

## DECISION AND ORDER

**Decision Issue Date** Monday, January 29, 2018

PROCEEDING COMMENCED UNDER subsection 53(19), subsection 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant(s): VIPUL PATEL

Appellant's Solicitor: J.STREISFIELD

Applicant: MICHAEL MANETT

Property Address/Description: 1030 KIPLING AVE

Committee of Adjustment Case File Number: 16 254351 WET 05 CO, 16 254355 WET 05 MV, 16 254356 WET 05 MV

TLAB Case File Number: **17 249645 S53 05 TLAB, 17 249647 S45 05 TLAB, 17 249649 S45 05 TLAB**

**Motion Hearing date:** Monday, January 22, 2018

**DECISION DELIVERED BY S. Makuch**

### INTRODUCTION

This is an appeal of a the refusal of a consent and minor variances, with respect to property known municipally as 1030 Kipling Ave on which there is a single family dwelling. There were no parties in opposition to the appeal. A preliminary motion was brought to hold the hearing on an early date, January 22, 2018. No parties needed to be served as seen from the Peoples List and as set out in the Notice of Motion Affidavits on file (No. 17 249645 S53 05 TLAB - Supporting Documentation). No one appeared to object to the motion; thus the motion was granted. The hearing was held on January 22, 2018.

### BACKGROUND

**Decision of Toronto Local Appeal Body Panel Member: S. Makuch**  
**TLAB Case File Number: 17 249645 S53 05 TLAB,**  
**17 249647 S45 05 TLAB, 17 249649 S45 05 TLAB**

The consent requested was to sever the property into two undersized residential lots with a dedication of a portion of the property to the City for the widening of Kipling Ave.:

**Retained - Part 1**

Address to be assigned.

The lot frontage is 7.62 m and the lot area is 311.12 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0900/16EYK.

**Conveyed - Part 2**

Address to be assigned.

The lot frontage is 7.62 m and the lot area is 311.12 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an attached garage, requiring variances to the Zoning By-law, as outlined in Application A0901/16EYK.

**Dedication - Part 3**

Part 3 has a lot area of 74.52 m<sup>2</sup> and will be conveyed to the City of Toronto for the purpose of a road dedication.

There are ten variances being sought for each of the lots; they are as follows:

With respect to the Part 1, the Retained lot:

1. Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 320-59.(B)(1)  
The minimum required lot area is 510 m<sup>2</sup>. The new lot area will be 311.12 m<sup>2</sup>.
2. Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 320-59.(A)(1)  
The minimum required lot frontage is 13.5 m. The new lot frontage will be 7.62 m.
3. Section 900.3.10.(21)(C), By-law 569-2013 and Section 1.b)(1), By-law 1992-23  
The maximum permitted gross floor area is 0.5 times the area of the lot (155.56 m<sup>2</sup>).  
The new dwelling will have a gross floor area of 0.95 times the area of the lot (294.2 m<sup>2</sup>).
4. Section 900.3.10.(21)(D)(i), By-law 569-2013 and Section 1.c)(1), By-law 1992-23  
The minimum required side yard setback is 0.9 m, providing the aggregate of both side yards is not less than 2.1 m.

The new dwelling will be located 0.51 m from the south side lot line and will have a total aggregate side yard setback of 1.71 m.

5. Section 1.d)(1), By-law 1992-23

The maximum permitted dwelling depth is 16.5 m. The new dwelling will have a depth of 18.06 m.

6. Section 10.20.40.10.(1)(A), By-law 569-2013 and Section 1.a)(1), By-law 1992-23  
The maximum permitted building height is 9.5 m. The new dwelling will have a height of 10.42 m.

7. Section 10.20.40.10.(2)(A)(i), By-law 569-2013  
The maximum permitted height of all front exterior main walls is 7 m. The new dwelling will have a front exterior main wall height of 9.01 m.

8. Section 10.20.40.10.(6), By-law 569-2013  
The maximum permitted height of the first floor above established grade is 1.2 m.  
The new dwelling will have a first floor height of 2.92 m above established grade.

9. Section 1.a)(2), By-law 1992-23  
The maximum permitted soffit height is 6.5 m.  
The new dwelling will have a soffit height of 8.37 m.

