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# GUIDE TO THE COMMITTEE OF ADJUSTMENT

NORTH YORK DISTRICT

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## GUIDE TO THE COMMITTEE OF ADJUSTMENT

### INTRODUCTION

In Ontario, the provincial government guides land use planning through the *Planning Act*, Provincial Policy Statement (PPS), and provincial plans such as the Greenbelt Plan, Growth Plan for Northern Ontario, and Growth Plan for the Greater Golden Horseshoe.

Municipal governments implement these provincial priorities through their Official Plan (OP) and zoning by-law.

An OP establishes the overall and long-term vision for land use, development, and environment management in a municipality. It provides guidance for detailed planning regulations set in local zoning by-laws. A zoning by-law regulates permitted uses of land, including building types, green space, density and other provisions, for proper development.

The provincial Planning Act grants the City of Toronto the ability to regulate land use through the Official Plan and Zoning By-laws. Key points in the Official Plan include protecting the physical character of Toronto's low-rise neighbourhoods, emphasizing environmentally sustainable development, design policies to guide the physical form of development and public realm improvements, seeking to ensure the social and environmental infrastructure is in place to serve Toronto's present and future residents and preserve our natural areas; landscaping, tree protection and individual lot storm water management as set out in the City's Green Development Standards.

Zoning By-laws are passed by Toronto City Council to establish certain regulations and development standards in specific zones related to specific uses. The Planning Act provides provisions to amend Zoning By-laws in site-specific areas, subject to Toronto City Council approval.

In instances where the Applicant's plan does not conform to the Zoning By-laws but the variation is considered minor, the Applicant must appear before the Committee of Adjustment for relief. Section 45 of the Planning Act cites the procedures and evaluation criteria that Committees of Adjustment must follow in making a decision.

Each application is processed in accordance with the regulations and provisions of the Planning Act of Ontario. The Panel Members render their Decision as follows:

**FOR MINOR VARIANCE/PERMISSION: (SECTION 45 OF THE PLANNING ACT)** based on the following four prescribed tests:

1. The variance(s) is minor;
2. The proposal is appropriate to the land and buildings in the area;
3. The proposal maintains the general intent of Zoning Code and By-laws;
4. The proposal maintains the general intent of the Official Plan.

**FOR CONSENT: (SECTION 51 OF THE PLANNING ACT/SUBDIVISION OF LAND)** the criteria include:

1. The health, safety, convenience, accessibility for person with disabilities and welfare of the present and future inhabitants of the municipality;
2. Whether the proposed land division is premature or in the public interest;
3. Whether the proposed land division conforms to the official plan and adjacent plans of subdivision, if any;
4. The suitability of the land for the purposes for which it is to be subdivided;
5. The suitability of the dimensions and shapes of the proposed lots;
6. The adequacy of roads, vehicular access, parking and loading facilities;
7. The adequacy of utilities and municipal services;
8. The conservation of natural resources and flood control.

### STRUCTURE OF THE COMMITTEE OF ADJUSTMENT PANEL

The Committee of Adjustment is a quasi-judicial body, where members are appointed by Toronto City Council and have the related knowledge and expertise afforded to them by their experience.

Once appointed, Committee members are autonomous from Councillors and staff in their decision making. The purpose of this is to ensure that decisions are made on their planning merits. Applications are circulated to various City departments with an interest in the Application. Should there be any concerns regarding the Application, the Department submits a report to the Committee for their review and consideration.

### PREPARING FOR THE HEARING

Approximately fifteen to twenty days before the Hearing, a Notice of Public Hearing is circulated via mail to all property owners within a 60 metres radius (approximately 200 feet) of the subject property in order to provide an opportunity for area residents to express their opinions to the Committee by mail, email, fax or in person as set out in the Notice. In addition, this notice is supplemented by the requirement for the Applicant to clearly post the City's Notice of Hearing sign on the subject property where it can be clearly seen from the street, a minimum of ten days before the Hearing. Failure to do so may result in deferral.

If you are forwarding any correspondence (i.e. letters, petitions, photographs) you wish considered by the Panel prior to the Hearing, it must be delivered to the Committee of Adjustment in advance of the day of the Hearing via mail, email, facsimile or in person at the North York Civic Centre as set out in the Hearing Notice. If it is received by the deadline posted in the Hearing Notice, it will be included in the packages delivered to the members of the Panel. If not, your correspondence will also go in the file and be available to the public on the Applications Information Centre on the City website. [Application Information Centre – City of Toronto](#) where you will also find a complete set of the plans and any correspondence and staff reports for the application.

