

Allyson Power
Director of Policy and Secretary-Treasurer
Committee of Adjustment
Development Review Division**Committee of Adjustment**
Toronto and East York
Toronto City Hall
100 Queen Street West
Toronto, Ontario M5H 2N2**Tel:** 416-392-7565
Email: coa.tey@toronto.ca

Tuesday, July 28, 2026

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

File Number: A0435/26TEY
Property Address: 74 KIRKNEWTON RD
Legal Description: PLAN 2221 LOT 29
Agent: CHRISTIAN CHAN
Owner(s): CHUYUE DENG
Zoning: RM (f12.0; u4; d0.8) (x252) (ZAP)
Ward: Davenport (09)
Community: York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on **Wednesday, July 22, 2026**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new three-storey detached dwelling (multiplex) with front stairs to access the ground level, and a rear exterior staircase providing access from the basement level to the third storey. Also, to construct a new rear two-storey detached ancillary building containing one garden suite (abutting Harlow Avenue). There will be a total of seven residential dwelling units on this lot (six units within the main dwelling, and one unit within the ancillary building).

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

- 1. Chapter 10.5.40.70.(1), By-law 569-2013**
The minimum required front yard setback is 6.11 m.
The new dwelling will be located **4 m** from the front (east) lot line.
- 2. Chapter 10.80.40.10.(1)(C), By-law 569-2013**
The maximum permitted building height is 11 m.
The new dwelling will have a height of **11.54 m**.
- 3. Chapter 10.80.40.70.(3)(A), By-law 569-2013**
The minimum required side yard setback is 1.2 m.
The new dwelling will be located 0.3 m from the side (south) lot line.

4. Chapter 150.7.50.10.(1)(A), By-law 569-2013

A minimum of 50% (73.9 m²) of the rear yard must be maintained as soft landscaping.

In this case, **46.91% (69.33 m²)** of the rear yard will be maintained as soft landscaping.

5. Chapter 150.7.60.20.(2), By-law 569-2013

The minimum required rear yard setback for an ancillary building containing a garden suite is 1.5 m.

The new ancillary building containing one garden suite will be located 0.55 m from the rear (west) lot line.

6. Chapter 150.7.60.20.(6)(B), By-law 569-2013

The minimum required side yard setback for an ancillary building containing a garden suite is 1.5 m.

The new ancillary building containing one garden suite will be located **0.3 m** from the side (south) 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 Approved

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.

SIGNATURE PAGE

File Number: A0435/26TEY
Property Address: 74 KIRKNEWTON RD
Legal Description: PLAN 2221 LOT 29
Agent: CHRISTIAN CHAN
Owner(s): CHUYUE DENG
Zoning: RM (f12.0; u4; d0.8) (x252) (ZAP)
Ward: Davenport (09)
Community: York
Heritage: Not Applicable



LARRY CLAY (CHAIR)

DISSENTED

KATIE PLAIZIER



RYAN BISSONNETTE



DINO LOMBARDI

DISSENTED

ANN CRAWFORD

DATE DECISION MAILED ON: **Tuesday, July 28, 2026**

LAST DATE OF APPEAL: **Tuesday, August 11, 2026**

CERTIFIED TRUE COPY



Nicole Ivanov
Senior Planner and Acting 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/>