

PROPERTY STANDARDS COMMITTEE TORONTO AND EAST YORK PANEL

**Appeal of the Property Standards Order issued on December
9, 2021, Folder# 21 245428 PRS 00IV re: 67 Riverview
Gardens, Toronto**

BRIEF OF DOCUMENTS OF SCOTT O'HARA

FOGLER, RUBINOFF LLP

Lawyers

77 King Street West

Suite 3000, P.O. Box 95

TD Centre North Tower

Toronto, ON M5K 1G8

Robert B. Macdonald (LSO# 60512B)

Tel: 647.729.0754

Fax: 416.941.8852

rmacdonald@foglers.com

Lawyers for Scott O'Hara

Tab	Date	Description of Document
1.	July 24, 2020	Property Standards Order issued to Paul Dallas
2.	August 11, 2020	Letter re appeal to Property Standards Committee from Mark G. Baker
3.	March 22, 2021	Notice of Application issued a Court File No. CV-21-00659482-0000
4.	March 21, 2021	Property Standards Committee Meeting confirming Dallas Order
5.	December 9, 2021	Property Standards Order issue to Scott O'Hara
6.	April 8, 1944	Survey re Lot 41 and Part of Lot 42, 43 and 44, Reg'd Plan 2714, County of York
7.	April 23, 1945	Survey re Lot 41 and Part of Lot 42, 43 and 44, Reg'd Plan 2714, County of York
8.	June 7, 2013	Lot 34 and Part of Lot 41, Registered Plan 2714
9.	April 6, 2022	Envista Forensics Report
10.	December 22, 2021	Image 04
11.	December 22, 2021	Image 05
12.	December 22, 2021	Image 07
13.	December 22, 2021	Image 08
14.	December 22, 2021	Image 10
15.	December 22, 2021	Image 11
16.	December 22, 2021	Image 14
17.	December 22,	Image 16

	2021	
18.	December 22, 2021	Image 17
19.	December 22, 2021	Image 19
20.	December 22, 2021	Image 24
21.	December 22, 2021	Image 28
22.	December 22, 2021	Image 29
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24.		<i>Building Code Act, 1992, SO 1992, c.23</i>
25.		Toronto Municipal Code – Chapter 629 - Property Standards

Order issued to:

PAUL DALLAS
54 RIVERCREST RD
TORONTO, ON M6S 4H3
CANADA

PROPERTY STANDARDS ORDER

Issued pursuant to Subsection 15.2(2) of
the *Building Code Act, S.O., 1992 Chapter 23, as amended.*

Date issued: July 24, 2020
Folder #: 20 171908 PRS 00 IV
RN

Address to which Order Applies: 54 RIVERCREST RD
Legal Description: PLAN 2714 LOT 41 PT LOT 42
Roll Number: 1914081040034000000

The above referenced property, which is owned by you or in which you have an interest, was inspected by a Bylaw Enforcement Officer on or about July 23, 2020. This inspection found conditions on the property which are contraventions of the standards prescribed by Toronto Municipal Code, Chapter 629, Property Standards.

You are hereby ordered to correct the contraventions listed below in order to bring this property into compliance with the prescribed standards by the dates identified for each contravention.

Item #	Bylaw Section	Location and Description	Required Action	Compliance Date
1	14.	Rear Yard: The retaining wall is not being maintained in a structurally sound and/or plumb condition.	Repair / replace retaining wall	August 13, 2020

Order issued by:

Name: Michael Antoniou Telephone: Email: Michael.Antoniou@toronto.ca

Address: 433 Eastern Ave, 2nd Floor

Contacting the Investigating Officer

If you wish to speak to the investigating officer directly, you may do so in accordance with the contact information provided at the top of this document. However, if you have difficulty reaching the officer for any reason, you may contact our Investigation Support Unit at 416-397-4150, Monday to Friday between the hours of 8:00 AM to 4:30 PM.

Appeal Procedure

An owner or occupant who has been served with an order made under subsection 15.2(2) and who is not satisfied with the terms and conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to:

Property Standards Committee, Toronto and East York Panel, City Clerk's Office
City Hall, 2nd Floor
100 Queen Street West
Toronto, ON M5H 2N2

on or before August 12, 2020, stating your grounds for appeal. A \$288.75 non-refundable fee is required (make certified cheque or money order payable to Treasurer, City of Toronto).

In the event that no appeal is made within the above time frame, the Order shall be deemed to be confirmed and shall be final and binding upon you.

You are further advised that, all correspondence received and collected by the City of Toronto relating to an appeal is maintained for the purpose of creating a record that is available to the general public under section 27 of the Municipal Freedom of Information and Protection of Privacy Act.

Inspection Fees

Should compliance to this Order not be achieved as specified, inspection fees will be charged in accordance with Municipal Code Chapter 441 - Fees and Charges, Appendix C - Schedule 12. Chargeable inspections will be invoiced every 30 days. This fee is subject to an annual inflationary increase.

Remedial Action

Where it has been determined that the necessary repairs have not been completed in accordance with this Order, the City of Toronto may cause the property to be repaired, in addition to any possible court action. The costs of such action and any other applicable fee may be registered as a lien on the land and shall be deemed municipal property taxes. Additionally, the Clerk of the Municipality may add the costs to the collector's roll. Collection will occur in the same manner, with the same priority as municipal real property taxes.

Method of Repair

All repairs and maintenance of property required by the standards prescribed by the Code shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this chapter.

Required Permits

Where a permit is required to undertake any repair required to conform with the standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit. Please contact your local **Toronto Building Services office by calling 311**. In addition, information related to the requirements for a permit can also be found at http://www.toronto.ca/building/building_permits.htm.

Hiring Building Contractors/Trades People

An owner or operator shall demonstrate that they have retained or used the services of a certified tradesperson where required by law, for activities including but not limited to servicing heat, ventilation, air conditioning and plumbing systems. Please ensure that any contractor you may hire has the required license(s). For further information you can contact Municipal Licensing and Standards, Licensing Services East York Civic Centre, 850 Coxwell Avenue, Third Floor, Toronto ON M4C 5R1 Licensing Services Call Centre: (416) 392-6700 or <http://app.toronto.ca/LicenceStatus/setup.do?action=init>

Note:

- Failure to comply is an offence which could result in a fine. [Building Code Act, 1992, s. 36]

RECEIVED
CITY CLERK'S OFFICE
CH 12W

2020 AUG 13 P 12:36

Refer to File No.: 20/111

email: mbaker@bakerlawyers.com

August 11, 2020

Property Standards Committee, Toronto and East York Panel, City Clerk's Office
City Hall, 2nd Floor
100 Queen Street West
Toronto, ON M5H 2N2

Dear Sirs and/or Madams,

**RE: 54 Rivercrest Road and the Retaining Wall Property Standards Order,
Folder #: 20 171908 PRS 00 IV**

We are legal counsel to Mr. Paul Dallas.

This letter is a notice of appeal in response to, and in accordance with, the Property Standards Order issued pursuant to *Subsection 15.2(2) of the Building Code Act, S.O., 1992 Chapter 23, as amended*, on July 24, 2020 with Folder #: 20 171908 PRS 00 IV (the "Order"). Under Bylaw 14, the Order requires our client to repair or replace a retaining wall allegedly located on his property by August 13, 2020. A copy of the Order is enclosed for reference.

With respect, we submit that the Order has been incorrectly issued against Mr. Dallas and 54 Rivercrest Road.

The subdivision which created the lots on Riverview Gardens, as well as our client's lot on Rivercrest Road, was laid out and registered in 1931 by Robert Home Smith and Speight & Co. O.L.S (see Schedule B Page 1). Riverview Gardens and Rivercrest Road were carved into a ravine which forms part of the east bank of the Humber River. Presumably, before these streets and building lots were created, the east bank of the Humber sloped downward from its crest, in a natural way to the river's edge. It is evident from topographical maps and our own investigations that the river bank flattened somewhat where the houses on Riverview Gardens are located and that there was, and is, a steeper slope between the back

of the rear yards of the Riverview Gardens properties and the table land where our client's house is located (the "Slope").

Property records show that the houses on Riverview Gardens were built between 1932 and 1936 (see Schedule B). The lots were laid out on the Plan as being 30 feet wide and with various depths. The presence of the Slope clearly had an impact on the depth of the lots because in some places the Slope was steeper than in others.

The retaining wall in question provides no benefit or utility to 54 Rivercrest Road or its owners at the top of the Slope. It is evident from the presence of the retaining wall that it was built in order to maximize the usable depth of the back yards at 67 and 69 Riverview Gardens. The developer of the lots on Riverview Gardens likely excavated a portion of the slope behind the houses so as to keep the rear portion of the lots flat and at the same elevation as the houses. The broken line in the attached Schedule A depicts what the slope would otherwise look like without a retaining wall. For the last almost 90 years, this retaining wall has performed the function of keeping the rear portion of the yards at 67 and 69 Riverview Gardens free from the natural slope of the Humber's east river bank, solely for the benefit of the owners at 67 and 69 Riverview Gardens.

Our client's house at 54 Rivercrest Road was not built until approximately 1946. While on the same plan of subdivision, these lots on Rivercrest Road were laid out wider and deeper, largely because the rear yards of these houses were part of the Slope and unusable. The houses were built at the top of the Slope on the table land there. Our client's lot at 54 Rivercrest Road terminated at the bottom of the Slope where the developer had excavated a portion of the Slope to create the rear yards of the properties at 67 and 69 Riverview Gardens, approximately 12 years earlier.

In our respectful view, the sole purpose and utility of the retaining wall was to make it possible to remove a portion of the natural slope of the east Humber River bank, so that the rear yards of 67 and 69 Riverview Gardens would be free of that portion of the Slope that would otherwise have occupied a portion of their back yard. The retaining wall belongs (and has always belonged) to 67 and 69 Riverview Gardens but encroaches on our client's property. As this encroachment has been ongoing since the development of the Riverview Gardens lots sometime between 1932 and 1936, our client's rights to the few inches of property at the bottom of the Slope have long been lost to the owners of 67 and 69 Riverview Gardens. Consequently, the repair and maintenance of the wall is the sole responsibility of 67 and 69 Riverview Gardens, as it is their land and the wall has always been theirs. For the foregoing reasons, we respectfully request the Property Standards Committee to overturn the Order against Mr. Dallas and 54 Rivercrest Road.

Your Order is based on the assumption that the retaining wall comprises part of 54 Rivercrest Road and is therefore owned by our client. Our client maintains that the retaining wall was built by the developer for the sole benefit of 67 and 69 Riverview Gardens. To the extent that the retaining wall lies within the property boundaries of 54 Rivercrest Road (it does not), it would have been placed there in error and as such is an encroachment over the 54 Rivercrest Road lands.

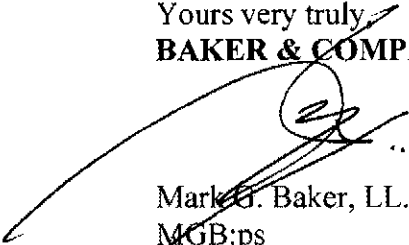
Should it be ultimately determined after a full hearing by the Property Standards Committee that the retaining wall remains the responsibility of 54 Rivercrest Road, then our client submits that the following adjustments to the Order be made: an extension of the deadline that reflects the considerations and requirements detailed below.

In consideration of the age of the wall and the jurisdiction of a Conservation Authority over the ravine, an appropriate engineering solution is required. This will likely require having engineering designs prepared, topographical surveys and geotechnical reports completed, and boring analysis of the slope done.

Consequently, we request the right to investigate and explore appropriate engineering solutions including without limitation, the option to remove the wall and restore the slope to its natural state, and we request the Order to be amended to include this option. This will require establishing appropriate timelines to reflect the design phase as well as the necessity for various approvals and to allow for the completion of this time-consuming work.

If you have any questions please do not hesitate to contact us.

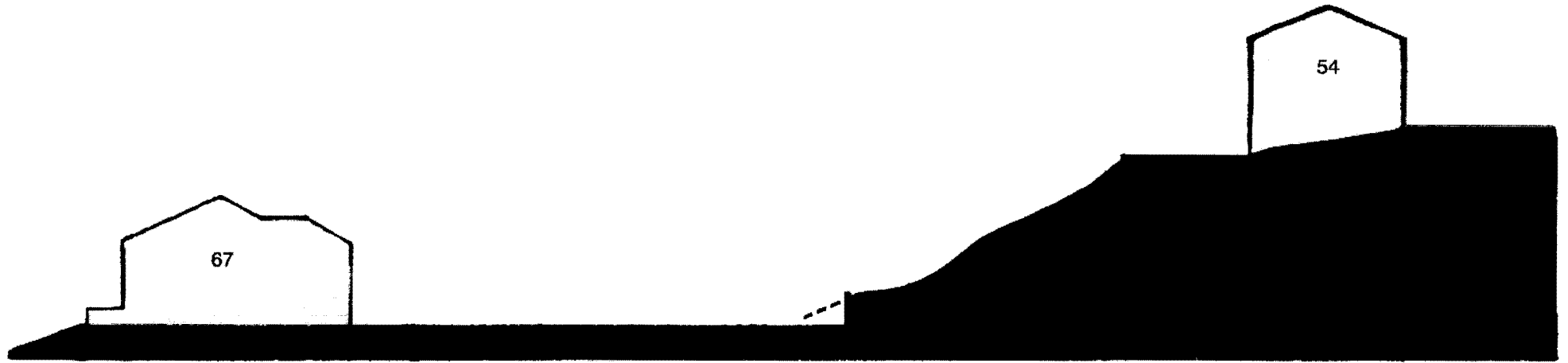
Yours very truly,
BAKER & COMPANY



Mark G. Baker, LL.M., C.S.
MGB:ps

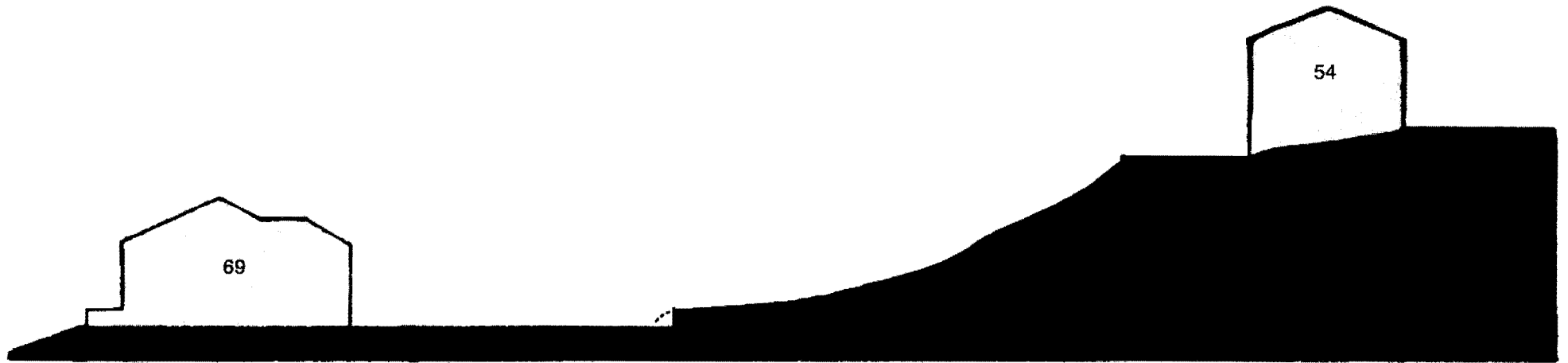
Encls.

SCHEDULE A



Riverview Gardens

Rivercrest Road



Riverview Gardens

Rivercrest Road

SCHEDULE B

Page #	Item
1	1931 PL2174 Plan of subdivision registered May 29, 1931
2 – 3	1931 City of Toronto directory does not list Riverview Gardens
4	1932 City of Toronto directory lists first addresses on Riverview Gardens
5	1935 City of Toronto directory lists lots at 67 and 69 Riverview Gardens
6	1942 Aerial photograph, City of Toronto Archives, showing houses at 67 and 69 Riverview Gardens and an empty lot at 54 Rivercrest Road.
7	1942 aerial photograph comparison to topographical map showing retaining wall
8 – 9	1947 aerial photographs, City of Toronto Archives.

