

Wednesday, October 20, 2021

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

File Number: A0803/20TEY
Property Address: 1144 DAVENPORT RD
Legal Description: PLAN M312 PT BLK C
Agent: MICHAEL FODERICK
Owner(s): PERCY ELLIS HOLDINGS INC
Zoning: MCR T1.5 C1.0 R1.5 (ZZC)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, October 20, 2021**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To alter the existing two-storey mixed-use building, containing three dwelling units, by constructing a complete third and fourth storey addition, and adding two dwelling units, for a total of five dwelling units. The ground floor commercial unit will be maintained.

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

- 1. Section 4(2)(a), By-law 438-86**
The maximum permitted building height is 12 m.
The altered mixed-use building will have a height of 12.47 m.
- 2. Section 8(3) Part I 1, By-law 438-86**
The maximum permitted combined gross floor area of a mixed-use building is 1.5 times the area of the lot (301.05 m²).
The altered mixed-use building will have a combined gross floor area equal to 2.73 times the area of the lot (548.5 m²).
- 3. Section 8(3) Part I 3(a), By-law 438-86**
The maximum permitted residential gross floor area is 1.5 times the area of the lot (301.05 m²).
The altered mixed-use building will have a residential gross floor area equal to 2.46 times the area of the lot (493.93 m²).

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 on Condition

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.

The decision is subject to the following condition(s):

The commercial portion of the building, as shown on the Ground Level Floor Plan A201, received by the Committee of Adjustment on July 8, 2021, shall not be used as habitable space. Any other variances that may appear on the plan and are not listed in the written decision are NOT authorized.

SIGNATURE PAGE

File Number: A0803/20TEY
Property Address: 1144 DAVENPORT RD
Legal Description: PLAN M312 PT BLK C
Agent: MICHAEL FODERICK
Owner(s): PERCY ELLIS HOLDINGS INC
Zoning: MCR T1.5 C1.0 R1.5 (ZZC)
Ward: Davenport (09)
Community: Toronto
Heritage: Not Applicable



DISSENTED



DON GRANATSTEIN
(CHAIR)

LISA VALENTINI

YIM CHAN



LARRY CLAY

DATE DECISION MAILED ON: **Tuesday, October 26, 2021**

LAST DATE OF APPEAL: **Tuesday, November 9, 2021**

CERTIFIED TRUE COPY

Sabrina Salatino
Manager & Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

All appeals must be filed by email 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.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need 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) INSTRUCTIONS

To appeal this decision to the OLT you need the following:

- A completed OLT Appellant Form (A1) in digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 for each connected appeal filed by the same appellant.
- Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/appeals-process/forms/>

*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 to the **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.