10. Section 10.5.40.60.(7), By-law 569-2013  
The minimum required side yard setback for eaves is 0.3 m.  
Section 320-41.(D)  
The minimum required side yard setback for eaves is 0.4 m.  
Section 10.5.40.60.(7), By-law 569-2013 and Section 320-41.(D)  
The eaves of the new dwelling will be located 0.15 m from the south side lot line.

11. Section 320-16  
No two houses adjacent to each other shall be identical.  
The proposed dwelling will be identical to the adjacent proposed dwelling (Part 2).

With respect to the Part 2,:

1. Section 10.20.30.10.(1)(A), By-law 569-2013 and Section 320-59.(B)(1)  
The minimum required lot area is 510 m<sup>2</sup>. The new lot area will be 311.12 m<sup>2</sup>.
2. Section 10.20.30.20.(1)(A), By-law 569-2013 and Section 320-59.(A)(1)  
The minimum required lot frontage is 13.5 m. The new lot frontage will be 7.62 m.
3. Section 900.3.10.(21)(C), By-law 569-2013 and Section 1.b)(1), By-law 1992-23  
The maximum permitted gross floor area is 0.5 times the area of the lot (155.56 m<sup>2</sup>).  
The new dwelling will have a gross floor area of 0.95 times the area of the lot (294.2 m<sup>2</sup>).
4. Section 900.3.10.(21)(D)(i), By-law 569-2013 and Section 1.c)(1), By-law 1992-23  
The minimum required side yard setback is 0.9 m, providing the aggregate of both side yards is not less than 2.1 m.

The new dwelling will be located 0.51 m from the north side lot line and will have a total aggregate side yard setback of 1.71 m.

5. Section 1.d)(1), By-law 1992-23

The maximum permitted dwelling depth is 16.5 m. The new dwelling will have a depth of 18.06 m.

6. Section 10.20.40.10.(1)(A), By-law 569-2013 and Section 1.a)(1), By-law 1992-23

The maximum permitted building height is 9.5 m. The new dwelling will have a height of 10.42 m.

7. Section 10.20.40.10.(2)(A)(i), By-law 569-2013

The maximum permitted height of all front exterior main walls is 7 m. The new dwelling will have a front exterior main wall height of 9.01 m.

8. Section 10.20.40.10.(6), By-law 569-2013

The maximum permitted height of the first floor above established grade is 1.2 m. The new dwelling will have a first floor height of 2.92 m above established grade.

9. Section 1.a)(2), By-law 1992-23

The maximum permitted soffit height is 6.5 m.  
The new dwelling will have a soffit height of 8.37 m.

10. Section 10.5.40.60.(7), By-law 569-2013

The minimum required side yard setback for eaves is 0.3 m.

Section 320-41.(D)

The minimum required side yard setback for eaves is 0.4 m.

Section 10.5.40.60.(7), By-law 569-2013 and Section 320-41.(D)

The eaves of the new dwelling will be located 0.15 m from the south side lot line.

11. Section 320-16

No two houses adjacent to each other shall be identical.

The proposed dwelling will be identical to the adjacent proposed dwelling (Part 2).

## **MATTERS IN ISSUE**

As there are no parties in opposition to the appeal there are no issues in dispute, although the planning report to the Committee of Adjustment recommended against approval of the consent and variances on general grounds. Those grounds were that: the proposed severance did not meet the general intent of the official plan or zoning bylaw, the proposed severance was not reflective of the character of the neighbourhood, the current lot configuration was reflective of the neighbourhood's character, and the proposal could risk a change in that character and further applications.

## **JURISDICTION**

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

### **Minor Variance- s. 45**

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Planning Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
  - maintain the general intent and purpose of the Zoning By-laws;
  - are desirable for the appropriate development or use of the land; and
  - are minor.
- It is noted that the Committee of Adjustment and thus the TLAB may impose such terms and conditions it considers advisable s.45 (9). The TLAB's decision should also conform to the Growth Plan for the Greater Golden Horseshoe and be consistent with the Provincial Policy Statements ('PPS') when they are relevant.

### **EVIDENCE**

Evidence was given in support of the applications for the consent and all the variances by Michael Manett, a registered professional planner in the Province of Ontario who has been qualified to give expert planning evidence on many occasions before the Ontario Municipal Board. Mr. Manett has extensive planning experience in Toronto.