2714

PLEASE NOTE:

- LOT 41 on Rivercrest Road is known municipally as 54 Rivercrest Road.
- LOT 34 on Riverview Gardens is known municipally as 67 Riverview Gardens.
- LOT 35 on Riverview Gardens is known municipally as 69 Riverview Gardens.

PLAN
OF SUBDIVISION OF
PARTS OF REG^d PLANS 2011, 2293, 2315 AND 2705 (YORK)
TE OF YORK

Scale: 1" = 60ft

OWNERS CERTIFICATE

LOTS 1 to 34 and BLOCK M shown hereon coloured Pink, 12 Rese-
coloured Green and Riverview Gardens coloured Brown are laid
out in accordance with our instructions. Said Riverview Gardens
is hereby dedicated for the purpose of Public Highway.

WITNESS

OWNERS

Herbert Green

Wm. Green

THIS PLAN WAS FILED
IN THE REGISTRY OFFICE
FOR THE COUNTY OF YORK
ON THE 24 DAY OF May
A.D. 1922 A. 10-30

Deputy Registrar

County of York
To wit:

Herbert Green
of the City of Toronto
County of York

1. That I was personally present and did on this plan and
a duplicate copy signed by *Herbert Green*
2. That the said plan and duplicate were signed by the said
part of *Wm. Green*
3. That I know the said part of
4. That I am a subscribing witness to the said signing

Done before me at Toronto

on the 24 day of May 1922

Wm. Green

Herbert Green

THE CORPORATION OF THE CITY OF
TORONTO, under authority of By-law No. 178
of the Corporation of Toronto, passed on the 24th day of May 1922,
do hereby approve of this Plan.

Date: May 24, 1922
John H. H. H.
City Clerk

Certified Approval by
Resolution No. 25220 of the
Council of the Corporation of the
Township of York, passed on
the 24 day of May 1922

John H. H. H.
City Clerk

We certify that this plan is a duplicate copy of a plan
(being a subdivision of Parts of Reg'd Plans 2011,
2293, 2315 and 2705 (YORK)) prepared by us
and

done 24th day of April A.D. 1921
Spencer H. H.
O. L. Surveyors

FIELD NOTES.

We hereby certify that this plan represents a true copy of the field notes taken in connection with the survey shown.

Date: 24th April 1921
Spencer H. H.
O. L. Surveyors

SURVEYORS CERTIFICATE

We hereby certify that this plan accurately shows the manner in which the land affected therein has been surveyed and subdivided by us and that this plan is prepared in accordance with the provisions of The Registry Act and the Surveyors Act.

Date: 24th April 1921
Spencer H. H.
O. L. Surveyors

MOSSM

WEATHERELL STREET

ROAD

RIVERCREST

FOLKES ST

BLOCK A
PLAN 2011 (YORK) MAY 29 1921 10-30

BLOCK F
REGD PLAN 2293 (YORK)

BLOOR ST. WEST

NOTE:-
Iron Bars planted are shown thus: .
Stakes planted are shown thus: .
The N.T.P.D.S. of Weatherell St. is shown
hereon.
Green Markings refer to Reg'd Plans 2011 (YORK) & 2293 (YORK).
Red Markings refer to Reg'd Plans 2315 (YORK) & 2705 (YORK).
Blue Markings refer to Reg'd Plan 2345 (YORK).
Brown Markings refer to Reg'd Plan 2705 (YORK).

4172

THORNE, MULHOLLAND, HOWSON & McPHERSON

CHARTERED ACCOUNTANTS

E. J. HOWSON, AUTHORIZED TRUSTEE IN BANKRUPTCY

FEDERAL BUILDING
TORONTO
Telephone ADelaide 0661

RITCHIE AV 3

North-east from Rencesvalles
av to railway crossing, first n
of Howard Park av, Ward 6.

NORTH SIDE

- 12*Hutchinson Fred
- 13 McLean Alfred C
- 16 Tracy Dalton R
- 18 Delaney Wm
- 20 Cluff Isaac E
- ◆ Dundas st w crosses
- 30*Adams Isabel Mrs
- 32*Patterson Robt G
- 34 Hill Elwin
- 36*Adams Robt A
- 38 Rishua Harry
- 40 Coward Richd
- Biggart Chas
- ◆ Herman av commences
- 42*Hills Chas
- 44*Hutkie Andrew C
- 46*Hutton John T
- 48*Palmer Wm
- 50*Thompson Saml A
- 52*Bannerman Lewis
- 54*McMonies John
- Smith John
- 56 Scott Wm
- Bradley Albert
- 60 Welch & Quest printers
- Trade Typesetting Co
- 100*Clarke Geo H S
- 102*Mason Naomi Mrs

SOUTH SIDE

- 7 Newman Geo
- 9 Bowers Sarah Mrs
- 11 Cotton Herb A
- 13 McLaughlin Patk
- Kirvin Norman
- 15 Allison Fredk
- 17 Gonzales Geo
- Nicholls John F
- 19 Quon Gong
- 21*Dodds Wm T
- Saukey Harry
- 23 Duncan Jas J
- ◆ Dundas st w crosses
- 33*Gould Jas E
- Hong John
- 35*Whitlock Wallace
- 37 Palmer Aubrey
- 39*Sparrow Ernest
- 61*Sparrow Bessie Mrs
- 63 Little Chas
- 65 Cowan John
- 67 Shea Jos
- O'Connell Lawrence
- 71 White Robt R
- 73 Fullerton John
- 75*Keye Alfred
- 77-85 Toronto Cooperage Co
- Ltd
- 87*Sandell Geo E
- 89 Curtis Jas
- 91*Laplin Jos
- 93*McCluskey Fredk S
- 95*Grant Alex
- 97*Anderson Chas B
- 99*Lambert Geo H
- 101 Smith Frank
- 103*Stow Alfred E
- 105 Pennsylvania Coal Co of
- Cao Ltd The
- 107 Watson Jas

RIVER 2

North from 538 King e to
Spruce, first east of Sumach
Ward 2.

EAST SIDE

- ◆ Queen st e crosses
- 17 Toronto Storage & Trans-
- port Co Ltd
- Whitall Can Co Ltd inwre
- mfrs
- (rear) St Lawrence Trans-
- port Co Ltd
- Vanderbilt R T Co Inc
- chemicals
- Thorne A O chemical brkr
- 19 Newton Products Ltd food
- products
- Martin Hugh C & Co brkrs
- gros
- 23 Atlas Engineering & Mach
- Co Ltd
- 25 School of Mothercraft
- 27 Duchemin David
- 29 Potts Thos
- 31 Marshall Geo
- 33*Fraser Andrew
- 35*Atken Wm R
- 37 Tracey Jas F
- 39*Sanderson Thos

River—East Side Contd.

- 41 Richardson Geo
- 41A Richards —
- 41B Hallman Dand
- 43 Devine Jos
- 43A Williams Blanche Mrs
- 43B Roach Geo
- 45 Hardy Jack
- 47*Miller David T
- 49 Hill Walter
- Little Norman
- 51 Shea Edwd
- 53*Buckley Thos
- 55 Moore Edwd
- 57 Smith Alice Mrs
- 59 McDonald Harry
- 61*Le Grandeur Archd
- 63 Woloschuk Archd
- 65*Wiseman Ellen Mrs
- 67*Hardy Edwd J
- 69 Clinton Wm C
- 71 Taylor Dand
- 73*Hackett Jas E
- 75*McKenzie Angus
- 77 Sowers Caroline Mrs
- 79 Francis Wm B gro
- ◆ Labatt av commences
- 83 Nedelroff Yvon
- 85 George Pete
- 87 Spearpoint Phillip
- 89 Vhavas Peter
- 91 Lawson Isabel Mrs
- 93 Spence Alfred
- 95 Baglio Matthew
- 97 Scott Norman
- Dixon John
- 99*Kennedy Edwd
- 101*Smith Wm
- 103*Wilson Sarah A Mrs
- Fullerton David J
- 105*Leonard Georgina
- 107 Sutherland Geo
- Little Herb
- 109 MacMillan Walter A
- ◆ Mark st commences
- 111*Pearson Arthur
- 113 Burke Anna Mrs
- 115 Boghosian John
- 117*Stewart Alex
- 119*Hall Alfred
- 121 Buckley Vincent
- 123 Moore Thos
- 125 Winn Dand
- 127 St Germain Thos
- 129 Fitzgerald Richd
- ◆ Dundas st e crosses
- Municipal Garage
- 119 Coffey Mary Mrs
- 151 Ashfield Edwd
- 153 Vacant
- 155 McIntyre David
- ◆ Cornwall st commences
- 157 Briggs Fredk C
- 159 Emerson John
- 161 O'Brien Wm G
- 163 Minnis Maria Mrs
- 165 Weekley Thos
- 167A Tuttlebough Wm
- 167 Miller Edwd
- 169 Webb Thos
- 171 Miller Harold
- 173*Eans Geo gro
- ◆ Oak st crosses
- 177 Wademan Chas gro
- 179 Ronnie Alfred
- 181 Adams Peter
- 183 Dimittrop Steve
- 185 Payne John
- 187 Blain Wm
- 189 Wright Geo
- 191 Yokes Herman
- 193 Seathion Jas
- 195*Newell Jas
- ◆ Bell st commences
- 199 General Steel Wares Ltd
- ◆ Gerrard st e crosses
- 221A Lee Harry
- B Roache Harry
- C Rundberg Carl
- D Wright Helen Mrs
- 225A Gibb Harry
- B Vacant
- C Gamble Thos
- D Smith Wm
- 225 Booth Oliver
- 227 Smister G G
- 229*Harris Hedley
- 231 Armstrong Henry
- 233 Fleming John
- 235*Barwick Richd
- 237 Moat Henry R
- Cullington Alfred
- 239 Holland Catherine Mrs
- 241 Walker Margt Mrs

River Contd.

- ◆ Queen st e crosses
- 2 New Method Laundry Ltd
- 24 Inglis Thos
- 28 East End Day Nursery
- 32 The King's Mission Home
- 34 Vacant
- 36 Reagen Wm
- 38*Chafen John
- 40*Veziha Geo J
- 42 Foster Annie Mrs
- 44*McLean Archd
- 46 Booth Jos
- 48*Roy Raymond
- 50 Huska Peter
- Cockett Geo
- 52*Zatt John B
- 54-60 Hartshorn, Stewart Co
- shade rollers
- 64*Grasvenor Edwd
- 66*Arbour Edmund
- ◆ Norvale av commences
- 68 Bold Grace Mrs
- 70 Hatch Robt
- 72 Choutard Angeline Mrs
- 74 Read Bruma Mrs
- 76*Sheehan Michl
- 78*Sheridan Mary Mrs
- 80*Noonan Mary K Mrs
- 82*Jackson Geo T
- 84 Mead Geo
- 88 Can Ornamental Iron Co
- 90 Smith Johnston gro
- 92 Thompson Leslie
- 94 Stanley Edwd
- 96*Knowles David
- 98 Brown Jas
- 100 Scott J C Co Ltd wdwkrks
- 110 Schultze Geo
- 112 Georgieff Vaskie
- 114 Barry Wm gro
- ◆ Wyatt av ends
- 116 Brockman Jos
- 118A Murphy John
- 118 Forsyth Minnie Mrs
- 120 Malcolm John
- 122*Choke Kate Mrs
- 124 Gage Geo
- 126 Spencer Alice E Mrs
- 128 Weyans Wm
- ◆ Dundas st e crosses
- 130 Harris Saml gro
- Krem Arthur
- 134 Hider F Lionel
- 136 Lyon John
- 138*Leonard John J
- 140 Overholt Wilbert
- 142 Danford Israel
- 144 Fay Fredk
- 146 Agnew Fredk
- 148*Young Andrew
- ◆ Taylor st ends
- 150 Miller Peter J
- 152 Vacant
- 154-160 Can Metal Window &
- Steel Products Ltd
- 162 Taylor Alma Mrs
- 164 Martin Jas
- 166 MacKenney Minnie Mrs
- 168 McGill Hugh
- 170 Hagger Harry
- ◆ Oak st crosses
- 172*Ragen May gro
- 174 Roth Jessie Mrs
- 178 Montgomery Chas W
- 180 Chapman Thos
- 184 Brown Rodk
- 186 Garrison Wm
- 188 Johnson Jos
- 190 Johnston Stanley
- 192 Kay W R
- 194 Burt Clement
- 196-200 Daniels S C Co incu-
- bators mfrs
- 202*Reed L blksmith
- ◆ Gerrard st e crosses
- 220 MacKenzie Duncan
- Walford Wm
- 222 Vacant
- 224 McEwain Geo A
- 226*Michener Wm
- 228 Smith — Mrs
- 230*Pescod John
- Whalley Amelia Mrs
- 232 Law Wm
- 234 Hill Chas E
- 236 Haggerty John
- 238 McDonnell John
- 240 Griffiths Fred
- 242 Vacant
- 244*Turner Herb
- 246 Vacant
- 248 Ferguson Thos
- 250 Christie Geo

+RIVER RD (Humber Bay)

South-easterly from College to
the eastern boundary.
Not built on

+RIVER RD (Lambton Mills)

Runs south from head of
Thorndale rd to foot of Go-
vernment rd, second west of
Humber River.

EAST SIDE

Not built on

WEST SIDE

- *Simpson Henry W
- *Teasdale Mary Mrs

+RIVERCOURT (East York)

Head of Page av.

+RIVERCOURT BLVD (Old

Bungalore rd) (East York)
North from Woodville av to
Page av, second east of Page
avenue.

EAST SIDE

- 1*Long Hubert A
- 3-7 Vacant (3)
- 9-13 Vacant (3)
- ◆ Don Mills rd crosses
- 15 Irwin John
- 17 Gray Geo
- 19 Dightman —
- 21*Stroh Walter
- 23*Doran Arthur
- 25*McCance Wm
- 27*Gmythe Chas H
- 29*Jeffrey Wilmot
- 31*Jeffrey Frank B
- 33*Henson Harry G
- 35 Bolton Elizabeth Mrs
- 37*Stirling Wm H
- 39 Thutford Wm
- 41 Brent Arthur
- 43*Hodwell Thos
- 45*Scott Jas N
- 47 Bailby Chas J
- 49*Fell Chas F
- 51*Hiltz Wilfred L
- 53*Bront Arthur
- 55*Howlett Henry A
- 57 Macfarlane Malcolm
- 61 Vacant
- 63*Houston Jas
- 65 Vacant
- 73*White Frank M

WEST SIDE

- 2*Stark Wm Bruce
- 4*Wilton Chas
- 6*Greaves Chas
- 8*Greaves Chas
- 10*Hopper Edmund
- 12*Westwood Jos
- 14*Whitall Jos
- ◆ Don Mills rd crosses
- 16 Hackett Percy
- 18*Carson Wm A
- 20*Glazebrook Geo
- 22*Leslie Rupert M heating con-
- tractor
- 24*Rocha John A
- 26*Gordon Chas
- 28*Cottell Jas
- 30 Lawson Arthur
- 32 Mougach Alfred C
- 34*Bynon Ernest
- 36*Neville Louis
- 38*Adams John C
- 40*Magone Clifford
- 42*Kingdon Wm L
- 44 Tasker Regd
- 46 Farrell Harold
- 48*Hopkins Ernest
- 50*Sutherland Geo
- 52*Verner Geo
- 54*Johnston Alex P
- 56*Allison Saml J
- 58*McCordie Ethel
- 60*Easterbrook Geo F
- 62 Absent
- 64*Compton Robt

+RIVERCREST RD (Old Ralph

avenue) (Lambton Mills)
Runs north from bush to Hum-
berview rd, second west of
Jane.

EAST SIDE

- 1 Vacant
- 3*Freeman Chas S
- 5*Semple H Arnold
- 7*Orr John T
- 9*Scriven Fredk W
- ◆ Weatherall av ends

Rivercrest Rd—East Side Contd.