NOTE: If you would like to receive a copy of the Decision, include the request in your correspondence and ensure that you have provided a complete mailing address including postal code.

You may want to watch an earlier Hearing on the City's YouTube channel to get a working understanding of how the Committee works. [Toronto City Planning - YouTube](#), We are North York.

## THE HEARING

The North York Committee of Adjustment Hearings normally convene at 10:00 AM. They meet bi-weekly, to make decisions on applications for the 6 North York Wards.

Hearings continue to be held virtually.

Currently the format is to split the applications in two parts, having a number of applications scheduled to be heard in the morning commencing at 10:00 AM with a break at noon and a second group scheduled to start at 2:00 PM. Whether your application is scheduled in the 10:00 AM or 2:00 PM Group is shown on the Hearing Notice you received. Due to unforeseen circumstances, it is possible to have the morning applications still being heard after noon.

The format in evaluating each application item is as follows:

The Agenda is a mix of small, medium and large Minor Variance and Consent applications. Some with only one variance needed; others with 20. Some applications are contested by a large number of third parties, others are not. There are sometimes 40 applications on the Agenda per Hearing. The Chair will present an overview of the process and then proceed to call each application to be heard in Agenda order and proceed as follows:

1. The Chair of the Committee will start by asking the Applicant/Agent if there are any changes to the originally published variance(s) made after initial submission and publication. This might happen as a result of last minute design changes or modifications at the request or recommendations of planning staff or concerns of area residents.
2. The Chair will then invite those who have registered to speak to do so. Each person is given 5 minutes to speak. This is the opportunity provided to members of the public to make their views known in support or opposition to the Application. Groups in support or opposition might want to choose one speaker to present the views of the group. The Panel can only rule on the variances listed in the Notice. Petitions and any correspondence received prior to the Hearing from the Community have already been reviewed by the Committee. **When you make your deputation please be aware that you will only have this ONE opportunity to make your views known. Ensure that you present all points during this single opportunity to speak.** Once all persons who wish to speak has done so, the public deputation section is closed and there is no opportunity for further comment by the public unless invited by the Chair or a panel member.
3. The Applicant is then given an opportunity to respond to the deputations made. Variances may be modified or withdrawn by the Applicant to address concerns raised.
4. The Chair will then ask the members of the Panel whether they have questions of the Applicant or other parties. The members of the Panel may direct questions to the parties and suggest possible modifications to the requested variances. Once satisfied that they have heard from all the parties, the Panel will "go into committee" to arrive at a Decision. No further submissions or comments can be raised by the parties.

## THE DECISION OF THE COMMITTEE OF ADJUSTMENT PANEL

The Panel may:

- approve the Application in total;
- modify or refuse some of the variances;
- refuse the Application;
- defer the Application to allow the parties time to negotiate a resolution and/or allow the Applicant an opportunity to modify the proposal and return to the Committee of Adjustment at a later date.
- Conditions such as those from Urban Forestry, may be attached to the Decision.

Once a decision is made by the Committee, it is Final and a Notice of Decision is mailed to all parties who requested a written copy of that decision. (Decision Request Forms/Cards are available for completion at the Hearing. You may also send a request letter to the Committee at the address on the Hearing Notice).

## RIGHT TO APPEAL

As part of the conservative government's [Bill 23, More Homes Built Faster Act, 2022](#)

the Right to Appeal by third parties including residents, neighbours and resident associations has been terminated. Now only the applicant and certain bodies can appeal a decision of the Committee of Adjustment. Prior to this change, the Planning Act provided through Section 45 (12), an appeal right for either the proponent of a development or any party that does not agree with the Committee's decision to the Toronto Local Appeal Board. (TLAB).

## COMMENTS

Under the current Provincial Act, notices are only required to be circulated 10-15 days before the Hearing.

The Committee of Adjustment recommend that if possible, the Applicant and neighbours meet prior to the Hearing to discuss any concerns the parties might have and negotiate a possible resolution of those concerns. I am available to assist you in forming your presentation and materials. The Committee of Adjustment members are autonomous in making their final decision and City Council cannot overturn a decision.

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