

Thursday, October 20, 2016

**NOTICE OF DECISION**  
**CONSENT**  
**(Section 53 of the Planning Act)**

File Number:	B0058/16EYK	Zoning:	R & R1S Z0.6
Owner(s):	AMRIT SINGH DHOOT MOHANJIT SINGH DHOOT	Ward:	Parkdale-High Park (13)
Agent:	ACTION PLANNING CONSULTANTS	Heritage:	Not Applicable
Property Address:	44 MORNINGSIDE AVE	Community:	
Legal Description:	PLAN 551 BLK C LOT 80 PT LOT 79		

Notice was given and the application considered on Thursday, October 20, 2016, as required by the Planning Act.

**THE CONSENT REQUESTED:**

To obtain consent to sever the property into two undersized residential lots.

**Retained - Part 1**

**Address to be assigned**

The lot frontage is 6.6 m and the lot area is 182.6 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0633/16EYK.

**Conveyed - Part 2**

**Address to be assigned**

The lot frontage is 6.8 m and the lot area is 184.4 m<sup>2</sup>. The existing dwelling will be demolished and the property will be redeveloped as the site of a new detached dwelling with an integral garage, requiring variances to the Zoning By-law, as outlined in Application A0634/16EYK.

**File numbers B0058/16EYK, A0633/16EYK and A0634/16EYK will be considered jointly.**

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 Consent Application is Approved on Condition**

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the creation of new lots as shown on the attached plan on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office within ONE YEAR of the date of this Decision:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Engineering Services, Engineering and Construction Services. Contact: John Fligg @ (416) 338-5031 or Elizabeth Machynia @ (416) 338-5029.
3. The applicant shall satisfy all conditions concerning City/Private owned trees, to the satisfaction of Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of Urban Forestry Services.
5. **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, of Property Records, at 416 392-8338; [jhouse@toronto.ca](mailto:jhouse@toronto.ca)
6. **Three copies of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services, shall be filed with the Committee of Adjustment.
7. Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.

**SIGNATURE PAGE**

File Number:	B0058/16EYK	Zoning	R & R1S Z0.6
Owner(s):	AMRIT SINGH DHOOT MOHANJIT SINGH DHOOT	Ward:	Parkdale-High Park (13)
Agent:	ACTION PLANNING CONSULTANTS	Heritage:	Not Applicable
Property Address:	<b>44 MORNINGSIDE AVE</b>	Community:	
Legal Description:	PLAN 551 BLK C LOT 80 PT LOT 79		

\_\_\_\_\_  
Allan Smithies (signed)

\_\_\_\_\_  
Dominic Gulli (signed)

\_\_\_\_\_  
Edwin (Ted) Shepherd (signed)

DATE DECISION MAILED ON: Friday, October 28, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Thursday, November 17, 2016

CERTIFIED TRUE COPY

Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$300.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

**NOTE:** Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

Thursday, October 20, 2016

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

File Number:	A0633/16EYK	Zoning	R & R1S Z0.6
Owner(s):	AMRIT SINGH DHOOT MOHANJIT SINGH DHOOT	Ward:	Parkdale-High Park (13)
Agent:	ACTION PLANNING CONSULTANTS	Heritage:	Not Applicable
Property Address:	<b>44 MORNINGSIDE AVE</b> <b>- PART 1</b>	Community:	
Legal Description:	PLAN 551 BLK C LOT 80 PT LOT 79		

Notice was given and a Public Hearing was held on Thursday, October 20, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an integral garage.

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

- Section 10.10.30.20.(1)(A), By-law 569-2013 and Section 6(3) Part VII 1(I), By-law 438-86**  
The minimum required lot frontage is 7.5 m.  
The lot will have a frontage of 6.66 m.
- Section 10.10.30.10.(1)(B), By-law 569-2013**  
The minimum required lot area is 225 m<sup>2</sup>.  
The lot will have an area of 182.61 m<sup>2</sup>.
- Section 10.10.40.40.(1)(A), By-law 569-2013 and Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted floor space index/gross floor area is 0.6 times the area of the lot (109.56 m<sup>2</sup>).  
**Section 10.10.40.40.(1)(A), By-law 569-2013**  
The proposed dwelling will have a floor space index equal to 1.05 times the area of the lot (192.82 m<sup>2</sup>).  
**Section 6(3) Part I 1, By-law 438-86**  
The proposed dwelling will have a gross floor area equal to 1.41 times the area of the lot (257.33 m<sup>2</sup>).
- Section 10.10.40.70.(3)(A)(i), By-law 569-2013 and Section 6(3) Part II 3.B(II), By-law 438-86**  
The minimum required side yard setback is 0.9 m.  
**Section 10.10.40.70.(3)(A)(i), By-law 569-2013**  
The proposed dwelling will be located 0.46 m from the west side lot line.  
**Section 6(3) Part II 3.B(II), By-law 438-86**  
The proposed dwelling will be located 0.56 m from the east side lot line and 0.46 m from the west side lot line.