- 19*Dunnice John J
- 21*Williams Wm F
- 23*Robson Wm J
- 25*Tilley Herb F
- 27*Staines Harry
- 29*Reive Jas W
- 31*Whitmore Jos J
- 33*Yeomans Ralph
- 35*Moher Clement
- 37*Bissell Geo T
- 39*Cole Robt H
- 41*Caiger Fred C
- 43*Sanderson Frank
- 45*Hyland Nelson A
- 47*Arnett John
- 49 Murdoch Wallace
- 51*Morgan Geo W
- 53*Best Arthur

WEST SIDE

- 6*Dudgeon Thos
- 8*Williams Harry B
- 10*Watt Herb L
- 12*Belserl Garnet D
- 14 Nicholson Albert I
- 16*Thomas Malvern F
- 18*Brown Robt R
- 20*Ferrell John R
- 22*Orr Ernest W
- 24*Irwin Thos H
- 26 Absent
- 28*MacRae Wm A
- 30*Tufts J Gordon
- 32*Sheppard Fredk W
- 34*Cates Albert E
- 36*Down Jas D
- 38*Winston John V
- 40*Murchison Ernest W
- 42*Kallmeyer Herman L D
- 44*Avery Roy C
- 46*Winder Geo S
- 48 Absent

RIVERDALE AV 0

(Including Old Smith) East
from 469 Broadview av to Kit-
wick av, fourth north of Ger-
ard e, Ward 1.

NORTH SIDE

- 2*Daniel Clara Mrs
- 4*Lynch Frank
- 6*Gillespie Wm
- 8*Short Fredk
- 10*Bagley Archd
- 12 Vacant
- 14*Armstrong Robt
- 16 Macdonald John
- 18*Oram Geo
- 20*Greenshields Jas
- 22 Bouvier Jos
- 24 Nelson Annabella Mrs
- 26*Wallace Robt W
- 28*Watson Andrew
- 30*Allison Wm H
- 32*Grant Carrie E Mrs
- 34*Pitts Georgina M Mrs
- 36*Christian Enos
- 38*Alexander Gordon
- 40*Gordon Wm J
- 42*Bushby Hannah Mrs
- 44*Douglas Adam R
- 46 MacMurray John J
- 48 Jackson Harold
- 50*De Geor May Mrs
- 52 Martin Wm
- 54*Jeffries Wm H
- 56 Vacant
- 58*Vick Frances Mrs
- 60*Baldry Harry J
- 62 Quigley Peter
- 64*Morrisey Joshua
- 66*McLaughlin John A
- 68 Vacant
- 70*Coverat Alonzo
- 72*Parker Arthur W
- 74*Armstrong Walter S E
- 76 Riverdale Apartments—
- 1 Fowler O
- 2 Fleming John
- 3 Farquharson Donald
- 4 Manson David
- 5 Noxon F C
- 6 Tucker Sarah E
- 7 Information unobtainable
- ◆ Street contd—
- 100*Gregg Geo H
- 102 McCarthy Sarah
- 104*Sutherland Annie H Mrs
- 106*Huffman Madeline Mrs
- 108*Shaddock Mary Mrs
- 110*Armstrong Wm
- 112*Hays Wm M
- 114*Chadwick Jas
- 116*Hunter John P

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Riverdale Av.—North Side Contd.

120*McCall Robt
Broomfield Wm R
122*Jackson Susan Mrs
124 Stanley Alfred
126*Wilson Eliza
128*McDonald Donald
130*Slater Annie E Mrs
132*Taylor Jas A
134*Regan Jas
136*Furner Percy A
138*Hunsberger A M
140*Irwin Wm J
142*Hill Wm F
144 Vacant
146*Miller Wm
148 Vacant
150*Agell Geo
152*Follett Joseph M
*Follett Martha E
154*Young Martha Mrs
156*Black Robt M
158*Chisholm John R
160*Marin Mailland W
◆ Logan st crosses
162 Tong Bros laundry
164*Garrod Wm
166*Hutchinson Robt
168*Huthven Geo T
170*Walter Fred W
172 Le Elder Benjamin E
174 Howell John R
176*Irving Wm
178*O'Reilly Wm
180*Dalton Arthur
182*Gallagher Eliza
184*Greenwood Fredk
186 Steen Clement
188*Judges Wm L
190*Andrew John
192*Stafford Wm
194*Hogers Frank
196*Dunn John
198*Connell Jas
200*Yelman Henry G
202*Dalton M Mrs
McMillan P
204 Phillips Emma Mrs
206*Coatsworth Eliza Mrs
◆ Carlaw st crosses
208*Johnson Isaac
210 Perry Wm J
212*Chadwell Edward
214*Staines Ada Mrs
216*Nothwell Robt
218*Ryanburgh John
220*Watt Eliza
222 Vacant
224*Woolley Alfred
226*Cooper Arthur E
228 Nichol Arthur G
230*Kingsley John
232*McFadyen Thos S
234*McGilliam Geo
236*Held David
238*Robertson Malcolm
240*Matthews John
242*Reynolds Ernest A
244*Carroll John W
246*French John
248*King John R
250*Robinson Albert
252*Smith Frances Mrs
254*Collins Alfred A
256*Cos Wm R
258*Harris John J
260*Laund Benj
262*Robertson Arthur V
264*McFarvey Sarah Mrs
266*Daigman Jas
268*Henderson Eliza Mrs
270 May Ellen Mrs
272*Grubben Ernest
274*Byng Ernest
276*Sheverson Jas
278*Sheppard Amelia Mrs
280 Dowling Jas
282 Phillips John J
284*Veltch Jas
286*Barber Frank
288*McIntyre Hector
290*Stearns Albert E
292 Hopley Wm H
SOUTH SIDE
1*Watt Alex A
1A*Brown Wm Angus
3 Withness Thos

Riverdale Av.—South Side Contd.

294*Trickey Warren Mrs
296 Van Philip
298*Gowan Hugh M
300*Young Geo I
302*Peterson Chas A
304*Dunlop Beatrice Mrs
306*North Wm P
308*Schmidt John
310*Smith Martha Mrs
312*Pingle Chas G
314*Barber Saml I
316*Lambert Minnie Mrs
318*Patterson Donald
320*Cooper Gen H
322*Curie Wm M
324*O'Hara Peter
326*Wylie Eliza Mrs
328*Moht Bern Mrs
330*Hendrick Westley
332*Calms Thos
334*Armstrong A Mrs
336*White Sarah
338*Green Arthur
340*Scudlery Sarah Mrs
342*Taylor Percy D
344*Paine Harry W
346*Nichol Wm J
348*Wilson Jas A
350*McNorton P J
352*Harris Jas R
354*Reid Ernest A
356*Whitely Richd J
358*Ploss Herman G
360*Collins Albert L
362*Vance Jas
364*White Jas
366*Lyons Josephine Mrs
368*Gard A Mrs
370*Bradbury Alex
372*Bradley Mary A Mrs
374 Metcalfe Wm E
376*Watson Hannah Mrs
378*Henderson Lillie Mrs
380*Cambridge Caroline
382*Malcolm Jas
384*Greenlee Eliza Mrs
386*Gasser Ernest
388*Chapman Wilfred
390*Rowland Albert C
392*Wetherill Richd
394*Longman Eliza Mrs
396*Galloway Lillian Mrs
398 Grant Alex
400*McKee Roy
402*McDonald John A
404*Curran Sidney E
406*Boyd Margt Mrs
408*McIntosh Margaret
410*Brooks Saml
412*Dunlop Wm J
414*Wilson Josephine Mrs
416*Cheaney Thos
418*Wilson Wm
420*Law Lucy Mrs
422*Braves Maurice
424*Glendinning Wm
426*Master Regd R
428*Roberts Hannah Mrs
430*White Octavius
◆ Logan st crosses
432*Gibbards John
434*Crutcher Alex
436*Carey Michl
438*Jones Harry
440*Potts Jas
442*Greig Frank
444*Arthur Eliza Mrs
446*Richardson Geo
448*Nowell Edw
450*Ramond Wm M
452*Clairmont Emmanuel
454*Spence Hugh
456*Teasdale Annie
458*Williams David
460*Maie Andrew
462*MacKay John F
464*Pink Herb J
466*Christie Russell
468*Sanderson Alex
470*Warren Alice Mrs
472*Williams Wm
474*Baithell Mary Mrs

Riverdale Av.—South Side Contd.

476*Trout Wm J
478*Evans John
480*Lane Fredk
482*Foster Frank Mrs
484*Donovan Robt B
486*Roads Edw
488*Taylor Wm A
◆ Carlaw st crosses
490*McFadyen Wm
492*Ludford John E
494*Caske Allan
496*Welch W J
498*Yard Edw
500*McDonald Saml
502*Moht Andrew J
504*Andrews Albert
506*White Gen
508*Carter Saml
510*Irwin Jas W
512*Miller John H
514*Russell Harold
516*Johnson
518*Whitton Chas
520*Lyne Edw J
522*Ridge Russell D
◆ Penrose st ends
524*Darley Rupert W
526*Cooper Wm E
528*Chesell E Mrs
530*O'Hall Saml
532*Scarbrough Daley
534*Montenapette Edw
536*Trevelock Grace Mrs
538*Masson Arthur
540*Stephenson Isaac
542*Wood Albert
544*Thompson Wm
◆ Egan st ends
546*Olsen Harold
548*Wilson Evelyn Mrs
550 Scott
◆ RIVERSIDE AV (Lambton Mills)
East from Church to Lambton rd, first south of Bloor.
NORTH SIDE
Vacant
SOUTH SIDE
◆ Cromwell Minnie Mrs
◆ Rayner Augustus L
◆ Gray Alfred
◆ RIVERSIDE DR (old Number Blvd and Wickfield av) (Swansea and Lambton Mills)
North from Lake Shore rd to Mossion rd, first east of Number River.
EAST SIDE
◆ (Swansea)
Albion Golf Courts
Vacant (2)
101*Priedly Wm
◆ Wickfield st commences
103*Metcalfe Robt
105*James Westley J
213 Vacant
217*Fry Fredk R
219*Lane Eliza D
221*Worthy Clifford H
223*Giddings Ross Mrs
225*Scott Geo D
227*Held Hugh R
229*Neelan Chas J
231*Neelan Jas
233 Vacant
235*Stewart Walter
Stewart Wm W
237*Brandsen Frank
239*Camerton Malinda A
241 Vacant
243*Williams Lorenzo M
245*Reeve John Y
247*Pottle Arthur W
249*Robinson Thos H
251*Sherlock Laura Mrs
◆ Mossion rd commences
253*Honey E Fraser
◆ Wickham rd ends
◆ Bloor st crosses
◆ (Lambton Mills)
507*Hulme Ernest

Riverdale Dr.—East Side Contd.

509*McAuley Blah
511*Goldie David
513 Vacant
WEST SIDE
◆ (Swansea)
515*Slippen James Hall
517*Vacant (1)
519*McGillivray Malinda B
521*Senier Alfred
523*Vickers Kirk J
525 Vacant
527*Cook Perry
529*Horton John
531*Fisher Clark E
533*Gaudette Alfred
535*McGibney Jas W
◆ Bloor st crosses
537 1 Bath O D
2 Holt Rodney
3 McElwain F A
4 Marshall J A P
5 Large Victor H
514 1 Graham J A
2 Lee Gordon
3 Tattershall S J
4 Woodward Albert S
5 Ferguson Ramsay M
6 Manohoe P G
516 1 Wilkes Albert E
2 Cronan Geo F
3 Porter Alex D
4 Soranis Francis J
5 Schumann K V
518 1 Dunlop W R
2 Pollock Edgar
3 Korale Karl
4 Fox R M
5 Sneyd Sheldon
◆ RIVERSIDE DR (Westmount)
Runs east and south from Scarlett rd to Fourth av.
NORTH SIDE
◆ Sutton Chas
Hunter John
Bairson Oscar
Lingow Wm P
Goffrey Alex M Mrs
◆ Boyd Jas
◆ Watson John
SOUTH SIDE
◆ White Thos
◆ Clarke Charles
◆ Dion Jos
◆ La Rose Louis L
◆ McLaughlin Fredk
◆ First av commences
49*Maxters Geo
51*Hockinson Walter R
53 Ramsay Wm T
55 Ralph
◆ Second av commences
67*McLeod Norman M
69*Matthews Saml
◆ Tappett Wm B
◆ McKeulek Fredk
◆ Morrow Matilda
◆ Third av commences
Brown Harold L
◆ Tomlinson John
◆ Endered Thos
◆ Ormerod Arthur
◆ Fourth av commences
Whitley Albert E
Tucker Fredk
Phillips Wm J
Cocker Gen R
Babington Claud
Boyd Ernest A
MacKenzie Jas
Cook Harry
Fillyer Centl
Waghorn Merle E
RIVERVIEW DRIVE 12
South and south-east from head of Teddington Park av, beyond Snowdon av, first east of Ronan av, Ward 2.
NORTH SIDE
85*Mill John
87*Mill W Gordon

Riverview Dr.—North Side Contd.

89*Van Zant Ada
91*Hayes Barry R "Glenmore"
93*Barline Chas Mrs "Glenwood"
95*Hayes F Barry "Donnybrook"
97*Thos E B
Gibson Gordon Col "Tree Top"
Craig John "Donnybrook Col 1886"
Hassard Frank
Hayes Perry D "Dalemi"
Venables Arthur R "Woodlands"
Venables Francis G "Seaford"
◆ McKee John W "Riverwood"
Reel Richmond W
◆ Henderson Percy E "Purbrook"
◆ Tait John W "Springfield"
317*MacGregor John
SOUTH SIDE
122 Curran Geo M
126 Balin Gustav
◆ RIXLADE (East York)
Now included in with Glenmount av.
ROBBINS AV 8
East from Coxwell to east of Hemlock av, first north of Ashbridge av, Ward 8.
NORTH SIDE
36 McLeod Wm S
38*Deben Chas W
40*Sherrard Jas
42*Chalmers Jas J
44*Pitchek Chas G
46*Shaw Fredk
48*Johnson Fredk M
50 Curby Ernest A
52*Kemp Thos H
54*Whittington Jas E
56 Manway Leonard
58 Webb Chas A
60*Porter Donald
62 Hook Mabel Mrs
64 Mitchell Fredk
66*Hill Edgerton
◆ Hemlock st crosses
68 Walters Chas A
70*McKay Wm A
72*Wright Thos
74*Richards Geo O
76*Tomlinson L
78*Tomlinson Geo
80*Brown Sidney C
SOUTH SIDE
31 Hurst Clements A
33 Church Bruce M
35 McBride Chas
37 Adams W J
39 Lavigne Louis
41 Johnson Norman T
43*Leah Wm H
45*Pollard Edw E
47 Corby Francis A
49 Palmer Hugh
51*Langford Earl
53 Luckin Bernard
55*Grady H F
57 Turner Charlotte Mrs
59 Grant H E
61 Grignon Thos
63*Whitmore Chas
65*Taylor Leslie
67*Grimshaw Jos
69*Turnell Geo
71*Hose Ruby Mrs
73*Vaughan Robt H
75*Ball Geo
77*Spillane Joel
79*Witt H J
81*Gale H J
◆ Hemlock av crosses

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Riverside Dr.—South Side Contd.

3219 Danley Rupert W
3220 Cooper Wm E
3221 MacKenzie E Mrs
3222 MacKenzie Clarence
3223 Scarborough Drury
3224 Montmarquette Edw
3225 Freyvorow Grace Mrs
3226 Mason Arthur
3227 Stephenson Isaac
3228 Wood Albert
3229 Hill Stella Mrs
◆ Egan st ends
3230 Mezer Jos Mrs
3231 Wilson Fred
3232 Scott Irving

†RIVERSIDE AV (Lambton Mills)

West from Lambton av to Church, second south of Bloor.

NORTH SIDE
◆ Ferrier crosses
◆ Cummings Ernest A
Vacant
◆ Rayner Augustus L

SOUTH SIDE
◆ Cromwell Minnie Mrs
◆ Ferrier crosses
◆ Gray Alfred

†RIVERSIDE DR (Old Humber Blvd and Wickfield av) (Swansea and Lambton Mills)

North from Lake Shore rd to Mossom rd, first east of Humber River.