His evidence was that the consent and required variances were good planning and all met the requirements of the Planning Act and posed no negative impact. The details of his evidence are set out in his witness statement, (Expert Witness Statement dated December 8 2017, TLAB File, Supporting Documentation).

Those reasons include: single family homes are to be constructed which respect and reinforce the character of the neighbourhood. Two lots of identical width, in close proximity to the subject property, 978 and 982 Kipling Ave., were similarly divided and developed. Moreover, planning staff did not oppose either of those applications and indeed supported the severance of 978; the planning staff reported that it could see no reason to distinguish the 3 properties. Mr. Manett also pointed out that the properties were on an arterial road on the periphery of the neighbourhood, close to the Bloor subway and were served by a bus route and thus were suitable for intensification. He also noted that there was a public benefit in the dedication of land for the widening of Kipling Ave. The lot sizes and areas are not premature given the other approvals and are in keeping with the changing character of the arterial road. He did not find Provincial policies relevant.

## ANALYSIS, FINDINGS, REASONS

The TLAB had a concern that the property was being over developed given that the lot frontage and size were almost half that required by the Bylaw. However, given that the road widening reduced the lot size and was a public benefit, and that the single family character of the neighbourhood is being maintained, these concerns are assuaged. Moreover, the fact that two other undistinguishable lots, which were close by, received similar approvals and that planning staff did not oppose them, and, indeed, supported one of them, gives credence to the opinion of Mr. Manett; His opinion is further supported by the fact that there is the public benefit of a road widening being derived from the approval. The character of the arterial road is gradually going to change as a result of its widening and the consents already granted.

On the oral and written opinion evidence of Mr. Manett and for the above reasons, TLAB is content that the provisions of the statute, both policy and criteria in respect of the consent application, are met, that the application is not premature and that a plan of subdivision is not required.

Similarly, the TLAB accepts the oral and written opinion evidence of Mr. Manett, regarding provincial policy and his evidence that the tests applicable to each variance, individually and collectively are met. Namely, that a form of modest intensification is proposed in an appropriate, accessible location; further, that the official plan and zoning on the site and for the proposed sites has had their intent and purpose confirmed and met by the applications, and that the relief requested by the variances is minor and desirable.

