

December 17, 2020

By E-Mail

Anita MacLeod  
Manager and Deputy Secretary-Treasurer  
Committee of Adjustment, Toronto and East York  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Ms. MacLeod:

**Re: Notice of Appeal pursuant to subsection 45(12) of the Planning Act, R.S.O. 1990, c. P.13  
908-916 St. Clair Avenue West & 166 Alberta Avenue  
Committee of Adjustment File No.: A0296/20TEY**

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Aird & Berlis LLP represents 908 SCW Properties Inc., the registered owner of the above noted property (the "Subject Lands").

On March 24, 2020, our client's agent Bousfields Inc. filed a minor application (the "Application") with the Committee of Adjustment (the "Committee") seeking relief from the four zoning by-laws regulating the Subject Lands. These include the City-wide BL 569-2013, City of York BL 1-83, BL 1103-2203 and BL 438-86. The number of by-laws applicable to the Subject Lands is a result of the location being within both the pre-amalgamated municipal boundaries of Toronto and York, creating a split zoned condition. The Application sought variances into four general categories 1) height and density; 2) massing and siting; 3) access, parking and loading; and, 4) landscaping and amenity space.

The requested variances would allow for the development of a 12-storey mixed-use building with an overall density of 5.74 times the lot area. The resulting building would introduce a 173 new units comprised of one-, two- and three-bedroom units.

Working closely with Planning Staff, our client reworked the original plans and submitted revised plans on October 27, 2020. In doing so, the revised plans increased the number of required variances required. However, the revised plans were able to address Staff's concerns, who recommended approval of the Application in their letter dated November 25, 2020. Our client also met with the local ward Councillor, who raised no concerns with the Application.

At the December 2, 2020 meeting, the Committee refused the requested variances despite support from Staff and the local Councillor. Therefore, on behalf of our client, we are writing to appeal the Committee's refusal of the above-noted minor variance application to the Toronto Local Appeal Body pursuant to subsection 45(1) of the *Planning Act* R.S.O. 1990, c.P13. The reasons for the appeal include:

1. The requested variances are consistent with the Provincial Policy Statement (2020), and conform to the Growth Plan for the Greater Golden Horseshoe (2019).

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2. The requested variances maintain the intent of the City's Official Plan policies, including promoting intensification that is sensitive to the existing and planned context.
3. The requested variances are technical in nature and maintain the intent of the applicable zoning by-laws.
4. The requested variances are minor in nature, both individually and cumulatively. The number of variances requested is attributable mainly to split-zoned condition on the Subject Lands.
5. The requested variances are desirable and appropriate as they support an improved site and building performance by adding to the mix and supply of housing stock without unduly impacting the surrounding properties.

In an effort to identify design solutions to the concerns raised by immediate neighbours at the Committee of Adjustment hearing, our client intends to continue to consult with the community and local Councillor to address outstanding issues and concerns in advance of a Hearing. Our client has recently sent a letter to neighbours to initiate this process.

In support of this appeal, we enclose herewith an executed Notice of Appeal Form 1. Following COVID-19 protocols, a filing fee will be submitted once confirmation is received that the appeal material has been deemed in order.

Please do not hesitate to contact the undersigned should you have any questions or require any further information.

Yours truly,

AIRD & BERLIS LLP



Eileen P. K. Costello  
Partner

EPC:/aje  
cc: Clients  
42824683.1

AIRD BERLIS

# 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](mailto: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 of this collection can be directed to the Manager of Planning & Liaison, Court Services, 137 Edward Street, 2nd Floor, Toronto, Ontario M5G 2P1 or by telephone at 416-338-7320.

**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
<b>Planning Act Section 45 (12)</b>	<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)
<b>Planning Act Section 53</b>	<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)

# 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

## Part 3: Estimated Hearing Time


Number of <b>days</b> you anticipate needed for the hearing
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## 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)		
<b>Please 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 <a href="mailto:tlab@toronto.ca">tlab@toronto.ca</a> and include your TLAB Case File Number(s) in the subject line of the email after the Case File Number(s) has been assigned.</b>		

# Notice of Appeal Form 1

## Part 5: Representative Information (if applicable)

<b>I hereby authorize the named lawyer, law firm, corporation and/or individual(s) to represent me</b>			
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 <a href="mailto:tribunalaccess@toronto.ca">tribunalaccess@toronto.ca</a>.</p>
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# 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.

# 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, 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)