EAST SIDE
◆ (Swansea)
Riverside Golf Courts
Vacant (2)
361 Friendly Wm
◆ Wickfield av commences
362 Metcalf Mollie
363 James Wesley J
364 Vacant
365 Vacant
366 Pry Fredk R
367 Lane Alfred D
368 Worthy Clifford H
◆ Farrar Serita Mrs
369 Giddings Rose Mrs
370 Scott Geo D
371 Reid Hugh S
372 Jordan Chas J
373 Neuhar Jas
374 Watson Peter J
375 Stewart Walter
Stewart Wm W
376 Benedikt M G
377 Cameron Malcolm A
378 Vacant
379 Williams Lorenzo M
380 Beeve John T
381 Portle Arthur W
382 Robinson Thos H
383 Sherlock Laura Mrs
384 Knowles Geo
◆ Mossom rd commences
385 Boney R Fraser
◆ Wickham rd ends
◆ Hant at w crosses

†(Lambton Mills)

505 McAulay Thos A
507 Mulder Ernest
509 McAulay Blair
511 Gordy John D
513 Knox John C
515 Strick Harry

WEST SIDE
◆ (Swansea)
80 Silver Slipper Dance Hall
200 Miles Edgar S
202-210 Vacant (15)
212 McGilvray Malcolm B
214 Sander Emma Mrs
216 Corbary Kirk J
218 Gray Clifford L
220 Cole Percy
222 Haman John
224 Palmer Chas E
226 Gaudette Alfred J
228 McCoubrey Jos W
◆ Caulfield John F
509 Dunford Frank H
512 Crevelock Archd B
514 Freeman Alex R
505 Vacant
◆ Bloor st w crosses
†(Lambton Mills)
512 1 Bath G D
2 Vacant
3 Kelly Wm S Jr

Riverside Dr.—West Side Contd.

Apartment—Contd.
1 McElwain Fredk A
5 Marshall J A P
6 Large Victor H
544 Graham J A
2 Lee Gordon
3 Tattersall Stanley
1 Vacant
5 Ferguson M R
6 Russell P H
546 1 Wilkes Albert E
2-4 Vacant (3)
6 Schumann K V
548 1 Dunlop W R
2 Pollock Edgar
3 Knappe Karl
4 Box R M
5 Langhead Lawrence
Cawford G G
6 Stuyt Sheldon

†RIVERSIDE DR (Westmount)

Runs east and south from Scarlett rd to Fourth av.

NORTH SIDE
◆ Sutton Chas
Hunter John
5 Dunlop J M
Lithgow Wm P
Gifford Alice M Mrs
Boyd Jos
Watson John

SOUTH SIDE
◆ White Thos
Clarke L Intence
25 Bailey Robt D
29 La Rose Louis L
◆ (Swansea) Fredk
◆ First av commences
17 Manks Wm
40 Masters Geo
51 Moskinson Walker R
13 Elledge W H
55 Balch
◆ Second av commences
67 McLeod Norman M
69 Mathewson Saml
◆ Tapscott Wm B
◆ McDonald Fredk
◆ Morrow Mathilda
◆ Morrow Jessie H
◆ Third av commences
◆ Brown Harold L
◆ Tomlinson Edgar
◆ Bruden Thos
◆ Ormerod Arthur
◆ Fourth av commences
◆ Whitely Albert E
Tucker Fredk
Phillips Wm J
Geldart Timothy
◆ Corber Geo R
◆ Besbidge Claude
◆ Ridgway Sydney
◆ Boyd Ernest A
◆ Mackenzie Jas
◆ Cook Harry
◆ Filmer Cecil
◆ Hudson Ernest A

RIVERVIEW DRIVE 12

South and south-east from head of Teddington Park av, beyond Snowden av, first east of Ronan av, Ward 2.

NORTH SIDE
87 Mill John
91 Mills W Gordon
95 Van Zant Mervyn E
◆ Hayes Harry B "Glenmore"
◆ Darling Chas Rev "Glenwood"
◆ Hayes F Barry "Donnybrook"
101 Tins E R
◆ Gibson Goodwin Col "Trevor Top"
Craig John "Donnybrook Cottage"
Hassard Frank
Gardner Nicholas
◆ Hayes Percy D "Hillman"
◆ Venable Arthur K "Woodlands"
◆ Venable Francis G "Scottlan"
◆ McKee John W "Silverwood"
Hart Richmond W
◆ Henderson Percy E "Parbrook"
◆ Tisdler John W "Springfield"
827 MacGregor John

Riverview Dr.—Contd.

SOUTH SIDE
192 Curran Geo B
196 Hahn Gustav
◆ RIVERVIEW GARDENS (Lambton Mills)
North-west from Larkin av to Weatherill first west of Jane.

EAST SIDE
23 Vacant
25 Vacant
54 North Victor E
55 Vacant
WEST SIDE
22-25 Vacant (4)
26 Bryson John P
Vacant (11)
28 Barr Robt N
22-71 Vacant (12)
26 Anderson Bernard M
28 Fredk A

†RIVERVIEW (East York)

Now included in with Glebe mount av

ROBBINS AV 8

East from Cowwell to east of Henlock av, first north of Ashbridge av, Ward 8.

NORTH SIDE
36 McLeod Wm R
38 Henson Chas W
40 McHardy Jas
42 Chalmers Jas J
44 Bishop Chas G
46 Shaw Fredk
48 Journal Fredk M
50 Goby Ernest A
52 Kemp Thos R
54 Witherington Jos E
56 Stanway Leonard
58 Lindsay John
60 Gilks Rdd
62 Porter Donald
64 Hawk Mabel Mrs
66 Mitchell Fredk
68 Hill Edgerton
◆ Henlock av crosses
68 Walters Chas A
70 McKay Wm A
72 Wright Thos
74 Peitchard Geo O
76 Tunliffe J
92 Tunliffe J
94 Brown Sidney C

SOUTH SIDE
31 Carrington
33 Church Bruce M
35 McBride Chas
37 Adams W J
39 Inconn Louis
41 Johnson Norman T
43 Lester Wm H
45 Colford Edw E
47 Carley Francis A
49 Cairns Hugh
51 Davis Albert R
53 McKenna Edw S
55 Grady Harry P
57 Turner Charlotte Mrs
59 Vacant
61 Grignon Thos
63 Toogham William
Vacant Wm
65 Taylor Leslie
67 Grimshaw Jas
69 Tremont Geo
71 Howe Ruby Mrs
73 Vacant
75 Hall Geo
◆ Taylor Thos
77 Whittle Joe
79 White H L
81 Cairns Herb J
◆ Henlock av crosses

ROBERT 4

North from 302 College to Bloor w, first west of Spadina av, Ward 4.

EAST SIDE
1 Gorkinkel Saml
2 Vacant
3 Board of Education supply room
27 Private Garage Ltd
35 Orlando Saml
Shelton Jos

Robert—East Side Contd.

37 Goldosky Saml
Gold David
39 Weinstock Wolf
Sherman Percy
41 Simpson Saml
43 Elmhurst Alter
45 Pikel Max
47 Klaman Saml
Shector David
◆ Russell st ends
53 Kleinburg Saml
55 Nodulman Morris
Nodulitz
57 Kozs Saml
Kozs J
59 Rutenberg
61 Samman Harry
Earl Arthur
63 Mandel Max
Lang
65 Riba Max
Baker Isaac
67 Howard P
Gessa Mrs
69 Kaufman Geo
Brook Abraham
Mank Mathew
71 Grossman Max
73 Fortner Elsie
75 Brook John
77 Westlake Thos
79 Goldmann Albert
Garden Ann
81 Edelstein Isaac
Green David
◆ Wilhelms st ends
83 Levy David
85 Levy Alex
87 Freedman Harry
101 Freedman Max
Hilpik Morris
103 Rindick Reuben
Elsen Saml
105 Green Isidore
Grossman Louis
107 Sunshine Maurice
Fisher Hannah Mrs
109 Ponce Jas F
111 Wilam Jane Mrs
113 Lerner Barker
115 Webb Am
117 Information unobtainable
119-121 Finch Angus cottage
123 Smith Jennie Mrs
125 Chabok Louis Morris
127 Cassar Frances
Watts Victoria Mrs
129 Calane Isabel Mrs
◆ Harbord st crosses
131 Stephenson Albert
133 Gersonsky Isaac
135 Sher Harry
Samborick Joseph
137 Gersonsky Harry Mrs
Kenzel Max
139 Gersonsky Morris
Kenzel Peter
141 Tapp Karol
143 Silver Jas
145 Balch
147 Summerfield Abraham
Rugenmatt Jas
149 Kelling Geo
151 Rumbauer John
153 Flus Max
Weiss Saml
155 Gertzelman Nathan
157 Rose Louis
Wattson Jean
159 Davis Max
Feldman Max
161 Goldberg Michl
◆ Spadina av crosses
163 Tidd Morris
165 Sander Harry
Pezze Carl
167 Bark Louis
169 Vacant
171 Fox Peter H
173 Kerner Albert R
175 Greenwood Jos T
177 Ouch D E Mrs
179 Fox Wm D
181 Baker Wm H
183 Wilson Solomon
185 Sandler Henry
Sandler Harry
Hartitz David
187 Haladner Benl
189 Strachan Jas
191 Fowler Jas A
193 Kozs Wm
195 Kozs Arthur J
21-23 McMillan R Saml

Robert—East Side Contd.

235 MacMillan Emily M
237 Mitchell Colin W F
Smith Hugh F
239 Gertzelman John
241 Bell John M
243 Quigley Park
245 Walker Daisy Mrs
247 Mathin John W

WEST SIDE

2-4 Berthel Margt Mrs
2 Rumbauer Jos
3 Green Mary Mrs
1 McKerrill J Mrs
4 Bell Chas produce
5 Vacant
10 Armstrong Alex
12 James Sidney
14 William Adolph H
Mettigern Jas
16 Yashinsky Benl
18 Lay Harry
20 Lindenbaum Israel
22 Stern Gabriel
24 Black Nathan Mrs
Zid Lutz
◆ Black E-ther Mrs
26 Spring Hyman
Rumbaut Jodier M
28 Carter Isaac
30 Wolfe Max
32 Band Jacob gro
34 Carlie Beth
Hannah Thos
Ryan Philip
36 Schneider Saml
Goldfarb Max
38 De-Idon Louis
Feldman Jacob
40 Edelman Benl
Stein Fredk
42 Weller Geo H
44 Weigle Rose Mrs
46 Glickman Piche
48 Lauffer Yoman
Art Harry
50 Lipson Abram
Kydman Saml
52 Swigh Morris
Dula Lutz
54 Smith Maud Mrs
56 Turk Maurice
Starr Maurice
58 Heller Benl
59 Gertzelman Saml
61 Singer Alex
◆ (Lambton Mills) Saml
Hushkowitz Fred Mrs
63 Tarnitzel Jos
65 Hershman Jas
67 Gersonsky Abraham
69 Gersonsky Dominick
71 Hannah Wm J
Bernoldi Rufus
73 Sherman Jos
75 Davis Arthur L phub
80 Gersonsky Jas
82 Tarnitzel Frank
84 Mordred Dominick
86 Tarnitzel John
Rango Steff
Peto Arkony
88 Fine Apollonia contr
90 Stern Benl
Stachman Abbie Mrs
92 Posner Solomon
94 Roubison John J
96 Wagner Anna Mrs
102 Barker Rose H
104 Hershman Saml
106 Elner Jacob
Varnedewitz Harry
108 Bulmer Frank
110 Beck John H
112 Morgan Wm
114 Hippolito Louis
116 Moren Saml
118 Kewer David
120 Lichitz Saml
122 Pishchok Harry
124 Mednick Harry
Rough Saml
126 Tyne Harry A
128 Burke Louis
130 Lurie Isidore
132 Sarkis Wm I
134 Porteous Danl M
136 Vacant
138 Jones Wm W
140 Shurk Elmer S
142 Grollner Rdd
144 Cooper Benl
Russ John
146 Beck John
148 Fox Jos
150 Vacant

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ROB

ROBERT

South Side Continued

185 Alcott
197*Frydour Eliza
199 Williams David
201*Maier Andrew
203*McKay John F
205 Pink Hebi J
207 Swardson Thos
209 Butler Geo C
Butler Geo C
211*Worm Allen Mrs
213*Herdman Fredk
215*Hendall Mary Mrs
217 Walle Fredk W
Walle Geo
219 Robertson Chas
221*Lupe Fredk
223*Foster Ida Mrs
225 Dunsford Robt B
227*Route Edw
229*Taylor Wm A
◆ Carlaw at crosses
243 McFadden Wm
245 Gellis Thos H
247*Camble Allan
249*Welch W J
251*Yard Edwin
253 McInnes Saml
255 Gallop Susan Mrs
257*Andrews Albert
259*Kistall Saml
261*Womack Jas
263 Irwin Jas W
265*Miller John H
◆ Page at crosses
267 Hendrie Chas
269 Johnson Arthur
271*Whitten Chas
273 Lye Arthur H
275 Gibson Andrew
◆ Poucher at ends
277*Harley Rupert W
279 Duffin Thos J
281*Chesell E Mrs
Donaldson Benj
283*MacKenzie Clarence
285 Mac's Lee Cream
287*Montmarquette Edw
289*Frover Grace Mrs
291*MacArthur
293*Stephenson Isaac
295 Burkhous Fredk G
297 Ward Thos
◆ Egan at ends
301 Simpson Elmore
303 Wilson Fredk
305 Jesse Alex

◆ RIVERSIDE AV (Lambton Mills)

East from Lambton av, second south of Blair.

◆ RIVERSIDE DR (Old Number Blvd and Wickfield av) (Swansea and Numbercrest)

North from Lake Shore rd to Mossom rd, first east of Number River.

EAST SIDE

◆ (Swansea)

Silver Slipper Parking Sta
Kingsway Driving School
161*Edwards Wm
163*McNeil Helen E Mrs
165*Jones Helen E Mrs
167 Vacant
169 Berkadess Harold G
171*Latimer Harry S
173*Fry Fredk R
175*Lane Richard D
177 Wesson Eliza
179 Pauline John M
181*Scott Geo D
183 Vacant
185*Jordan Chas J
187 Vacant
189*Watson Peter J
191*Leppell Wm C
193*Joyner Wm J
195*Gammell Malcolm A
197*Robson W Percy
199*Williams Lawrence M
201*Reese John T
203*McLachlan Robert R
205*Purdie Arthur W
207*Robinson Thos
209*Maclock Laura Mrs
211*Loat Lloyd R
◆ Masson at commences
213*Honey E Fraser
◆ Wickham at ends
◆ Moor at crosses
◆ (Numbercrest)
215*McAulay Thos A
◆ Traymore at ends
217*MacDonald Donald H
219*McAulay Blair
221*Gordy John D
223*Knox John C
225*Sketch Harry

WEST SIDE

◆ (Swansea)

80 Silver Slipper Dance Hall
82 Malin Harry
105*Smith Morley

West Side Continued

142 Vacant
150*Hend Wm H
152*Miller Edgar S
154*Legg Albert E
156*Coan H M
158*McGillivray Malcolm B
160*Rose Alfred R
162*Corkey Kirk J
164*Gray Clifford J
166*Coatsworth Wm B
168*Hamm John
170*Ousler Clark E
172*Stokes Arthur J
174*McClurey Jas W
176*Canfield Robt Y
◆ Rios at crosses
◆ (Numbercrest)
178*Hewers Hillwell Mrs
180 McArthur M
182*Dunsford Fredk H
184*Greenlock Arthur B
186*Freeman Alex R
188*Frost Fred J W
190 Under construction
212 J Vacant
2 Bay Clarence H
3 Vacant
4 Vacant
5 Dundie Georgina M Mrs
6 Marshall J A P
524 J Graham John A
3 Vandenberg Jacob S
3 Vacant
4 De Vane Walter S
5 Norman Jas
6 Wilson Frank
516 J Macdonald J Willard
2 Wilkes Albert R
3 Palmer Howard A
1 Fleming Harold
3 Parker Violet Mrs
6 Clifford Edith Mrs
518 J Dunsing Wm R
3 Vacant
4 Box Robt M
5 Crawford G Gordon
6 Clifford Edith Mrs

◆ RIVERSIDE DR (Westmount)

Runs east and south from Senriett rd to Fourth av.

