

A significant number of renovations and new builds have become regular neighbourhood features. Often these developments are inconsistent with the prevailing character of the Lytton Park area. Below are a few guidelines to consider when facing a renovation or rebuild in your vicinity, or if you intend to undertake one yourself, based on the experiences of residents in the LPRO community.

What to do when you get a Committee of Adjustment Public Hearing Notice from the City

- Notices must be received by neighbours at least 10 days prior to a hearing, and a notice sign must be visibly posted on the front façade of the applicant's home.
- Read the entire notice. A complete set of plans and all other pertinent information are available on the city's website at [Development Applications \(toronto.ca\)](https://developmentapplications.toronto.ca). If necessary contact someone who can read plans to help you understand the implications of the requested variances.
- State your objections and reasons in writing to Planning staff (contact info in the notice) and ask Planning if they intend to oppose them. If not, write the Manager, Community Planning (Wards 6, 8, 15), North York West Section and ask Community Planning to oppose them. Copy your correspondence to Councillor Mike Colle's office councillor_colle8@toronto.ca.
- For excessive variance requests, QUICKLY reach out for neighbour support.
- Contact the applicant (the owner/developer who has applied to the Committee of Adjustment) to express willingness to negotiate changes to his/her plans in exchange for your support at the hearing. If you reach an agreement, insist that he/she submit all agreed-upon changes in writing in advance of the hearing. You must still attend the hearing as the Committee has to approve them.
- Ask your neighbours to attend the hearing (virtually during Covid) and speak to issues that impact them. For context they should submit photos of nearby and typical homes in advance of the hearing so that the Technician can display them while they speak. The Committee members want to hear how this proposed home will impact you and the neighbourhood. If many neighbours are going to speak, each neighbour should choose one or two variances that most impact them, or have one neighbour speak on behalf of many neighbours, outlining all the variances requested. The Committee does

not want to hear the same issue raised several times by different neighbours. Each speaker has only **5 minutes** to convey their opposition to the application.

- Prepare your argument for the hearing in advance. For a variance to be approved as minor it must meet all of The Planning Act's "Four Tests": 1. minor in size and impact; 2. appropriate for development of the site; 3. within the intent of the Official Plan; 4. within the intent of the Zoning Bylaw. Stay focused on how the variances impact you and why they do not meet the four tests.
- Prepare for your testimony by viewing Committee of Adjustment hearings on YouTube:
<https://www.youtube.com/channel/UCudbgOL5gua8MaaUXUpEISQ/videos>

Toronto Official Plan, Chapter 4 Land Use Designations, Policy 5, pp. 4-4 & 4-5:

Review the proposed design with the criteria in Section 4.1 Neighbourhoods of Toronto's Official Plan. It states that development in neighbourhoods will respect and reinforce the physical character of the neighbourhood, including respecting prevailing heights, massing, scale, density (FSI) [1] and dwelling type of nearby residential properties. This is an important amendment providing more protection to neighbourhood stability. See: Toronto Official Plan current edition, Ch. 4, Land Use Designations, 4.1 Neighbourhoods, Policy 5pp. 4-4 to 6:
<https://www.toronto.ca/wp-content/uploads/2017/11/97dd-cp-official-plan-chapter-4.pdf>

At the Hearing

- Although your case may only take 15 minutes to be heard and decided on, prepare to be there all day.
- You will have exactly 5 minutes to speak.
- An overhead projector is provided for you to display graphic material to support your testimony.
- See also: <https://www.toronto.ca/city-government/planning-development/committee-of-adjustment/process-participation/?accordion=virtual-public-hearings>.

During COVID-19

Due to Covid-19 all hearings are virtual until further notice. You must register in advance no later than 4:30 pm two business days before the hearing date. See: <https://www.toronto.ca/city-government/planning-development/committee-of-adjustment/process-participation/?accordion=virtual-public-hearings>

Negotiating at the hearing with the applicant (suspended during COVID)

At the beginning of your hearing the Chair may ask if the parties want to negotiate. If you choose to do so the case will be taken up again at the end of the hearing session and you will have anywhere from a few minutes to a few hours to come to an agreement, depending on the hearing schedule. Negotiating conditions on the day of the hearing are not optimal. The applicant or his agent may try to take advantage of the pressure on you, lack of experience or inability to read design drawings. You do not have to make a deal. Applicants know they have an advantage and usually offer very minor concessions.

If *you* are the one applying for a minor variance

Introduce yourself to neighbouring home owners and discuss your development plans *BEFORE* submitting an application to the Committee of Adjustment. Work within the parameters of the neighbourhood; residents typically understand and are amenable to change as long as it is responsible change/re-development (in keeping with the neighbourhood size, style etc.).

The Appeals Process

Committee of Adjustment decisions can be appealed to TLAB, or in some instances, the Ontario Land Tribunal (OLT, formerly LPAT). Developers have the resources to appeal decisions and usually do.

For information on TLAB see City of Toronto Public Guide to TLAB:
https://www.toronto.ca/wp-content/uploads/2020/02/8c54-2019_Public-Guide_Accessible_Revised-December-10-2019_FINAL.pdf

For information on OLT (formerly LPAT):

<https://www.ontario.ca/document/citizens-guide-land-use-planning/local-planning-appeal-tribunal#:~:text=The%20Local%20Planning%20Appeal%20Tribunal,variety%20of%20contentious%20municipal%20matters.&text=land%20use%20planning%20applications%2C%20such,as%20official%20plans%20and%20zoning>

[1] FSI (Floor space index). See (5) Floor Space Index Calculation and 10.5.40.41 Floor Area Exemptions

<https://www.toronto.ca/wp-content/uploads/2018/07/97ec-City-Planning-Zoning-Zoning-By-law-Part-1.pdf>

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