## DECISION AND ORDER

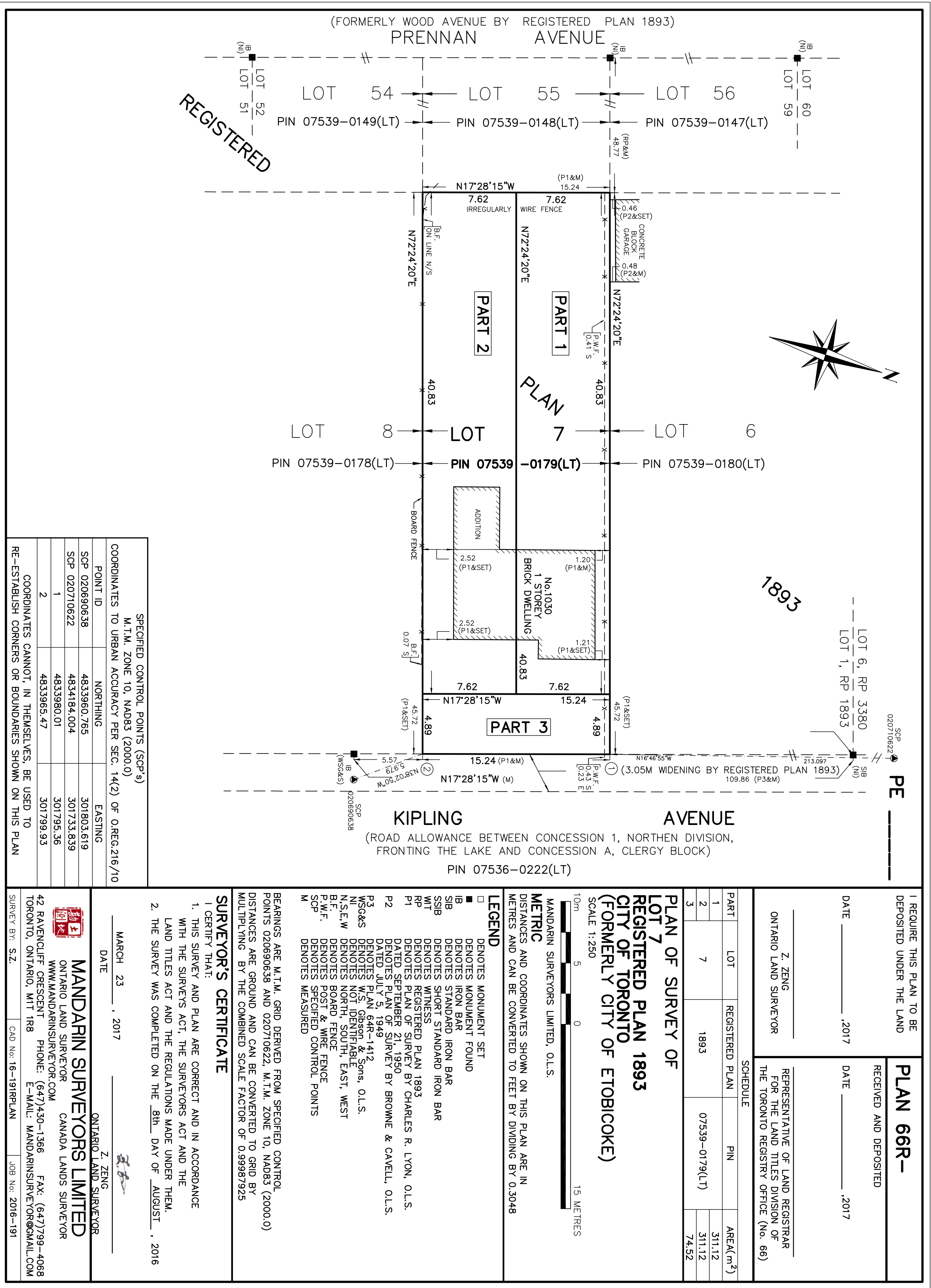
The TLAB, therefore, approves the consent as set out in the Revised R Plan, dated March 23 and attached as Schedule 1, subject to the conditions contained in the Memorandum of Development Engineering, dated December 16, 2016, attached as Schedule 2, and subject to the standard consent conditions agreed to by Mr. Manett on behalf of the applicant, and attached as Schedule 3. The variances set out above, are also granted, subject to the conditions set out in the Memorandum from Urban Forestry dated September 21 2017, attached as Schedule 4 The TLAB so orders.

X 

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S. Makuch  
Panel Chair, Toronto Local Appeal

# Schedule 1







**RECEIVED**

By Toronto Local Appeal Body at 11:38 am, Nov 24, 2017

# Schedule 2

**Ashraf Hanna, P.Eng.**  
Manager, Development Engineering  
Etobicoke York District

**Engineering and Construction Services**  
2 Civic Centre Court, 4<sup>th</sup> Floor  
Etobicoke, Ontario M9C 5A3

**Tel:** 416-394-8383  
**Fax:** 416-696-3776  
**E-mail:** ahanna@toronto.ca

**Reply to:** Tatiana Chiesa, P. Eng.  
**Tel:** 416-394-8081  
**Fax:** 416-696-3776  
**E-mail:** tchiesa@toronto.ca

## MEMORANDUM

**To:** Susanne Pringle, Manager & Deputy Secretary Treasurer  
Committee of Adjustment, Etobicoke York Panel  
**Attention: Annalisa Morra**

**From:** Ashraf Hanna, P.Eng.  
Manager, Development Engineering, Etobicoke York District

**Date:** December 16, 2016

**Subject:** **Committee of Adjustment File: B0083/16EYK, A0900/16EYK, A0901/16EYK**  
**Legal Description: Plan 1893 Lot 7**  
**Address: 1030 Kipling Avenue**  
**Applicant: Nick Saccone C/O Trademarked by Design Inc.**

### APPLICATION DESCRIPTION

Engineering and Construction Services Division and Transportation Services Division have reviewed the above-noted consent and minor variance applications made by Nick Saccone C/O Trademarked by Design Inc. on behalf of Vipul Patel.

The subject site is located on the west side of Kipling Avenue between Tyre Ave and Mattive Ave in the former City of Etobicoke (Ward 5). The site is zoned "Residential Detached Zone" (RD) and "Second Density Residential (R2) according to Citywide Zoning By-law 569-2013 and Etobicoke Zoning Code, respectively. The site is occupied by a single family detached dwelling and a wood garage in the rear yard with access being provided by an existing driveway off Kipling Avenue.