RIVERVIEW DRIVE 12

South and south-east from head of Teddington Park av, beyond Snowden av, first east of Ronan av, Ward U.

NORTH SIDE

19*McGregor Harry R
85*Mills John
91*Mills W Gordon
95*Yac Zant Maryene
101*Titus Edmund B
◆ Hughes Barry B "Glenmore"
◆ Darling Chas Rev "Glynwood"
◆ Henderson Percy E Mrs "Purbeck"
◆ Hayes F Harry "Dunbrook"
◆ Gibson Goodwin Col "The Top"

SOUTH SIDE

122 Vacant
124 Scotchman Annie Mrs
144 Gillespie Douglas "Dalemar"
209 Gardner Kate Mrs
201 Kowenhoven Wm
◆ Tucker John W "Springfield"
317*MacGregor John
Vandenberg Arthur K "Woodlands"
◆ Vandenberg Francis G "Scott"
◆ Hart Richmond W
◆ Melick John W "Silverwood"

◆ RIVERVIEW GDNS (including Old Wilmet Av) (Swansea and Numbercrest)

North from Moor w to beyond Halford av, first west of Jane.

EAST SIDE

◆ (Swansea)

Not built on
◆ (Numbercrest)
21*Garrett Chas R
23*Donohoe Stanley
25*Parker B Lawrence
27*Parker Wm
29 B. G. G. E
31*MacArthur Wm H
33 Vacant
35*Hindley John H
37*Shaw Wesley E
39*Gordon Geo W
41*North Victor E
43*Grant Stanley G
◆ Halford at crosses
45*McClary Robt
47*Ruddell C Edgar
49*Engler Leslie H

East Side Continued

87*Princess A Jos
89*Hughes Thos J
91*Abert Fredk C
93*McKenzie Cecil L T
95 Tackett Jas I
97 Wells Alfred B
99*May Howard G
101*McMurdo Geo
103*Myers Earl H
105 Vacant

WEST SIDE

◆ (Swansea)

Not built on

◆ (Numbercrest)

20*Blum Wm A
22*Payton Chas H
24*Leitch Hugh E
26*Ray John P
28*Randall Fredk E
30*Lytle Howard P
32*Gordon Clifford H
34*McCarthy John
36*Jones C Murray
38*Reid Harry J
40*McMacken Fredk W
42*Garbutt Robert P
44*Turner Arthur R
46*Hudson Edw M
48*McHugh Robert W
50*Brooker Arthur F
52*Wm Wm B
54*Parland Geo W
56*Langlois Mary
58*Anthony A R
60*Ray Robt N
62*Sanderson Mabel I
64*Anderson Bertram M
◆ Halford at crosses

ROBBINS AV

East from Coxwell to east of Hemlock av, first north of Ashbridge av, Ward B.

NORTH SIDE

32*Leitch Murray A
34*Barry Edw
36*McLeod Wm R
38*Dickie Chas W
40*Sherratt Jas J
42*Chalmers Jas J
44*Pitcher Chas G
46*Shaw Fredk
48*Gordon Fredk M
50 W. K. B. M
52*Kemp Thos R
54*Witherington Joy E
56*Stewart Leonard
58*Gill Robt
60*Porter Donald
62*Hock Mabel Mrs
64*McNeill Fredk
66*Hill Edw
◆ Hemlock at crosses
68*Wheeler Chas A
70*McKay Wm A
72*Schotland Donald
74*Pritchard Geo O
76*Hester Wm H
78*Hester Frank
80*McKenzie Chas
82*Gordon Wm S
84*H. B. B. E. L
86*Wm Wm
88*Tomlin Geo
90*Box Wm W

SOUTH SIDE

32*Garrett Chas
34*Church Bruce M
36*McBride Chas
38*Alcock W J
40*James Louis
42*James Norman T
44*Hester Wm H
46*Pellard Edw B
48*Corby Francis A
50*Easton Jean L
52*Clark Wm A
54*Wm Elsie
56*H. B. B. M
58*Parker J
60*Gordon L. B
62*McKay Alex
64*Hamm Jas
66*Whitney Mary A Mrs
68*Blum Thos
70*Graham Jas
72*Parker Geo
74*Honey Robt Mrs
76*Taylor John E
78*Ball Geo
80*Watts Cecil E
82*McKay Arthur E
84*Barne Wm J
◆ Hemlock at crosses

ROBERT 4

North from 302 College to Blair w, first west of Spadina av, Ward 4.

EAST SIDE

1*Gardner Saml
3 Fisher Louis barber
Cordell Edie Mrs

East Side Continued

47 Vacant
49 Vacant
51*Private Garage Ltd
53*Hinslock Louis
Bernstein Esther Mrs
55*Goldosky Saml
57*Hinslock Harry
59*Weinlock Wolf
61*Sherrman John
63*Hinslock Harry
65*Hinslock Alfred
67*Finkel Max
69*Hinslock Saml
Smolzman Max

◆ Russell at ends

51*Reinberg Saml
53*Hinslock Morris
55*Isaac
57*Spiegel Alex
59*Hinslock Mrs
61*Hinslock Harry
63*Hinslock Reuben
65*Hinslock Max
67*Hinslock Mrs
69*Hinslock Saml
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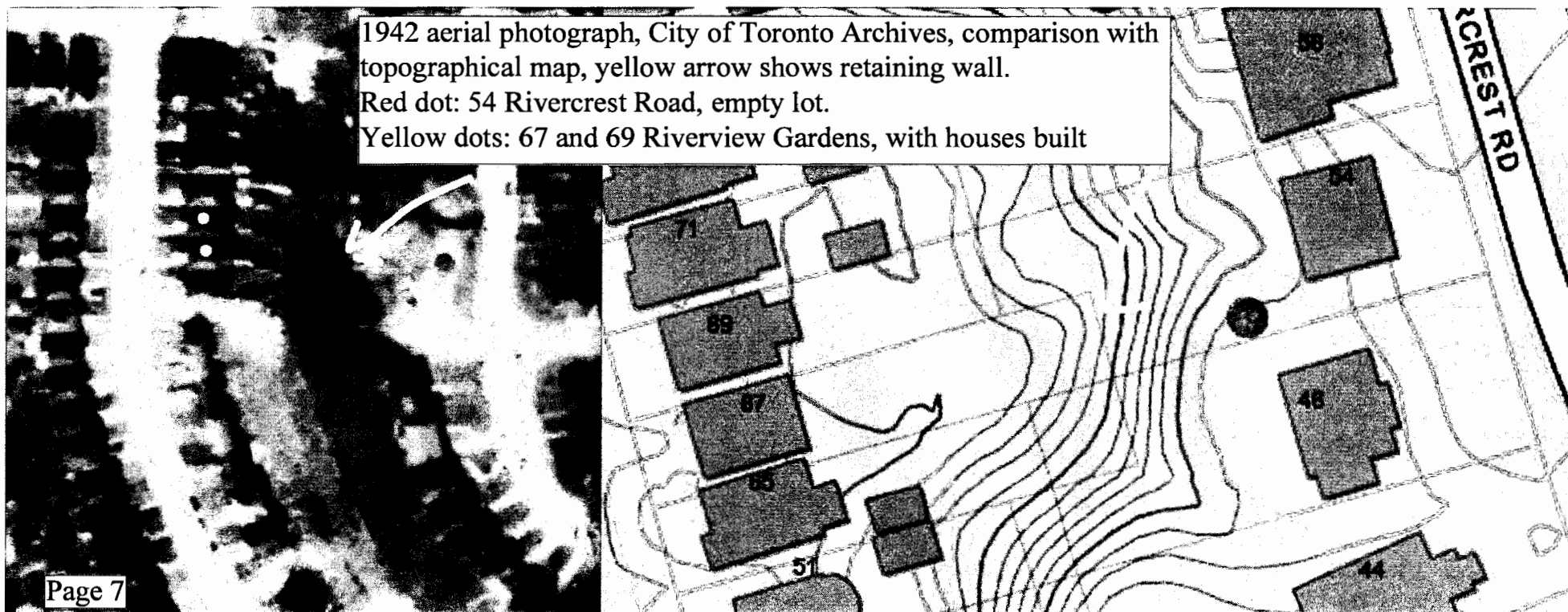
East Side Continued

217 G. Kwan Henry
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Aerial photograph, City of Toronto Archives, 1942.
Red dot: 54 Rivercrest Road, empty lot.
Yellow dots: 67 and 69 Riverview Gardens, with houses built.
Shadow of retaining wall visible between the properties.

1942 aerial photograph, City of Toronto Archives, comparison with
topographical map, yellow arrow shows retaining wall.
Red dot: 54 Rivercrest Road, empty lot.
Yellow dots: 67 and 69 Riverview Gardens, with houses built





1947 City of Toronto Archives, aerial photograph.
Red dot: 54 Rivercrest Road.
Yellow dots: 67 and 69 Riverview Gardens.



1947 City of Toronto Archives, aerial photograph.
Red dot: 54 Rivercrest Road.
Yellow dots: 67 and 69 Riverview Gardens.

Order issued to:

PAUL DALLAS
54 RIVERCREST RD
TORONTO, ON M6S 4H3
CANADA

PROPERTY STANDARDS ORDER

Issued pursuant to Subsection 15.2(2) of
the *Building Code Act, S.O., 1992, Chapter 23, as amended.*

Date issued: July 24, 2020
Folder #: 20 171908 PRS 00 IV
RN

Address to which Order Applies: 54 RIVERCREST RD
Legal Description: PLAN 2714 LOT 41 PT LOT 42
Roll Number: 1914081040034000000

The above referenced property, which is owned by you or in which you have an interest, was inspected by a Bylaw Enforcement Officer on or about July 23, 2020. This inspection found conditions on the property which are contraventions of the standards prescribed by Toronto Municipal Code, Chapter 629, Property Standards.

You are hereby ordered to correct the contraventions listed below in order to bring this property into compliance with the prescribed standards by the dates identified for each contravention.

Item #	Bylaw Section	Location and Description	Required Action	Compliance Date
1	14.	Rear Yard: The retaining wall is not being maintained in a structurally sound and/or plumb condition.	Repair / replace retaining wall	August 13, 2020

Order issued by:

Name: Michael Antoniou Telephone: Email: Michael.Antoniou@toronto.ca

Address: 433 Eastern Ave, 2nd Floor

Contacting the Investigating Officer

If you wish to speak to the investigating officer directly, you may do so in accordance with the contact information provided at the top of this document. **However**, if you have difficulty reaching the officer for any reason, you may contact our *Investigation Support Unit at 416-397-4150*, Monday to Friday between the hours of 8:00 AM to 4:30 PM.

Appeal Procedure

An owner or occupant who has been served with an order made under subsection 15.2(2) and who is not satisfied with the terms and conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to:

Property Standards Committee, Toronto and East York Panel, City Clerk's Office
City Hall, 2nd Floor
100 Queen Street West
Toronto, ON M5H 2N2



on or before August 12, 2020, stating your grounds for appeal. A \$288.75 non-refundable fee is required (make certified cheque or money order payable to Treasurer, City of Toronto).

In the event that no appeal is made within the above time frame, the Order shall be deemed to be confirmed and shall be final and binding upon you.

You are further advised that, all correspondence received and collected by the City of Toronto relating to an appeal is maintained for the purpose of creating a record that is available to the general public under section 27 of the Municipal Freedom of Information and Protection of Privacy Act.

Inspection Fees

Should compliance to this Order not be achieved as specified, inspection fees will be charged in accordance with Municipal Code Chapter 441 - Fees and Charges, Appendix C - Schedule 12. Chargeable inspections will be invoiced every 30 days. This fee is subject to an annual inflationary increase.

Remedial Action

Where it has been determined that the necessary repairs have not been completed in accordance with this Order, the City of Toronto may cause the property to be repaired, in addition to any possible court action. The costs of such action and any other applicable fee may be registered as a lien on the land and shall be deemed municipal property taxes. Additionally, the Clerk of the Municipality may add the costs to the collector's roll. Collection will occur in the same manner, with the same priority as municipal real property taxes.

Method of Repair

All repairs and maintenance of property required by the standards prescribed by the Code shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this chapter.

Required Permits

Where a permit is required to undertake any repair required to conform with the standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit. Please contact your local Toronto Building Services office by calling 311. In addition, information related to the requirements for a permit can also be found at http://www.toronto.ca/building/building_permits.htm.

Hiring Building Contractors/Trades People

An owner or operator shall demonstrate that they have retained or used the services of a certified tradesperson where required by law, for activities including but not limited to servicing heat, ventilation, air conditioning and plumbing systems. Please ensure that any contractor you may hire has the required license(s). For further information you can contact Municipal Licensing and Standards, Licensing Services East York Civic Centre, 850 Coxwell Avenue, Third Floor, Toronto ON M4C 5R1 Licensing Services Call Centre: (416) 392-6700 or <http://app.toronto.ca/LicenceStatus/setup.do?action=init>

Note:

- Failure to comply is an offence which could result in a fine. [Building Code Act, 1992, s. 36]

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

PAUL DALLAS and JILL DALLAS

Applicants

- and -

**SCOTT O'HARA and MICHAEL SIMONE and SALIMA
RAWJI**

Respondents



Application under Rule 14.05 of the Ontario *Rules of Civil Procedure* and

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing

- ☒ In person
- ☐ By telephone conference
- ☐ By video conference

at the following location: 330 University Avenue, Toronto, Ontario, on a date to be set by the registrar, at 10:00am.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicants' lawyer or, where the Applicants do not have a lawyer, serve it on the Applicants, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the Applicants' lawyer or, where the Applicants do not have a lawyer, serve it on the Applicants, and file it, with proof of

service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IssueDate MARCH 22, 2021

Issued by Diane Rhoden

Digitally signed by Diane Rhoden
DN: cn=Diane Rhoden, o, ou, email=Diane.Rhoden@ontario.ca,
c=US
Date: 2021.03.26 10:12:56 -04'00'

Local Registrar

Address of
court office: 330 University Avenue, 8th Floor
Toronto ON M5G 1E6

TO: Scott O'Hara
c/o PNB Law Group
110 Adelaide Street East, 4th Floor
Toronto, ON M5C 1K9

Cameron Paulikot
Tel. 647.362.6691 ext. 1
Email: cameron@pnb.legal

AND TO: Michael Simone
69 Riverview Gardens
Toronto, ON M6S 4E6

AND TO: Salima Rawji
69 Riverview Gardens
Toronto, ON M6S 4E6

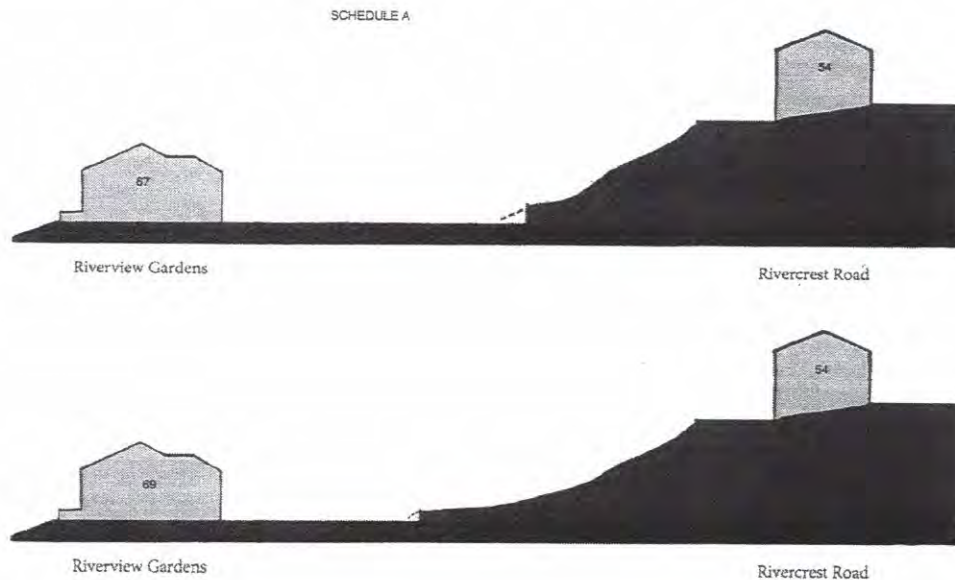
APPLICATION

1. The Applicants make application for:

- (a) a declaration that the wall between the properties known municipally as 54 Rivercrest Road (owned by the Applicant) and 67 and 69 Riverview Gardens (owned by the Respondents) (the "Wall"), is on land owned and/or occupied by the Respondents;
- (b) a declaration that the Applicants have no right, title or interest in the land on which the Wall stands;
- (c) an order that the register under the *Land Titles Act* be rectified, if required, to show that the Respondents own the land on which the Wall stands;
- (d) a declaration that the Applicants are not responsible for the maintenance or repair of the Wall under the City of Toronto's Property Standards Bylaw (the "Bylaw");
- (e) a declaration that in the event the Applicants are required to incur the cost of repairing the Wall under the Bylaw, the Respondents have been unjustly enriched by the cost of the repairs;
- (f) an order that the Respondents reimburse the Applicants for the cost of the repairs, if incurred;
- (g) costs of this application on a substantial indemnity basis; and
- (h) such further and other relief as counsel may advise and this Honourable Court may accept.

