

Tips for Committee of Adjustment

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

Check the City's Development application website for upcoming Minor Variance applications

- If you think a property is going to C of A, you can monitor its status and retrieve drawings and documents from Toronto's [Development Application website](#) prior to receiving the mailed notice. This provides valuable preparation time.
- The City will mail a Notice of Public Hearing to all owners of land within 60 metres of the subject property at least 10 days prior to the scheduled hearing date. A notice sign must be visibly posted on the front façade of the applicant's home.

Preparing for the Committee of Adjustment Hearing

- Read the entire notice. If you need help, contact someone who can read plans to assist you in understanding the requested variances implications.
- State your objections and reasons in writing to Planning staff (contact info in notice) and ask 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 (virtual during COVID) and speak to issues. For context they should bring photos of nearby and typical homes. You can also ask them to sign a petition opposing the requested variances and send it to the Committee of Adjustment prior to the hearing.
- Prepare and practice reading your oral argument for the hearing in advance. You are limited to 5 minutes.
- Minor variance must satisfy the following criteria in the [Ontario Planning Act Clause 45](#)

Powers of committee

The committee of adjustment may authorize a minor zoning by-law variance if in its opinion it is:

- a) Desirable for the appropriate development or use of the land, building or structure,
 - b) The general intent and purpose of the by-law is maintained and
 - c) The general intent and purpose of official plan, if any, are maintained.
- Minor variances must also be minor according to the [Ontario Association of Adjustment and Consent Authorities Primer on Planning Course](#). See Section B: Planning Considerations – Minor Variances
 - Focus on how the variances impact you and why they do not meet the four tests.
 - Do not talk about flooding or tree removals as it wastes valuable speaking time. The Committee chair will tell you the Committee doesn't consider these in their decisions and that Buildings reviews site plan drainage for permit compliance and Urban Forestry looks after trees.
 - Prepare for your testimony by viewing CofA 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, Chapter 4](#). 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.

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 supporting your testimony.
- See also: <https://www.toronto.ca/city-government/planning-development/committee-of-adjustment/process-participation/?accordion=virtual-public-hearings>

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>

Virtual Hearings

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: [C of A Process and Participation](#)

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 is not optimal. The applicant or his agent may try to take advantage of the pressure on you, your 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 Appeal Process

As of November 28, 2022, the Province removed your right to Appeal Decisions from the Committee of Adjustment on Minor Variances and Consent Applications to TLAB. Applicants however, can still appeal Committee of Adjustment decisions to TLAB. Developers have the resources to appeal decisions and usually do in most instances. Third-parties have regained the right, initially removed in the legislation, to appeal official plans, official plan amendments, zoning by-laws and zoning by-law amendments to Ontario Land Tribunal (OLT).

For information on TLAB: [Toronto Local Appeal Body Public Guide](#). For information on OLT: [Ontario Land Tribunal](#)

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