5. **Section 6(3) Part II 3(II), By-law 438-86**  
The minimum required side yard setback to the portion of the side wall of an adjacent building that contains openings is 1.2 m.  
The proposed dwelling will be located 1.01 m from an adjacent building to the west (46 Morningside Avenue).
6. **Section 10.10.40.10.(1)(A) By-law 569-2013 and Section 4(2)(A), By-law 438-86**  
The maximum permitted building height is 9 m.  
**Section 10.10.40.10.(1)(A), By-law 569-2013**  
The proposed dwelling will have a height of 9.8 m.  
**Section 4(2)(A), By-law 438-86**  
The proposed dwelling will have a height of 9.71 m.
7. **Section 10.10.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.  
The proposed dwelling will have a side exterior main wall height of 9.42 m facing a side lot line.
8. **Section 10.10.40.10.(6), By-law 569-2013**  
The maximum permitted height of the first floor above established grade is 1.2 m.  
The proposed dwelling will have a first floor height of 1.39 m above established grade.
9. **Section 10.5.50.10.(1)(D), By-law 569-2013**  
A minimum of 75% of the required front yard landscaping shall be maintained as soft landscaping (8.25 m<sup>2</sup>).  
A total of 42.73% of the required front yard landscaping will be maintained as soft landscaping (4.7 m<sup>2</sup>).  
**Section 6(3) Part III 3(B), By-law 438-86**  
A minimum of 75% of the front yard, not covered by a permitted driveway, shall be maintained as soft landscaping (9.32 m<sup>2</sup>).  
A total of 37.81% of the front yard, not covered by a permitted driveway, will be maintained as soft landscaping (4.7 m<sup>2</sup>).
10. **Section 10.10.80.40.(1), By-law 569-2013**  
Vehicle entrances through the front main wall of the building are permitted provided the lot has a minimum frontage of 7.6 m.  
The lot will have a frontage of 6.66 m. The proposed vehicle entrance through the main wall of the building is not permitted.
11. **Section 6(3) Part IV 3(I), By-law 438-86**  
An integral garage is not permitted where access to the garage is located in a wall facing the front lot line.  
The proposed integral garage is located in a wall facing a front lot line.
12. **Section 6(3) Part IV 3(II), By-law 438-86**  
An integral garage is not permitted in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line.  
The proposed integral garage will be located below grade.
13. **Section 6(3) Part II 8 D(I), By-law 438-86**  
The maximum permitted height of an uncovered platform which projects into the required setbacks is 1.2 m.  
The proposed platform will have a height of 2.94 m.

**File numbers B0058/16EYK, A0633/16EYK and A0634/16EYK will be considered jointly.**

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 authorize 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.

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

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0058/16EYK**.
2. Submission of a complete application for a permit to injure or destroy a City-owned tree(s). A Contractor's Agreement to Perform Work on City-owned Trees will be required prior to the removal/injure of the subject tree(s). Form located at [www.toronto.ca/trees/pdfs/contractor\\_services\\_agreement\\_information.pdf](http://www.toronto.ca/trees/pdfs/contractor_services_agreement_information.pdf).  
  
Submission of a tree protection guarantee security deposit to guarantee the protection of City-owned trees according to the Tree Protection Policy and Specifications for Construction Near Trees or as otherwise approved by Urban Forestry. Accepted methods of payment include debit or card, certified cheque or money order payable to the Treasurer of the City of Toronto, or Letter of Credit.
3. Submission of a complete application for permit to injure or destroy privately owned trees.
4. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
  - 4.1 The applicant shall submit one revised site plan (scale of 1:200 or 1:250) illustrating the requirements specified in the following points to the satisfaction of Engineering and Construction Services and Transportation Services, at no cost to the City:
    - a. The applicant is required to design a minimum positive driveway slope of 2% to 4% for the proposed driveways on each of the severed lots according to City of Toronto Design Standard Drawing No. T-310.050-1.
    - b. Clarify if there will be a retaining wall along the east side of the driveway of Part 1.
    - c. Clearly show all top and bottom elevations of the proposed retaining walls.
    - d. The applicant is required to construct concrete retaining walls along both sides of the proposed driveways within the portion of the municipal boulevard to a maximum height of 0.89m above the travelled surface from the roadway to the property line according to Chapter 743 of the Toronto Municipal Code.