2. The grounds for the application are:

- (a) The Applicants are the registered owner of property known municipally as 54 Rivercrest Road (the "Uphill Property"), where the Applicant Paul Dallas has lived from his birth in 1959 to the present, except for 1 year;
- (b) The Respondent Scott O'Hara is the registered owner of property known municipally as 67 Riverview Gardens, and the Respondents Michael Simone and Salima Rawji are the registered owners of property known municipally as 69 Riverview Gardens (collectively, 67 and 69 Riverview Gardens are referred to herein as the "Downhill Properties");
- (c) The Uphill Property is a deep lot, which slopes significantly downhill towards its western edge, where it borders on the Downhill Properties. In its natural state, that slope continued along the eastern portion of the Downhill Properties, towards the Humber River, as represented below:



- (d) In or about 1931, the lots for both the Downhill Properties and the Uphill Property were laid out in a Plan of Subdivision of Parts of Registered Plans 2011, 2293, 2315, and 2705 in the Township of York, being Plan No. 2714 ("Plan of Subdivision");
- (e) On the Plan of Subdivision, Lots 34 (which became 67 Riverview Gardens) and 35 (which became 69 Riverview Gardens) front onto Riverview Gardens, while Lots 41 and 42 (which together later became 54 Rivercrest Road) front onto Rivercrest Road;
- (f) The western boundary of Lots 41 and 42 meets the eastern boundary of Lots 34 and 35;
- (g) In 1934, the Downhill Properties were conveyed to the predecessors in title of the Respondents. Sometime between 1934 and 1942, houses were constructed on the Downhill Properties;
- (h) In 1936, the western 30-foot portion of Lot 42 was transferred to the owner of Lot 34 immediately to the East, thereby increasing the size of 67 Riverview Gardens;
- (i) Sometime between 1936 and 1942, the predecessors in title to the Respondents caused the Wall to be built at the back of their gardens, running from North to South between Lots 35 and 41, then East for 30 feet along the southern boundary of Lot 41, then South along the boundary between the western 30 feet of Lot 42 (belonging to 67 Riverview Gardens) and the remainder of Lot 42 (belonging to 54 Rivercrest Road), around the boundary between the Downhill Properties and the Uphill Property, as set out in the sketch below:



- (j) The Uphill Property did not have a house built on it at the time, and the Wall provided and continues to provide no practical utility or benefit to the Uphill Property;
- (k) Rather, the Wall was constructed solely for the benefit of the owners of the Downhill Properties, to provide for a level garden all the way to the back of their properties, instead of the upward slope that previously affected the eastern portion of their properties in their natural state;
- (l) The Wall was not constructed on the exact boundary between the Downhill Properties and the Uphill Property. Rather, the builders of the Wall appear to have encroached slightly on the Uphill Property, thereby maximizing the size of their back gardens;
- (m) Prior to the construction of the Wall, when the land was in its natural state, the owners of the Downhill Property owed a duty at common law to the owner of the Uphill Property, to provide lateral support to the Uphill Property;
- (n) When the owners of the Downhill Properties caused the back portions of the Downhill Properties to be excavated to create a level back garden for

their own benefit, they owed a duty to replace the lateral support to the Uphill Property that had been provided from their land in its natural state, with a properly-built retaining wall, and to keep such wall in good repair so that it would continue to provide such lateral support to the Uphill Property;

- (o) The duty to provide lateral support with a properly-built retaining wall, and to maintain such wall in good repair, was not and is not negated by the fact that the owners of the Downhill Properties encroached upon the Uphill Property;
- (p) In or about 1944-45, the owner of the Uphill Property constructed a house on the Uphill Property. In 1946, the Uphill Property was transferred to the Applicant Paul Dallas's maternal grandmother, Chrissa Kabakos. Ms. Kabakos and her family were the first occupants of the house, which has remained in the Applicants' family continuously since then;
- (q) At the time Ms. Kabakos and her family moved in, there was a fence at the back of the Uphill Property, just to the east of the Wall, marking the western edge of the land used and occupied by the Applicants' family;
- (r) From at least 1942 until the Downhill Properties and Uphill Property were brought under the *Land Titles Act* on or about October 19, 2001, the owners of the Downhill Properties were in open, continuous, notorious, and exclusive possession of the western portion of the Uphill Property up to and including the land on which the Wall was built, such that the doctrine of adverse possession applies to this portion of the Uphill Property;
- (s) In or about early 2020, the Respondents contacted the City of Toronto, seeking an order that the Applicants carry out repairs on the Wall to comply with the Bylaw ("Order to Comply"), which order was subsequently made on or about July 24, 2020;

- (t) The Applicants appealed the Order to Comply to the Property Standards Committee on August 11, 2020;
- (u) As of the date of this application, the Property Standards Committee has adjourned the appeal to allow the Applicants to make further inquiry;
- (v) The Property Standards Committee has no jurisdiction to determine matters of adverse possession, unjust enrichment, or to grant equitable relief;
- (w) A declaration that the Applicants have no right, title, or interest in the land at the western edge of the Uphill Property, up to and including the land under the Wall, and/or an order that the register be rectified to reflect that the Downhill Properties own such land, will reflect the actual boundary between the Downhill Properties and the Uphill Property as it has existed for approximately 80 years, and thereby do justice between the parties;
- (x) In the alternative, to the extent that the Applicants are required to incur the cost of repairing the Wall under the Order to Comply, the Respondents are unjustly enriched and should be required to reimburse the Applicants for such cost;
- (y) Sections 4 and 15 of the *Real Property Limitations Act* and sections 44, 51, 57(13), 159, and 160 of the *Land Titles Act*; and
- (z) Such further grounds as counsel may advise and this Honourable Court may accept.

3. The following documentary evidence will be used at the hearing of this Application:

- (a) Affidavits to be filed; and

- (b) Such further and other evidence as counsel may advise and this Honourable Court may permit.

Date: March ~~16~~²², 2021

Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th Floor
Toronto, ON M5V 3H1

Andrew Lokan (LSO #31629Q)
Tel.: 416.646.4324
Fax: 416.646.4301
email: andrew.lokan@paliareroland.com

Lawyers for the Applicants

PAUL DALLAS
Applicant

-and-

SCOTT O'HARA and MICHAEL SIMONE and SALIMA RAWJI
Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

NOTICE OF APPLICATION

Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th Floor
Toronto, ON M5V 3H1

Andrew Lokan (LSO #31629Q)
Tel.: 416.646.4324
Fax: 416.646.4301
email: andrew.lokan@paliareroland.com

Lawyers for the Applicant

Tracking Status

- This item was considered by [Property Standards - Toronto and East York Panel](#) on March 22, 2021 and was confirmed without amendment.

Property Standards - Toronto and East York Panel consideration on March 22, 2021

SZ18.1	ACTION	Confirmed		Ward: 4
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54 Rivercrest Road - Folder No. 20 171908 PRS 00 IV

Panel Decision

The Property Standards Committee, Toronto and East York Panel:

- Confirmed the Order to Comply, dated July 24, 2020, for 54 Rivercrest Road, Folder No. 20 171908 PRS 00 IV.

Origin

(August 11, 2020) Letter from Mark G. Baker, Baker & Company

Summary

Appeal of Order to Comply (July 24, 2020) for 54 Rivercrest Road.

Background Information

(August 11, 2020) Appeal Letter for 54 Rivercrest Road

<http://www.toronto.ca/legdocs/mmis/2021/sz/bgrd/backgroundfile-164570.pdf>

(July 24, 2020) Order to Comply for 54 Rivercrest Road

<http://www.toronto.ca/legdocs/mmis/2021/sz/bgrd/backgroundfile-164571.pdf>

Communications

(October 9, 2020) E-mail from Patrick Stepanian, Baker & Company (SZ.Main)

(October 13, 2020) Letter from Mark G. Baker, Baker & Company (SZ.Main)

<http://www.toronto.ca/legdocs/mmis/2021/sz/comm/communicationfile-128300.pdf>

(January 20, 2021) Letter from Michael Simone and Salima Rawji (SZ.Main)

(February 16, 2021) Letter from Cameron Paulikot, Paulikot Law Professional Corporation (SZ.Main)

(February 19, 2021) Letter from Mark G. Baker, Baker & Company (SZ.Main)

(February 21, 2021) Submission from Nicole Sweetapple, Supervisor, Municipal Licensing and Standards (SZ.Main)

(March 15, 2021) E-mail from Mark G. Baker, Baker & Company (SZ.New)

(<http://www.toronto.ca/legdocs/mmis/2021/sz/comm/communicationfile-129017.pdf>)

(March 18, 2021) Letter from Mark G. Baker, Baker & Company (SZ.New)

(<http://www.toronto.ca/legdocs/mmis/2021/sz/comm/communicationfile-129103.pdf>)

(March 19, 2021) Letter from Michael Simone and Salima Rawji (SZ.New)

(<http://www.toronto.ca/legdocs/mmis/2021/sz/comm/communicationfile-129116.pdf>)

Speakers

Michael Antoniou, Municipal Standards Officer, Municipal Licensing and Standards

Joy Correia, Supervisor, Municipal Licensing and Standards

Cameron Paulikot, Paulikot Law Professional Corporation

Michael Simone

Mark G. Baker, Baker & Company

Salima Rawji

Motions

1 - Motion to Meet in Closed Session moved by Laura Herbert (Carried)

At 10:06 a.m. - That the Property Standards Committee, Toronto and East York Panel recess its public session and meet in closed session to deliberate in private and to receive advice from the City Solicitor.

2 - Motion to Reconvene in Public Session moved by Laura Herbert (Carried)

At 10:16 a.m. - That the Property Standards Committee, Toronto and East York Panel reconvene in public session.

3 - Motion to Confirm Order moved by Laura Herbert (Carried)

That the Property Standards Committee, Toronto and East York Panel:

1. Confirm the Order to Comply, dated July 24, 2020, for 54 Rivercrest Road, Folder No. 20 171908 PRS 00 IV.

Source: Toronto City Clerk at www.toronto.ca/council

Order issued to:

SCOTT O'HARA
67 RIVERVIEW GDNS
TORONTO, ON M6S 4E6
CAN

PROPERTY STANDARDS ORDER

Issued pursuant to Subsection 15.2(2) of
the *Building Code Act, S.O., 1992 Chapter 23, as amended.*

Date issued: December 9, 2021
Folder #: 21 245428 PRS 00 IV
RN

Address to which Order Applies: 67 RIVERVIEW GDNS

Legal Description: PLAN 2714 LOT 34 W PT LOT 42

Roll Number: 1914081040023000000

The above referenced property, which is owned by you or in which you have an interest, was inspected by a Bylaw Enforcement Officer on or about April 7, 2021 . This inspection found conditions on the property which are contraventions of the standards prescribed by Toronto Municipal Code, Chapter 629, Property Standards.

You are hereby ordered to correct the contraventions listed below in order to bring this property into compliance with the prescribed standards by the dates identified for each contravention.

Item #	Bylaw Section	Location and Description	Required Action	Compliance Date
1	14.	East Side of Property: The retaining wall is not being maintained in good repair.	Obtain permits from Toronto Regional Conservation Authority and Toronto Buildings for the permanent repair, stabilization or reconstruction of the shared retaining wall with 69 Riverview Gardens and 54 Rivercrest Road.	January 28, 2022

Order issued by:

Name: Michael Antoniou **Telephone:** 647-333-5012 **Email:** Michael.Antoniou@toronto.ca

Address: 433 Eastern Ave, 2nd Floor

Contacting the Investigating Officer

If you wish to speak to the investigating officer directly, you may do so in accordance with the contact information provided at the top of this document. **However**, if you have difficulty reaching the officer for any reason, you may contact our ***Investigation Support Unit at 416-397-4150***, Monday to Friday between the hours of 8:00 AM to 4:30 PM.

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Toronto, ON M5H 2N2

on or before December 29, 2021, stating your grounds for appeal. A \$288.75 non-refundable fee is required (make certified cheque or money order payable to Treasurer, City of Toronto).

In the event that no appeal is made within the above time frame, the Order shall be deemed to be confirmed and shall be final and binding upon you.

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Remedial Action

Where it has been determined that the necessary repairs have not been completed in accordance with this Order, the City of Toronto may cause the property to be repaired, in addition to any possible court action. The costs of such action and any other applicable fee may be registered as a lien on the land and shall be deemed municipal property taxes. Additionally, the Clerk of the Municipality may add the costs to the collector's roll. Collection will occur in the same manner, with the same priority as municipal real property taxes.

Method of Repair

All repairs and maintenance of property required by the standards prescribed by the Code shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this chapter.

Required Permits

Where a permit is required to undertake any repair required to conform with the standards as prescribed in this Order, it is the responsibility of the Owner to obtain any such permit. Please contact your local **Toronto Building Services office by calling 311**. In addition, information related to the requirements for a permit can also be found at http://www.toronto.ca/building/building_permits.htm.