In the current submission, the applicant is proposing to demolish the existing single family detached dwelling and rear yard garage, sever the lot into two Parts and construct two new single family dwelling units (one on each lot) with an attached garage.

## **RECOMMENDATION**

Engineering and Construction Services Division wish to advise that we have no objections to the subject consent and minor variance applications, subject to the following conditions being satisfied:

1. The applicant shall submit one revised site plan (shown to scale of 1:200 or 1:250) illustrating the requirements specified in the following points to the satisfaction of Development Engineering Services and Transportation Services, at no cost to the City;
  - a) The site plan drawing should illustrate a positive slope from the roadway to the garage and have a minimum driveway slope of 2% and maximum driveway slope of 8%. Driveway slopes should be identified on all proposed lots; and,
  - b) The site plan should show existing structures, i.e. house, garage, driveway; and,
  - c) Insert advisory notation on the site plan stating which existing structures to be removed, i.e. shed, driveway; and,
  - d) The provision of driveway widths for each lot within the Kipling Avenue right-of-way that match the widths that are proposed on private property; and,
  - e) Clearly illustrate and dimension the portions of all existing curb cuts that will be closed; and,
  - f) Clearly illustrate the proposed new curb cuts for each dwelling unit that match the widths of the proposed driveways.
  - g) The site plan must be revised to include the following notations:
    - i. "All existing redundant curb cuts that are no longer required will be restored to the satisfaction of the City of Toronto at no cost to the municipality";
    - ii. "All proposed new curb cuts shall comply with all applicable City of Toronto Design Standards";
    - iii. "The applicant must submit a Municipal Road Damage Deposit (MRDD) for the proposed new driveways and sidewalk/curb construction within the municipal boulevard." The applicant must contact Ms. Joanne Vecchiarelli of the Right-of-Way Management Section at 416-338-1045 in order to obtain all requirements related to the MRDD; and
    - iv. "The applicant must obtain all required permits to construct the proposed driveways from the Right-of-Way Management Section of Transportation Services".
2. A 4.89 metre wide conveyance is required along the Kipling Avenue frontage of the site in order to satisfy the Official Plan requirement of a 36 metre right-of-way at this location. With the exception of utility poles, the applicant must ensure that the required conveyance(s) is free of all encumbrances and is subject to a right-of-way for access purposes in favour of the grantor until such time as the required land(s) are laid out and dedicated as public highway(s);

3. The applicant shall submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan shall:
  - be drawn in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection;
  - delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site, and any appurtenant rights-of-way and easements; and,
  - show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
4. The applicant is financially responsible for all costs associated with preparing and registering the reference plans. We advise the applicant to contact Mr. J. House, Supervisor of Property Records, at (416) 392-8338 to obtain an exact description of the required conveyance(s).

### **ADVISORY COMMENTS**

Should this application be approved the applicant is to be advised of the following requirements in writing:

#### **1. Site Servicing Connections**

There is a 200mmØ municipal watermain, a 200mmØ sanitary sewer and a 450 mmØ sanitary sewer available on Kipling Avenue to serve the subject lands.

It is the responsibility of the applicant to ensure that the elevations of the sewers are compatible with the intended use of the property. Separate water and sanitary sewer connections will be required for each dwelling or parcel of land.

The owner will be required to make an application to Toronto Water Division, North York Civic Centre, 5100 Yonge Street, 2<sup>nd</sup> Floor, for the installation of any proposed services within the City right-of-way. For further information, please contact Toronto Water at 416-395-6082.

#### **2. Road Allowance Permits**

The applicant must obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. Chapter 743-4 of the Toronto Municipal Code requires that any person who requests a building permit, (except Fast track applications) pay a Municipal Road Damage Deposit. The applicant is advised to contact Joanne Vecchiarelli at 416-338-1045 of our Right-of-Way Management Unit regarding site-specific permit requirements.

#### **3. Storm Sewer Connections**

The City Sewer Use By-Law prohibits connections to a storm sewer from single family residential dwellings. Foundation drains for new dwellings are to be pumped to grade and roof drains are to discharge onto a landscaped area.