- e. Add a note to the plan stating that, "Proposed retaining walls over 1m in height are to be designed by a structural engineer and will require a building permit from the City's Building Department."
- f. Provide certification from a structural engineer for the design of proposed retaining walls over 1m in height.
- g. Submit engineering design and drawings of proposed retaining walls within the municipal boulevard, prepared and sealed by a Professional Engineer to the Executive Director of Engineering and Construction Services, for review and acceptance.
- h. The applicant is required to obtain comments from the City's Parks, Forestry and Recreation Division related to the existing mature tree that is situated within the proposed driveway on the retained lot (Part 1).
- i. Insert an advisory notation on the site plan stating that, "The applicant is required to restore any redundant section of the existing driveway as being removed within the municipal boulevard with sod and poured raised concrete curb according to City of Toronto Design Standard Drawing No.T-600.11-1".
- j. Insert an advisory notation on the site plan stating that, "The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant shall also submit a Municipal Road Damage Deposit prior to obtaining a Building Permit." The applicant is required to contact Ms. Joanne Vecchiarelli of the Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements.

**SIGNATURE PAGE**

File Number:	A0633/16EYK	Zoning	R & R1S Z0.6
Owner:	AMRIT SINGH DHOOT MOHANJIT SINGH DHOOT	Ward:	Parkdale-High Park (13)
Agent:	ACTION PLANNING CONSULTANTS	Heritage:	Not Applicable
Property Address:	<b>44 MORNINGSIDE AVE</b> - <b>PART 1</b>	Community:	
Legal Description:	PLAN 551 BLK C LOT 80 PT LOT 79		

\_\_\_\_\_  
Allan Smithies (signed)

\_\_\_\_\_  
Dominic Gulli (signed)

\_\_\_\_\_  
Edwin (Ted) Shepherd  
(signed)

DATE DECISION MAILED ON: Friday, October 28, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, November 9, 2016

CERTIFIED TRUE COPY

Susanne Pringle  
Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$300.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).



Thursday, October 20, 2016

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

File Number:	A0634/16EYK	Zoning:	R & R1S Z0.6
Owner(s):	AMRIT SINGH DHOOT MOHANJIT SINGH DHOOT	Ward:	Parkdale-High Park (13)
Agent:	ACTION PLANNING CONSULTANTS	Heritage:	Not Applicable
Property Address:	<b>44 MORNINGSIDE AVE</b> - PART 2	Community:	
Legal Description:	PLAN 551 BLK C LOT 80 PT LOT 79		

Notice was given and a Public Hearing was held on Thursday, October 20, 2016, as required by the Planning Act.

**PURPOSE OF THE APPLICATION:**

To construct a new detached dwelling with an integral garage.

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

- Section 6(3) Part VII 1(I), By-law 438-86**  
The minimum required lot frontage is 7.5 m.  
The lot will have a frontage of 6.8 m.
- Section 10.10.30.10.(1)(A), By-law 569-2013**  
The minimum required lot area is 225 m<sup>2</sup>.  
The lot will have an area of 184.4 m<sup>2</sup>.
- Section 10.10.40.40.(1)(A), By-law 569-2013 and Section 6(3) Part I 1, By-law 438-86**  
The maximum permitted floor space index/gross floor area is 0.6 times the area of the lot (110.64 m<sup>2</sup>).  
**Section 10.10.40.40.(1)(A), By-law 569-2013**  
The proposed dwelling will have a floor space index equal to 1.04 times the area of the lot (192.82 m<sup>2</sup>).  
**Section 6(3) Part I 1, By-law 438-86**  
The proposed dwelling will have a gross floor area equal to 1.47 times the area of the lot (271.15 m<sup>2</sup>).
- Section 10.10.40.70.(3)(A)(i), By-law 569-2013 and Section 6(3) Part II 3.B(II), By-law 438-86**  
The minimum required side yard setback is 0.9 m.  
**Section 10.10.40.70.(3)(A)(i), By-law 569-2013**  
The proposed dwelling will be located 0 m from the east side lot line.  
**Section 6(3) Part II 3.B(II), By-law 438-86**  
The proposed dwelling will be located 0.56 m from the west side lot line.
- Section 10.5.40.60.(7), By-law 569-2013**  
The minimum required side yard setback for eaves is 0.3 m.  
The eaves of the proposed dwelling will be located 0.19 m from east side lot line.

