

Bryant

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April 15, 2011

Trevor Keir
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Re: 70 The Kingsway

The PAL review for 70 The Kingsway was submitted on January 11, 2010. 25% of the estimated building permit fee (\$1,370.28) or \$342.57 was paid. The examiner's notice was issued January 12, 2010 stating that under the 1993 By-law the GFA (including the garage) exceeded the allowable by 61.7 sq. metres and the length exceeded the allowable by .87 metres. There was no mention of the size of a third floor balcony.

Application was made to Committee of Adjustment and a \$693.46 fee paid March 4, 2010 for a hearing that was scheduled for April 8, 2010. The Committee approved the proposal and a Final and Binding letter was issued.

The project was designed and the working drawings produced over the next 5 months based on the results of the review and the Committee decision. A complete application for the building permit was made on October 22, 2010. Due to the new zoning by-law 1156-2010 introduced in August 2010, the project was required to be re-reviewed by the zoning department. There was no prior notice that the existing Final and Binding letter was now invalid and no time frame could be given for the length of the re-review. Priority was given to deferred Committee of Adjustment applications and the rest were on a first come first served basis. Notice of Compliance with the new By-law was received December 13, 2010. The zoning examiner stated in an email that no new Final and Binding letter was required.

A complete application for the building permit was made on December 20, 2010. The City's website showed that the drawings were under review in early January. At the end of the month a phone call was made to the zoning department Plan Review Manager Galina Veltman to discuss the length of time for the review to be completed. The drawings were still with the zoning examiner awaiting review, but would now be sent instead to the structural examiner first. A structural issue was identified and resolved immediately. The drawings were returned to the zoning examiner. On February 7, 2011 while picking up the plumbing and mechanical permits I discovered that the zoning review had still not begun.



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A complaint was lodged with Galina Veltman concerning the delay the review of the drawings and therefore the issuance of the building permit. On February 11, 2011 a Zoning bylaw notice was issued by Mrs. Veltman identifying additional GFA (mistakenly added due to a drafting dimensional error) and stating the balcony was now too large. A Re-examination fee of 25% of the total permit fee or \$342.57 was now required because we did not have a PAL review for the new zoning bylaw and re-examination resulted in additional issues. There was no suggestion at any time that another PAL review was required for the new by-law or to avoid future additional fees.

The size of the third floor balcony was reduced on the drawings for the building permit application in order to obtain the permit four months after our first submission of a complete application as it was imperative that the long delayed construction could begin. A second application must now be made to the C of A and another \$693.46 fee paid to ask for approval of the original larger deck.

The building department requested an additional fee of \$348.47 for the building permit for the drafting error that caused additional GFA to be added to the third floor. The drawing error was corrected and the issue resolved. The fee has not been returned.

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