#### **4. Site Grading**

In conjunction with a building permit application, to ensure that the development of the subject land does not create a drainage problem to this or abutting lands, the applicant must submit a lot grading plan to the Buildings Division in accordance with the Building Division's Policy on Building and Drainage for Infill Housing.

#### **5. Driveways**

Toronto Water and Engineering and Construction oppose reverse slope driveways. The proposed driveways should be designed and constructed with a positive slope from the roadway to the garage and the portion of the driveway within the public road allowance must maintain a minimum 2% slope.

#### **6. Utilities**

The applicant will be financially responsible for all work proposed within the road allowance including any costs arising from the relocation or removal of existing services and utilities which may become necessary through the development or use of this land.

### **BACKGROUND**

The portions of the proposed driveways for each dwelling unit are shown on the site plan as having a width of 3.0 metres on private property. While this is generally acceptable, the applicant is required to revise the site plan drawings to explicitly show the driveway widths within the Kipling Avenue right-of-way that match the widths that are proposed on private property. The site plan drawings must also illustrate and dimension the portions of all existing curb cuts that will be closed, and the proposed new curb cuts for each dwelling unit that match the widths of the proposed driveways.

We have been advised by the Land and Property Survey unit of the Engineering and Construction Services Division that a 4.89 metre wide conveyance is required along the Kipling Avenue frontage of the site in order to satisfy the Official Plan requirement of a 36 metre right-of-way at this location. The site plan drawings must be revised to explicitly dimension and identify the subject lands as being conveyed to the City for a nominal sum. No encroachments will be permitted within the conveyed lands. The applicant will be required to convey the subject lands in accordance with the following requirements:

1. With the exception of utility poles, the applicant must ensure that the required conveyance is free of all encumbrances and is subject to a right-of-way for access purposes in favour of the grantor until such time as the required land(s) are laid out and dedicated as public highway(s);
2. The applicant must submit a draft Reference Plan of Survey to the Executive Director of Technical Services, for review and approval, prior to depositing it in the Land Registry Office. The plan shall:
  - a) be drawn in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System) and the 3 degree Modified Transverse Mercator Projection; and,

- b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site, and any appurtenant rights-of-way and easements; and,
  - c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan.
3. The applicant is financially responsible for all costs associated with preparing and registering the reference plans. We advise the applicant to contact Mr. J. House, Supervisor of Property Records, at (416) 392-8338 to obtain an exact description of the required conveyance(s).

If you have any questions regarding these comments, please contact Tatiana Chiesa at 416-394-8081.

Ashraf Hanna, P.Eng.  
Manager, Development Engineering  
Engineering and Construction Services, Etobicoke York District

TC/

copy: 1030 Kipling Avenue, B0083/16EYK, A0900/16EYK, A0901/16EYK  
Transportation Services (Attn: Luigi Nicolucci)

# Schedule 3

## *Schedule A: Standard Consent Conditions*

- (1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.
- (3) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
- (4) Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- (5) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.
- (6) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
- (7) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.

# Schedule 4



## Memorandum

**Parks, Forestry & Recreation**  
**Max Dida, Supervisor**

Urban Forestry  
**Etobicoke Civic Centre**  
399 The West Mall  
Main Floor  
Toronto, Ontario M9C 2Y2

**Tel:** 416-338-6596  
**Fax:** 416-394-8935  
mdida@toronto.ca  
www.toronto.ca/trees

Sept 21 2017

**TO:** Susanne Pringle, Manager & Deputy Secretary-Treasurer  
City Planning, Community Planning - West District

**FROM:** Max Dida, Supervisor, Tree Protection and Plan Review - West District, Urban Forestry - Parks, Forestry & Recreation

**RE:** **Conditions of Urban Forestry – Committee of Adjustment Hearing** Sept 28, 2017

This will acknowledge the “Public Hearing Notice” regarding an application for approval of the Committee of Adjustment for requested variance(s) and/or consent.

Urban Forestry advises that the following addresses may require one or all of the following requirements as outlined in column IV:

- 1) Submission of a complete application for a permit to injure or destroy a City-owned tree(s). A *Contractor's Agreement to Perform Work on City-owned Trees* will be required prior to the removal/injure of the subject tree(s). Form located at [www.toronto.ca/trees/pdfs/contractor\\_services\\_agreement\\_information.pdf](http://www.toronto.ca/trees/pdfs/contractor_services_agreement_information.pdf).

