



July 29, 2026

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file #065542-00001

City of Toronto Committee of Adjustment
(North York District Office)
North York Civic Centre
5100 Yonge Street
Toronto, Ontario M2N 5V7

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

**Re: Notice of Appeal pursuant to section 45(12) of the *Planning Act*
340 St. Clements Avenue, Toronto
Committee of Adjustment File No. A0208/26NY
Application No. 26 182398 NNY 08 MV**

We are the solicitors for Avenue-St Clements Holdings Inc., the owner of the lands municipally known as 340 St. Clements Avenue, Toronto (the “**Subject Property**”). On behalf of our client, we are appealing the July 9, 2026 decision of the City of Toronto North York Committee of Adjustment to refuse minor variances to City of Toronto Zoning By-law 569-2013 (“**Bylaw 569-2013**”).

Background

The Subject Property is presently a vacant, generally rectangular parcel of approximately 702 square metres located at the northeast corner of Avenue Road and St. Clements Avenue. The Subject Property is approximately 660 metres from Avenue Station on TTC Line 5.

The Subject Property has approximately 40 metres of frontage along Avenue Road, which is designated as *Avenues* under Map 2 of the City of Toronto Official Plan (the “**Official Plan**”). Avenue Road is further designated as a *Major Street* within Map 3 to the City of Toronto Official Plan. The Subject Property is designated *Neighbourhoods* within Map 17 to the Official Plan. The Subject Property, being located on a Major Street and within Neighbourhoods is further regulated through the City of Toronto’s recently approved Official Plan Amendment 727 (“**OPA 727**”) respecting intensification on Major Streets. OPA 727 directs for greater diversity of housing types and sizes to increase options in *Neighbourhoods* and permits apartments up to 6 storeys on Major Streets.

The Subject Property is zoned as Residential (R) (F15.0, d0.6), exception 91 within By-law 569-2013. Exception 91 incorporates into By-law 569-2013, site specific zoning by-law 811-2020, as amended by by-law 1092-2021, providing site specific built form performance standards for a previously approved six-unit, 4-storey townhouse complex. These permissions have largely been superseded by more recent amendment to By-law 569-2013 through the City of Toronto's recently approved zoning by-law 1062-2025 regarding intensification on Major Streets, which is applicable to the Subject Property. Zoning By-law 1062-2025 increases the height and density permissions on the Subject Property to permit apartments up to six storeys with 60 units.

The proposed development acts on the direction in OPA 727 and By-law 1062-2025 by contemplating a six-storey apartment building, with 54 purpose-built rental dwelling units. The proposed development is intended to provide seniors-focused rental housing. Our client has advised that the proposed development was the subject of ongoing consultation with City Staff prior to and following submission. Consultation with the City began in February 2026, and included formal pre-application consultation in May 2026.

The minor variances before the Committee of Adjustment were to facilitate the proposed development through minor revisions to building length, setbacks, landscaping area, parking space, visitor space, loading space and bicycle space requirements. These variances were supported by a professional transportation study and professional planning justification letter. City Planning did not provide substantive comment on the proposed variances in a staff report dated July 6, 2026. City Transportation Review recommended approval of the requested variances.

Grounds for Appeal

Our client appeals the Committee's refusal of the Application. As detailed within the materials submitted in support of the requested variances, the requested relief satisfies all tests set out within the *Planning Act*, R.S.O. 1990, and should have been approved:

- **Have regard for matters of Provincial interest and is consistent with the Provincial Policy Statement, 2024 ("PPS"):** As identified in Section 2 of the *Planning Act*, including subsections (h), (j), (m), (o), (p), and (r), section 3(5) of the *Planning Act*, and policies 2.1, 2.2, 2.4 of the PPS in the provision of development that is in an appropriate location for growth, supports a healthy and safe community and a full range of housing, and is well-designed.
- **Meet the general intent and purpose of the official plan:** The Application provides for a form of development in conformity with the policies of the Official Plan, as amended by OPA 727, including but not limited to those policies respecting Avenues (2.2.3), Neighbourhoods (2.3.1 and 4.1, as amended by OPA 727), Public Realm (3.1.1), and Built Form (3.1.3), inclusive of those policies applicable to mid-rise buildings (3.1.4.4-3.1.4.6).
- **Meet the general intent and purpose of the zoning by-law:** The requested relief maintains the general intent and purpose of the Zoning By-law by providing for a built

form that is well-scaled within its existing and planned context, and which considers and mitigates the potential for impact to the streetscape and adjacent residential properties through the building setbacks, stepbacks, and transportation impacts. The overall built form and massing of the proposed development achieves the goals of recent City of Toronto direction with only small adjustments to accommodate the desired density.