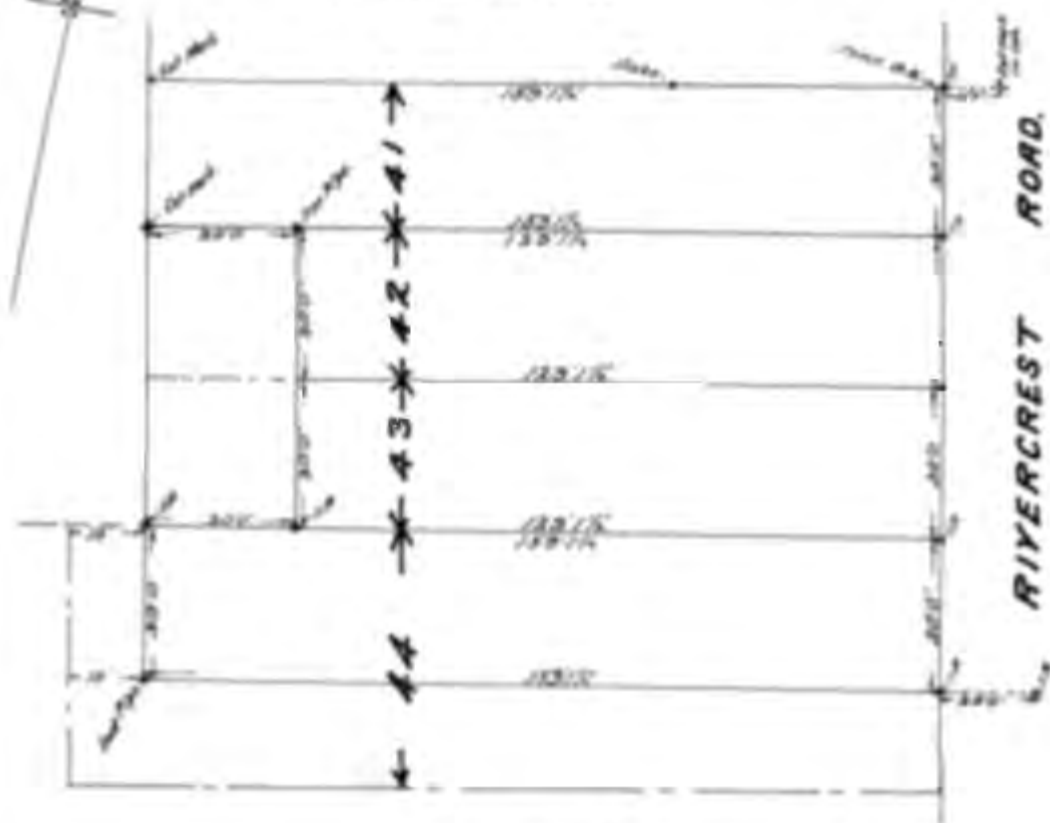
Hiring Building Contractors/Trades People

An owner or operator shall demonstrate that they have retained or used the services of a certified tradesperson where required by law, for activities including but not limited to servicing heat, ventilation, air conditioning and plumbing systems. Please ensure that any contractor you may hire has the required license(s). For further information you can contact Municipal Licensing and Standards, Licensing Services East York Civic Centre, 850 Coxwell Avenue, Third Floor, Toronto ON M4C 5R1 Licensing Services Call Centre: (416) 392-6700 or <http://app.toronto.ca/LicenceStatus/setup.do?action=init>

Note:

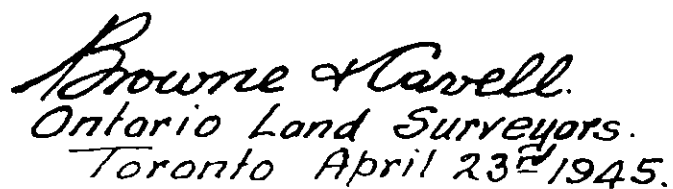
- Failure to comply is an offence which could result in a fine. [Building Code Act, 1992, s. 36]

Sketch Showing
LOT 41 and PART OF LOTS 42
43 and 44 - REG'D PLAN 2714
COUNTY OF YORK.
 Scale: 20 Feet = 1 inch.



Brown & Cavell
 Ontario Land Surveyors
 Toronto Oct. 26th 1936.
 Registered April 19th 1940.

Scale:— $1'' = 20'$



SURVEYOR'S REAL PROPERTY REPORT
PLAN OF

LOT 34 AND PART OF LOT 42
REGISTERED PLAN 2714

CITY OF TORONTO
(FORMERLY CITY OF YORK)

SCALE = 1 : 200
0 5 10 15 metres

METRIC

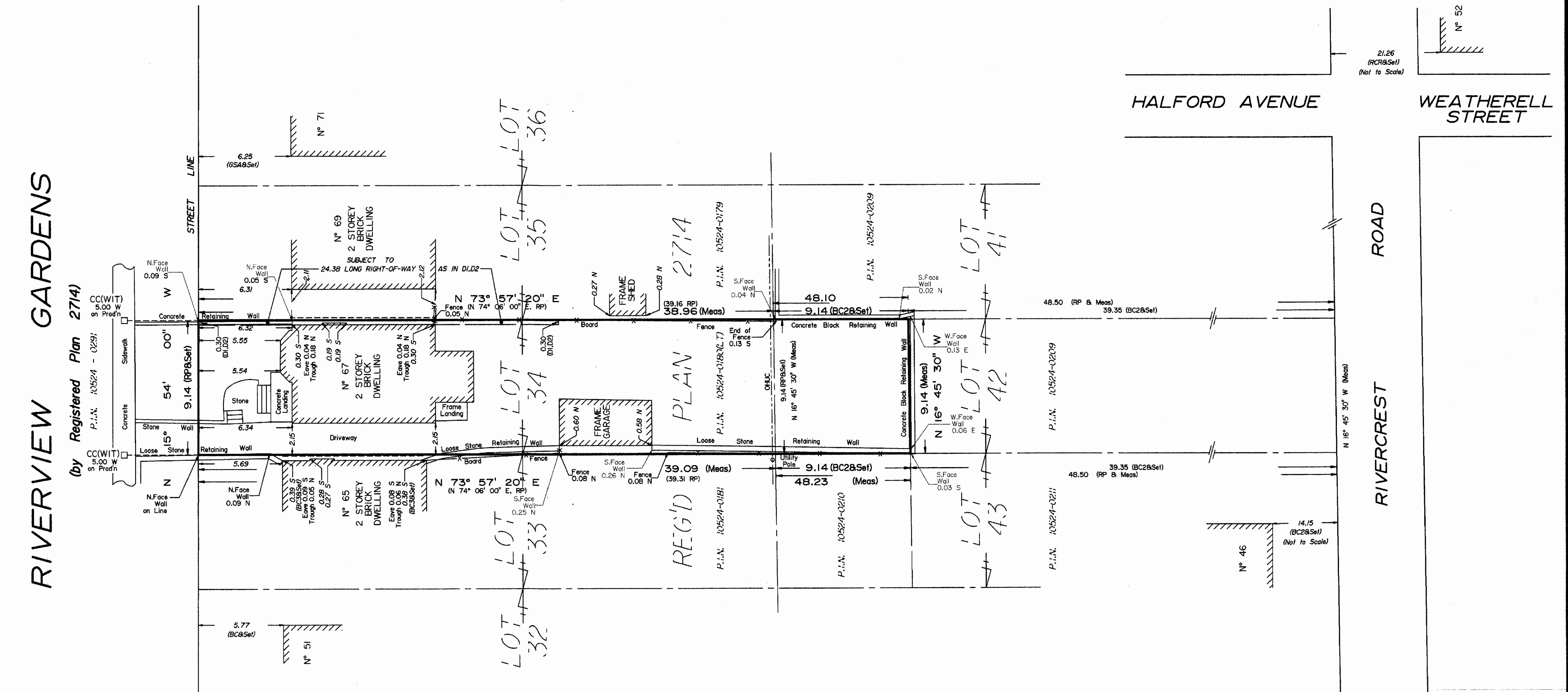
DISTANCES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048

NOTE

- 1) THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED JUNE 7TH, 2013.
- 2) THIS PLAN AND REPORT WERE PREPARED FOR MARY KULIK AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

RIVERVIEW GARDENS

(by Registered Plan 2714)



LEGEND

- | | | |
|--------|---------|---|
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| ■ | — | MONUMENT FOUND |
| WIT | — | WITNESS |
| CC | — | CUT CROSS |
| IB | — | IRON BAR |
| RP | — | REGISTERED PLAN 2714 |
| D1 | — | INST. N° CY368509 |
| D2 | — | INST. N° CA312202 |
| P.I.N. | — | PROPERTY IDENTIFIER |
| BC | — | SKETCH OF SURVEY BY BROWNE & CAVELL, O.L.S., DATED DECEMBER 1ST, 1942. |
| BC2 | — | SKETCH OF SURVEY BY BROWNE & CAVELL, O.L.S., DATED APRIL 23RD, 1945. |
| BC3 | — | FIELD NOTES BY BROWNE & CAVELL, O.L.S., DATED FEBRUARY 27TH, 1932. |
| RCR | — | BUILDING LOCATION SURVEY BY R.C. RABIDEAU, O.L.S., DATED APRIL 3RD, 1988. |
| OHUC | — | OVERHEAD UTILITY CABLES |

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BEARING NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF RIVERVIEW GARDENS HAVING A BEARING OF N 15° 54' 00" W AS SHOWN ON REGISTERED PLAN 2714.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JUNE 7TH, 2013.

JUNE 7th 2013
DATE

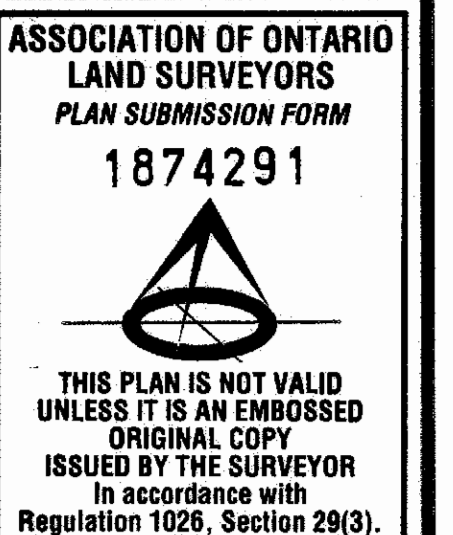
PETER J. HOMER
Ontario Land Surveyor



LAND SURVEY GROUP
ONTARIO LAND SURVEYORS

777 THE QUEENSWAY, UNIT 1, TORONTO, ONTARIO, M8Z 1N4
Tel: 416-252-2511 416-467-8023 Fax: 416-252-1501 www.landsurveygroup.com

DRAWN : V.C. CHECKED BY : PJH PLAN N° : LSG-2236



ASSESS RETAINING WALL

67 RIVERVIEW GARDENS, TORONTO, ONTARIO

Envista Matter No: MAT-132838-Y3D6
REPORT DATE: April 6, 2022

Prepared for:
Mr. Robert Macdonald
Fogler Rubinoff LLP
77 King Street West, Suite 3000
TD Centre North Tower
Toronto, ON
M5K 1G8
rmacdonald@foglers.com

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1. PURPOSE

Envista Forensics Ltd. (Envista) has been requested by Mr. Robert Macdonald of Fogler Rubinoff LLP (Foglers) to review and comment on the retaining wall (the retaining wall) located at the rear of the property located at 67 Riverview Gardens, Toronto, Ontario.

2. BACKGROUND

In 2020 the City of Toronto issued a Property Standards Order to the owners of 54 Rivercrest Road, Toronto, to repair the concrete block retaining wall that bordered the property located at 67 Riverview Gardens, Toronto. Thereafter, the City noted that the retaining wall may also be on the property of 67 Riverview Gardens.

3. INVESTIGATION

Foglers, in their scope email dated February 18, 2022 (Attachment A), requested that we answer the following questions:

1. Has any portion of the retaining wall moved since it was constructed such that it now crosses the property line onto 67 Riverview Gardens? If so, which areas of the retaining wall have moved, and to what extent?
2. If the retaining wall has moved over time, what are the apparent causes of that movement?
3. Would regular maintenance have prevented the retaining wall from moving over time?
4. As at the date it was created, is the depiction of the location of the retaining wall in the June 7, 2013 survey by Land Survey Group accurate?
5. In November 2017, would an up-to-date survey have shown that any portion of the retaining wall was crossing the property line on to 67 Riverview Gardens?
6. Has the retaining wall, or any portion of the retaining wall, failed or is it at risk of failure?
7. Approximately how much money would it cost to repair or replace the portion of the retaining wall that runs along the property line to 67 Riverview Gardens?

The following materials were provided to us by Foglers for our review:

- June 7, 2013 property survey of 67 Riverview Gardens performed by Land Survey Group;
- July 2021 topographical survey with base details;
- August 1, 2021 Young & Young property survey;
- I. Young & Co. Ltd. Report dated September 26, 2021;

- City of Toronto Property Standards Order dated July 24, 2020; and,
- 4 pages of pdf black and white photo document showing the retaining wall.

This report is based on our site examination, reported information, provided materials, and an independent engineering analysis.

4. OBSERVATIONS

The following section contains the relevant observations we have made during our investigation.

4.1 Review of Provided Documents

The 2013 property survey showed the presence of a concrete block retaining wall on Lots 42 and 41, which we understand to be the municipal address of 54 Rivercrest Road, Toronto. The retaining wall is shown to border lot 34, which we understand to be the municipal address of 67 Riverview Gardens, Toronto.

The more current surveys show greater detail of the retaining wall and show that the retaining wall, in some areas, was exclusively on the property of 54 Rivercrest Road, in other areas, the wall was almost exclusively on the property of 54 Rivercrest Road and in some areas the wall was on both 54 Rivercrest Road and 67 Riverview Gardens. This is shown in Figure 1, a partial view of one of the recent surveys and shows what we believe to be lateral displacement of the wall towards and/or onto 67 Riverview Gardens. On Figure 1, the green line represents the property line and the orange lines represent the retaining wall. 54 Rivercrest is shown to be at a higher elevation than 67 Riverview Gardens (which explains the need for the retaining wall).

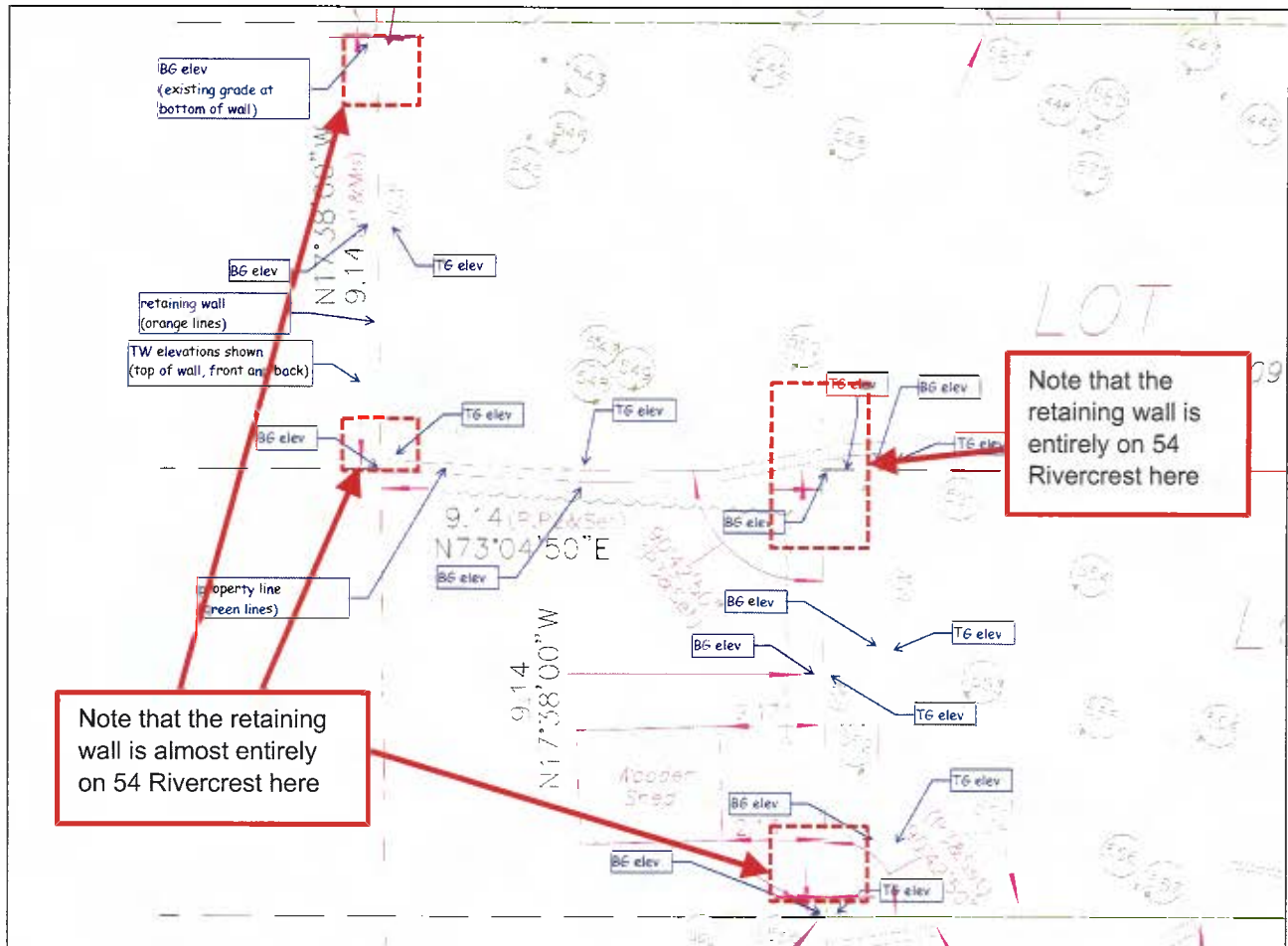
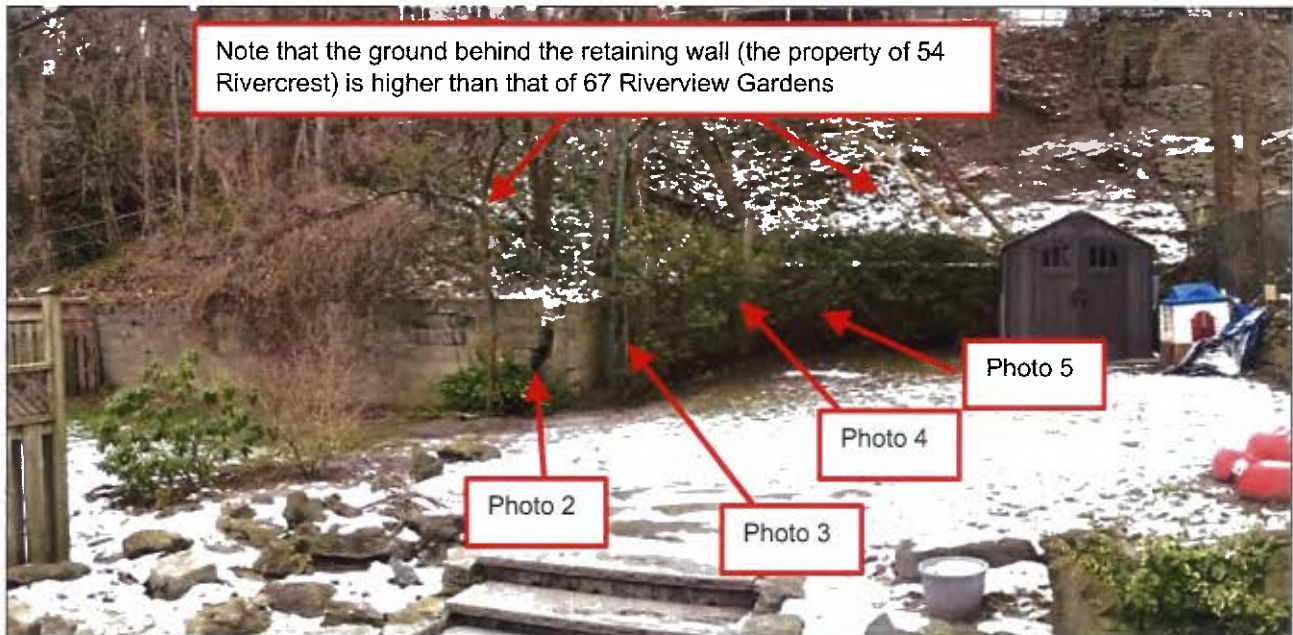