Submission of a tree protection guarantee security deposit to guarantee the protection of City-owned trees according to the *Tree Protection Policy and Specifications for Construction Near Trees* or as otherwise approved by Urban Forestry. Accepted methods of payment include debit or card, certified cheque or money order payable to the *Treasurer of the City of Toronto*, or Letter of Credit.

- 2) Submission of a complete application for permit to injure or destroy privately owned trees.
- 3) Where there are no existing street trees, the owner shall provide payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application. The current cost of planting a tree is \$583, subject to changes.
- 4) Request deferral of application to fully address impacts to the health of tree(s) or objection to the variance through a stand-alone memo; however, if the application proceeds any approval shall be subject to conditions.

For those Committee of Adjustment applications requiring Urban Forestry conditions to be met, applicants must provide Urban Forestry with a copy of the Committee of Adjustment Final & Binding letter or the OMB decision. A clearance letter will be issued once the required conditions are fulfilled.

For additional information please forward inquiries to [tpprwest@toronto.ca](mailto:tpprwest@toronto.ca) or call (416) 338-6596.

Item	File Number	Property	Community (Ward)	Condition of Urban Forestry			
				1	2	3	4
1	A0590/17EYK	14 ATHERTON CRES	Etobicoke-Lakeshore (06)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	A0592/17EYK	14 GOLFWOOD HTS	Etobicoke North (02)	*			
3	A0593/17EYK	117 GRAND AVE	Etobicoke-Lakeshore (05)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	A0594/17EYK	15 MARKLAND DR	Etobicoke Centre (03)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	A0596/17EYK	18 BELVALE AVE	Etobicoke-Lakeshore (05)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	A0598/17EYK	1 FRIARS LANE	Etobicoke Centre (04)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	A0603/17EYK	112 SEVENTH ST	Etobicoke-Lakeshore (06)	*			
8	A0604/17EYK	17 STRATH AVE	Etobicoke-Lakeshore (05)	*			
9	A0614/17EYK	82 GOVERNMENT RD	Etobicoke-Lakeshore (05)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	A0623/17EYK	122 SYMONS ST	Etobicoke-Lakeshore (06)	*			
11	A0635/17EYK	32 TRUEMAN AVE	Etobicoke-Lakeshore (05)	*			
12	A0642/17EYK	72 THORNCREST RD	Etobicoke Centre (04)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13	A0644/17EYK	47 ACORN AVE	Etobicoke-Lakeshore (05)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14	A0645/17EYK	3250 - 3300 BLOOR ST W	Etobicoke-Lakeshore (05)	**			
15	A0648/17EYK	4 FEATHERWOOD PL	Etobicoke Centre (04)	*			
16	A0649/17EYK	35 THIRTY EIGHTH ST	Etobicoke-Lakeshore (06)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17	A0672/17EYK	96 WEDGEWOOD DR	Etobicoke-Lakeshore (05)	*			
18	A0204/17EYK	45 GARDENVALE RD	Etobicoke-Lakeshore (05)	*			
19	A0441/17EYK	374 ROYAL YORK RD	Etobicoke-Lakeshore (06)	*			
20	A0562/17EYK	25 SILVERTHORNE BUSH DR	Etobicoke Centre (03)	*			
21	A0626/17EYK	17 GOVERNMENT RD	Etobicoke-Lakeshore (05)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22	A0627/17EYK	19 GOVERNMENT RD	Etobicoke-Lakeshore (05)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23	A0701/17EYK	69 MILLSBOROUGH CRES	Etobicoke Centre (03)	*			