6. **Section 6(3) Part II 3.A(I), By-law 438-86**  
The minimum required setback to a flanking street is 2.93 m.  
The proposed dwelling will be located 0 m from the flanking street (Durie Street).
7. **Section 10.10.40.10.(1)(A), By-law 569-2013 and Section 4(2)(A), By-law 438-86**  
The maximum permitted building height is 9 m.  
**Section 10.10.40.10.(1)(A), By-law 569-2013**  
The proposed dwelling will have a height of 9.4 m.  
**Section 4(2)(A), By-law 438-86**  
The proposed dwelling will have a height of 10.68 m.
8. **Section 10.10.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 7 m.  
The proposed dwelling will have a side exterior main wall height of 8.97 m facing a side lot line.
9. **Section 6(3) Part III 3(B), By-law 438-86**  
A minimum of 75% of the front yard, not covered by a permitted driveway, shall be maintained as soft landscaping (17.25 m<sup>2</sup>).  
A total of 51.3% of the front yard, not covered by a permitted driveway, will be maintained as soft landscaping (11.8 m<sup>2</sup>).
10. **Section 6(3) Part II 8 D(I), By-law 438-86**  
The maximum permitted height of an uncovered platform which projects into the required setbacks is 1.2 m.  
The proposed platform will have a height of 2.22 m.

**File numbers B0058/16EYK, A0633/16EYK and A0634/16EYK will be considered jointly.**

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 authorize 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.

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

1. The applicant shall comply with the conditions imposed in the Committee of Adjustment's **Consent Decision Number B0058/16EYK**.
2. Submission of a complete application for a permit to injure or destroy a City-owned tree(s). A Contractor's Agreement to Perform Work on City-owned Trees will be required prior to the removal/injure of the subject tree(s). Form located at [www.toronto.ca/trees/pdfs/contractor\\_services\\_agreement\\_information.pdf](http://www.toronto.ca/trees/pdfs/contractor_services_agreement_information.pdf).

Submission of a tree protection guarantee security deposit to guarantee the protection of City-owned trees according to the Tree Protection Policy and Specifications for Construction Near Trees or as otherwise approved by Urban Forestry. Accepted methods of payment include debit or card, certified cheque or money order payable to the Treasurer of the City of Toronto, or Letter of Credit.

3. Submission of a complete application for permit to injure or destroy privately owned trees.
4. The following conditions shall be fulfilled to the satisfaction of the Engineering and Construction Services Division:
  - 4.1 The applicant shall submit one revised site plan (scale of 1:200 or 1:250) illustrating the requirements specified in the following points to the satisfaction of Engineering and Construction Services and Transportation Services, at no cost to the City;
    - a. The applicant is required to design a minimum positive driveway slope of 2% to 4% for the proposed driveways on each of the severed lots according to City of Toronto Design Standard Drawing No. T-310.050-1.
    - b. Clarify if there will be a retaining wall along the east side of the driveway of Part 1.
    - c. Clearly show all top and bottom elevations of the proposed retaining walls.
    - d. The applicant is required to construct concrete retaining walls along both sides of the proposed driveways within the portion of the municipal boulevard to a maximum height of 0.89m above the travelled surface from the roadway to the property line according to Chapter 743 of the Toronto Municipal Code.
    - e. Add a note to the plan stating that, "Proposed retaining walls over 1m in height are to be designed by a structural engineer and will require a building permit from the City's Building Department."
    - f. Provide certification from a structural engineer for the design of proposed retaining walls over 1m in height.
    - g. Submit engineering design and drawings of proposed retaining walls within the municipal boulevard, prepared and sealed by a Professional Engineer to the Executive Director of Engineering and Construction Services, for review and acceptance.
    - h. The applicant is required to obtain comments from the City's Parks, Forestry and Recreation Division related to the existing mature tree that is situated within the proposed driveway on the retained lot (Part 1).
    - i. Insert an advisory notation on the site plan stating that, "The applicant is required to restore any redundant section of the existing driveway as being removed within the municipal boulevard with sod and poured raised concrete curb according to City of Toronto Design Standard Drawing No. T-600.11-1".
    - j. Insert an advisory notation on the site plan stating that, "The applicant shall obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant shall also submit a Municipal Road Damage Deposit prior to obtaining a Building Permit." The applicant is required to contact Ms. Joanne Vecchiarelli of the Right-of-Way Management Section at (416) 338-1045 regarding municipal road damage deposit requirements.

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Property Address:	<b>44 MORNINGSIDE AVE</b> <b>- PART 2</b>	Community:	
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Allan Smithies (signed)

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DATE DECISION MAILED ON: Friday, October 28, 2016

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, November 9, 2016

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Manager & Deputy Secretary Treasurer  
Etobicoke York Panel

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