- **Is desirable for the appropriate development and use of the land:** The requested relief is appropriate and desirable for the development of the Subject Site, representing a clear implementation of City Council's direction for increased housing along Major Streets, and providing for critically needed senior rental housing in the City of Toronto.
- **Is Minor in Nature:** The requested relief is minor in nature from a qualitative and technical perspective, particularly given the proposed development and nature of proposed uses, and does not give rise to any adverse or negative impact on adjacent properties or the neighbourhood as a whole.

The requested minor variances and proposed development reflects a careful, context-sensitive design which represents appropriate intensification of the Subject Property in accordance with recent City of Toronto policies and by-law amendments. In support of this appeal, please find enclosed a copy of Appeal Form 1.

Please note that the requisite appeal fee will be paid following receipt of instructions for payment from the Committee.

Please do not hesitate to contact the undersigned should the Toronto Local Appeal Body have any questions.

Yours truly,
Cassels Brock & Blackwell LLP



Adrianna Pilkington
AP/JE/nv
Encl.

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)	☒ Appeal a decision on minor variance from the provisions of any bylaw passed under section 34 or 38.	45(1)
	☐ Appeal a decision on enlargement or extension of a building or structure that is legal non-conforming	45 (2) (a) (i)
	☐ 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	
	☐ 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)
	☐ 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	☐ Appeal a decision	53(19)
	☐ Appeal conditions imposed	
	☐ Appeal changed conditions	53(27)
	☐ Appeal for failure to make a decision on the application within 90 days	53(14)

Notice of Appeal Form 1

Part 2: Location Information

Address and/or legal description of property subject to the appeal		
Street Number	Street Name	Postal Code
340	340 St. Clements Avenue	M4R 1H5

Part 3: Estimated Hearing Time

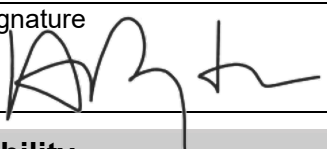
Number of days you anticipate needed for the hearing
1

Part 4: Appellant Information

First Name	Last Name	
Maryam	Mohajer	
☐ 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		
Avenue - St Clements Holdings Inc.		
Position Title (if applicable)	Email	
	mmohajer@mohajerjung.com	
Street Number	Street Name	Suite/Unit Number
5140	Yonge Street	1530
City/Town	Province	Postal Code
North York	Ontario	M2N 6L7
Telephone Number	Mobile Number	
416-487-8611		
Date (yyyy-mm-dd)		
2026-07-29		
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.		

Notice of Appeal Form 1

Part 5: Representative Information (if applicable)

I hereby authorize the named lawyer, law firm, corporation and/or individual(s) to represent me			
First Name Adrianna		Last Name Pilkington	
☐ 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 Cassels Brock and Blackwell LLP			
Position Title (if applicable) Partner		Email apilkington@cassels.com	
Street Number 40	Street Name Temperance Street		Suite/Unit Number 3200
City/Town Toronto	Province Ontario		Postal Code M5H 0B4
Telephone Number 416-860-6453		Mobile Number apilkington@cassels.com	
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. ☐ 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) 2026-07-29	

Part 6: Accessibility

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 .

Notice of Appeal Form 1

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.

See attached letter.

Appeal is from City of Toronto Committee of Adjustment's decision on its File No. A0208/26NY.

Notice of Appeal Form 1

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

See attached letter.

Part 9: Required Fee

Total Fee Submitted (\$)

300

Payment Date (yyyy-mm-dd)

2026-07-29