24	A0706/17EYK	32 SUPERIOR AVE	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
25	A0729/17EYK	37 LILLIBET RD	Etobicoke-Lakeshore (05)	*
26 A	B42/16EYK	1061 THE QUEENSWAY	Etobicoke-Lakeshore (05)	**
26 B	A484/16EYK	1061 THE QUEENSWAY	Etobicoke-Lakeshore (05)	**
27 A	B0016/17EYK	420 A HORNER AVE	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
27 B	A0192/17EYK	420 HORNER AVE - PART 1	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
27 C	A0191/17EYK	420 HORNER AVE - PART 2	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
27 D	A0190/17EYK	420 HORNER AVE - PART 3	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
27 E	A0189/17EYK	420 HORNER AVE - PART 4	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
28 A	B0023/17EYK	64 TREEVIEW DR	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
28 B	A0281/17EYK	64 TREEVIEW PART 1	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
28 C	A0282/17EYK	64 TREEVIEW PART 2	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
29 A	B0025/17EYK	60 BURLINGAME RD	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
29 B	A0289/17EYK	60 BURLINGAME RD - PART 1	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
29 C	A0290/17EYK	60 BURLINGAME RD - PART 2	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
30 A	B0031/17EYK	436 VALERMO DR	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
30 B	A0319/17EYK	436 VALERMO DR- PART 1	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
30 C	A0320/17EYK	436 VALERMO DR- PART 2	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
31 A	B0040/17EYK	24 BRAWLEY AVE	Etobicoke-Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
31 B	A0458/17EYK	24 BRAWLEY AVE - PART 2	Etobicoke-Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
31 C	A0464/17EYK	24 BRAWLEY AVE - PART 1	Etobicoke-Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
32 A	B0054/17EYK	90 VANEVERY ST	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
32 B	A0533/17EYK	90 VANEVERY ST - PART 1	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
32 C	A0532/17EYK	90 VANEVERY ST - PART 2	Etobicoke-Lakeshore (06)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
33	<b>DEFERRED from Feb 9/17 A0962/16EYK</b>	66 MURRIE ST	Etobicoke-Lakeshore (06)	*

34	DEFERRED from Apr 6/17 A0084/17EYK	6 LORRAINE GDNS	Etobicoke Centre (03)	*
35	DEFERRED from May 4/17 A0305/17EYK	37 GREENFIELD DR	Etobicoke- Lakeshore (05)	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
36 A	DEFERRED from Mar 9/17 B0083/16EYK	1030 KIPLING AVE	Etobicoke- Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
36 B	DEFERRED from Mar 9/17 A0900/16EYK	1030 KIPLING AVE - PART 1	Etobicoke- Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
36 C	DEFERRED from Mar 9/17 A0901/16EYK	1030 KIPLING AVE - PART 2	Etobicoke- Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
37 A	DEFERRED from June 29/17 B0024/17EYK	86 SAYBROOK AVE	Etobicoke- Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
37 B	DEFERRED from June 29/17 A0283/17EYK	86 SAYBROOK AVE - PART 1	Etobicoke- Lakeshore (05)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>

## APPEALS AND ORDERS:

### OMB Appeals:

None

### TLAB Appeals:

15 Nelles Ave  
44 Ranwood Dr  
98 Guestville Ave  
10 Methuen Ave  
56 Frances Ave Parts 1 & 2  
403 The Kingsway

### OMB Orders:

24 Thirty Third St – B68; A597, A598 / 15EYK – Appeal Dismissed, Consent and Variances Authorized  
44 Morningside Ave – B0058; A0633, A0634 / 16EYK - Appeal Allowed in part, CO authorized with  
revised conditions, VARS authorized  
3 Orchard Cres – B0050; A0552, A0553 / 16EYK - Appealed Allowed in Part, CO and VARS authorized  
14 Villa Rd – B0061; A0709, A0710 / 16EYK - Appeal Dismissed, CO and VARS authorized  
4270-4272 Weston Rd - A0041/17EYK - Appeal Allowed in Part, VARS authorized

\*No Forestry Issues

\*\* Site Plan Approval Conditions to be met

Urban Forestry Tree Protection and Plan Review has updated the procedure for handling applications being considered by the Committee of Adjustment and method for providing comments and conditions.

Prior to the Committee of Adjustment Public Hearing, Urban Forestry inspected the site and reviewed the plans that were submitted to the Committee.

Please be advised that with new process for Committee of Adjustment Applications, Urban Forestry Conditions are provided **only for the applications where city and private trees will be directly impacted by the variance or consent.**

The applicants should be advised that tree by law applies for all trees that qualify for protection under the [city and private tree by law](#) within 6 m of the subject site. Anyone failing to adhere to the [tree protection policies and specifications for construction near trees](#) will be financially responsible for any resulting damage to trees and maybe be charged under the provisions of the City of Toronto tree by-law.