimum required side yard setback is 1.68 m.  
In this case, the Garden Suite will be located 0.63 m from the North side lot line.
- 2. Chapter 150.7.60.40.(1)(B), By-law 569-2013**  
The maximum permitted height of an ancillary building containing a garden suite is 6.3 m.  
In this case, the Garden Suite will have a height of 6.4 m.
- 3. Chapter 150.7.60.50.(2), By-law 569-2013**  
The gross floor area of an ancillary building containing a garden suite must be less than the gross floor area of the residential building on a lot (75.02 m<sup>2</sup>).  
In this case, the gross floor area of the Garden Suite will be 169.02 m<sup>2</sup>.

**4. Chapter 150.7.60.50.(4)(A), By-law 569-2013**

The maximum gross floor area for an ancillary building containing a garden suite is 120 m<sup>2</sup>.

In this case, the Garden Suite will have a gross floor area of 169.02 m<sup>2</sup>.

**5. Chapter 10.5.100.1.(1)(C)(i), By-law 569-2013**

The maximum permitted driveway width is 6 m.

In this case, the driveway will be 6.08 m.

**6. Chapter 10.5.60.60.(1), By-law 569-2013**

The eaves of a roof on an ancillary building may encroach into a building setback a maximum of 0.3 m, if the eaves are no closer to a lot line than 0.15 m.

In this case, the eaves encroach 0.36 m into a building setback, and are 0.27 m from the north side lot line.

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 Refused**

It is the decision of the Committee of Adjustment to NOT approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is not maintained.
- The general intent and purpose of the Zoning By-law is not maintained.
- The variance(s) are not considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) are not minor.

**SIGNATURE PAGE**

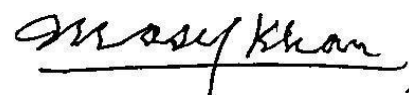
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NANCY OOMEN (CHAIR)



ANNE MCCAULEY



ASIF KHAN



DAVID STINSON



ERIC HOU

DATE DECISION MAILED ON: Tuesday, April 14, 2026

LAST DATE OF APPEAL: Tuesday, April 28, 2026

CERTIFIED TRUE COPY



**Colin Ramdial**  
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.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/>