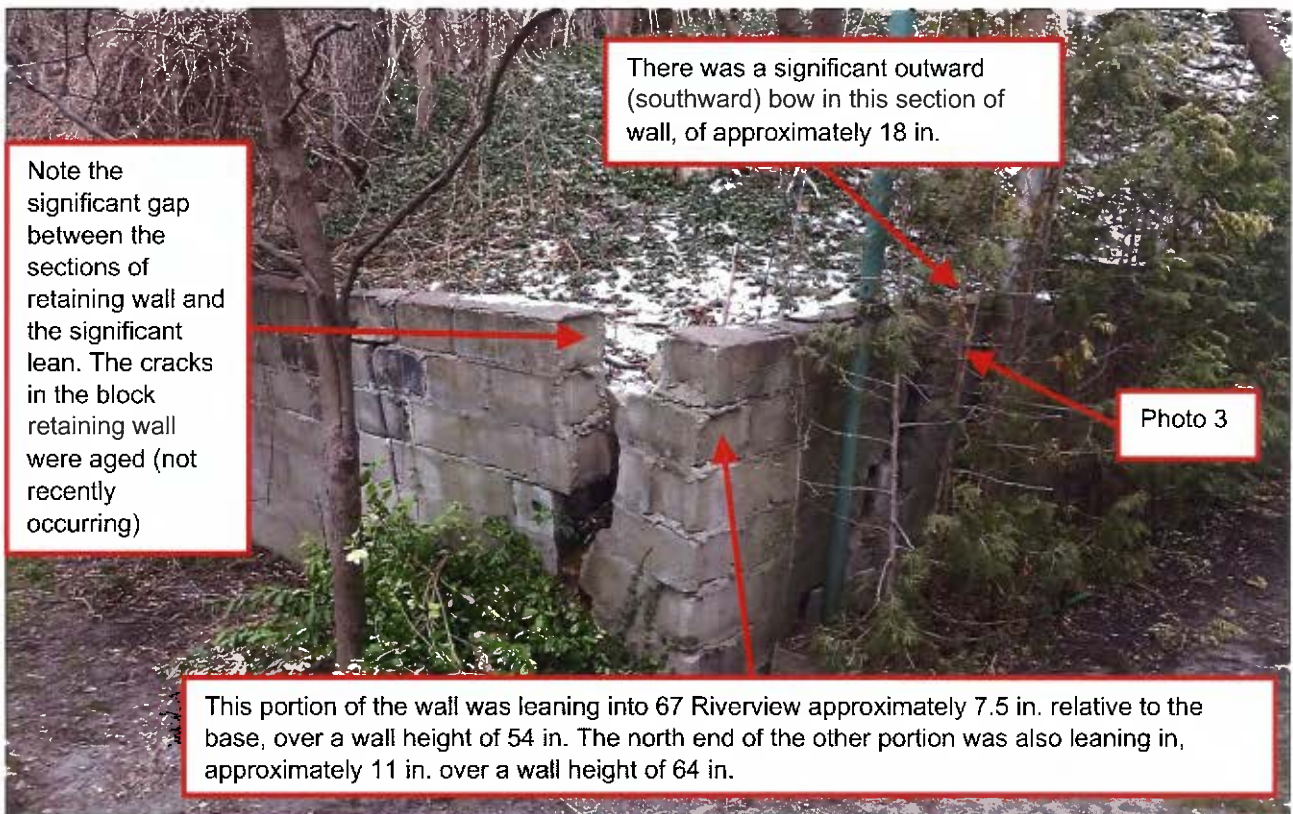
Figure 1 – Partial view of recent provided survey document (red text added by Envista)

4.2 Site Examination

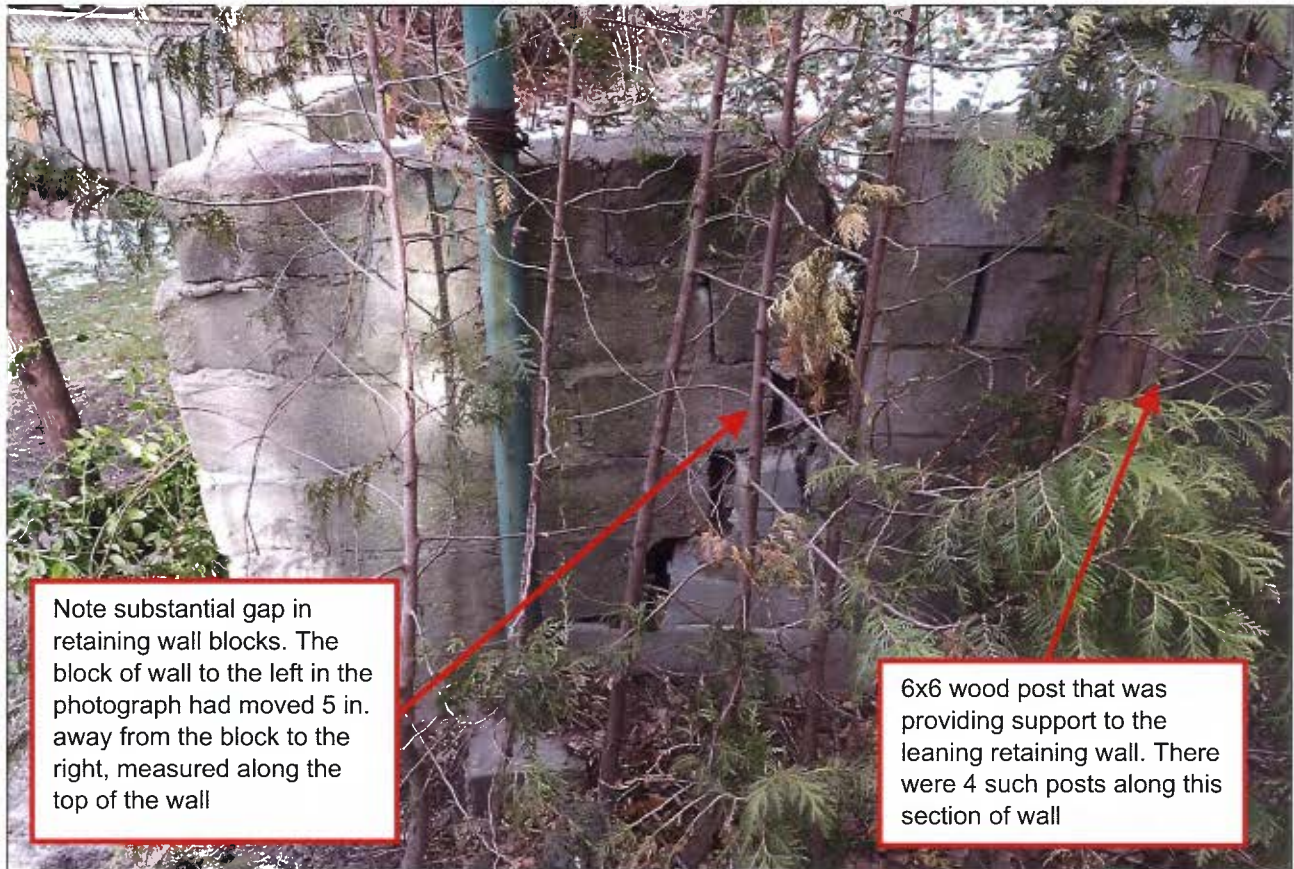
Mr. Ron Koerth, P.Eng., of Envista, attended at the site on December 22, 2021. Photograph 1 is a composite, panoramic view of the rear yard and retaining wall. The retaining wall was composed of unreinforced, 10 in. thick concrete blocks. The locations of photographs of closer views are shown on Photograph 1. Captions on those photographs indicate key observations. The photographs presented do not capture all of the wall defects and indications of lean, etc. – we have additional photographs on file showing the extent of the lean along the entire wall that bordered both 67 Riverview Gardens.



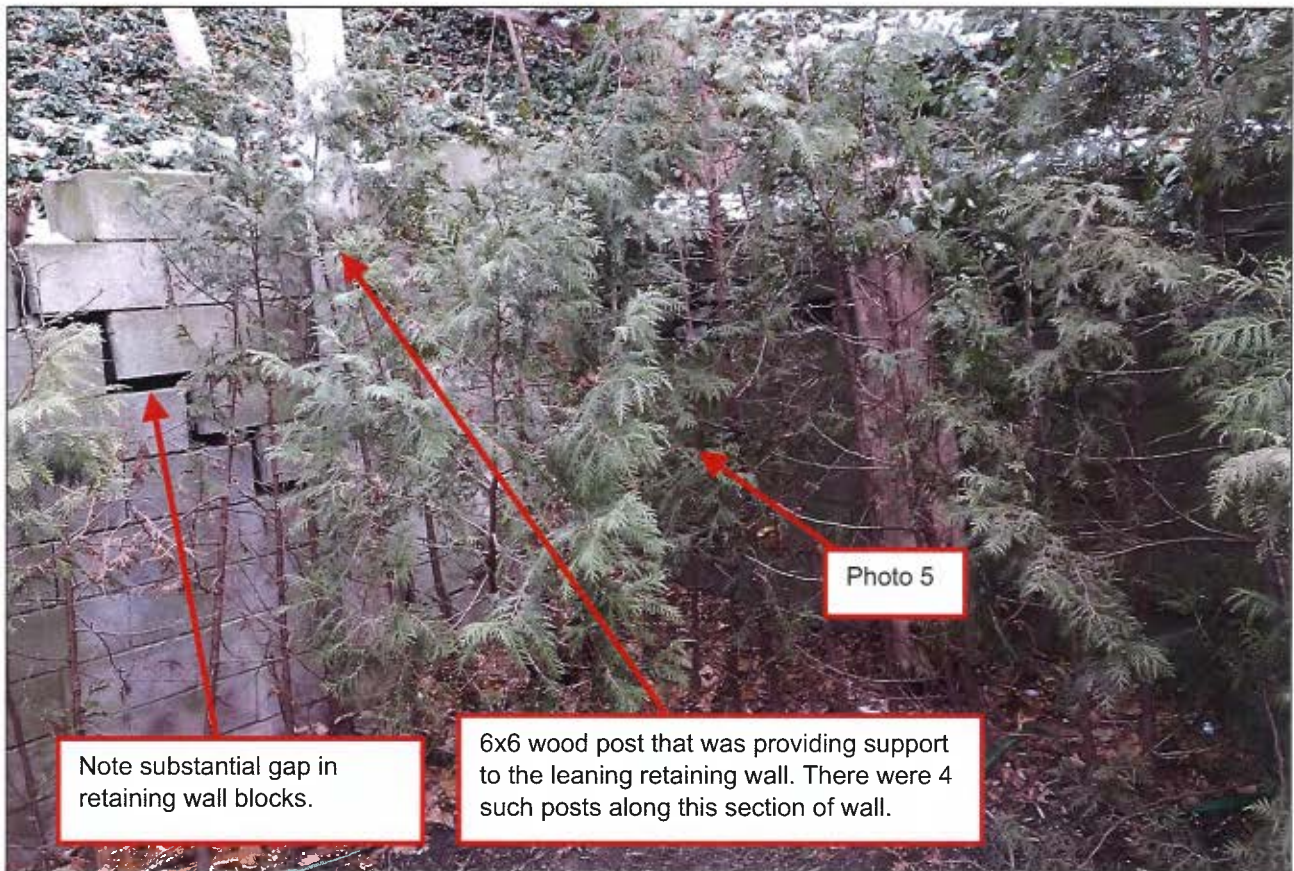
Photograph 1 – Composite, panoramic view looking east-northeast of rear yard of 67 and 69 Riverview Gardens



Photograph 2 – Closer view of corner of retaining wall, looking northeast



Photograph 3 – Closer view of southwest corner of retaining wall, looking north



Photograph 4 – Closer view towards southeast corner of retaining wall, looking northeast

We hand dug beneath the corner of the wall at the southwest corner and found that there was no footing beneath the wall and the wall extended beneath the ground surface only a few inches.



Note what appears to be prior repairs and also missing pieces of wall

Photograph 5 – Closer view of southeast corner of retaining wall, looking northeast

5. DISCUSSION & CONCLUSIONS¹

In this section we respond to the questions posed of us by Foglers.

5.1 Question 1

“Has any portion of the retaining wall moved since it was constructed such that it now crosses the property line onto 67 Riverview Gardens? If so, which areas of the retaining wall have moved, and to what extent?”

Retaining walls are typically constructed on one side of a property line or the other as the retaining wall is typically the property of only one of the landowners. The subject retaining wall, in its current form, is solely on 54 Rivercrest Road in some areas, in some areas the wall was on both 54 Rivercrest Road and 67 Riverview Gardens. The areas where the wall was partially on 67 Riverview Gardens were locations where the wall had cracked and a gap between blocks was present, allowing lateral movement of the base of the wall away from the soil being retained, i.e. – towards and onto 67 Riverview Gardens. Further, the wall exhibited a significant bow towards 67 Riverview Gardens on the east-west portion of the wall and a significant lean into 67 Riverview Gardens. Given these points, it is our opinion that the entire wall has moved laterally and also rotated (leaned over), with some areas actually encroaching onto 67 Riverview Gardens. The survey information presented in Figure 1 shows the areas and the extent of movement.

5.2 Question 2

“If the retaining wall has moved over time, what are the apparent causes of that movement?”

The purpose of a soil-retaining wall is to resist earth pressure from a mass of soil that is higher on one side of the wall than the other. A properly designed and constructed wall will have sufficient depth at the base of the wall and either sufficient mass or strength within the wall or anchorage into the soil mass (a tie-back) to resist the soil pressure without movement.

The incident wall was not well designed or constructed: it had no depth or footing at its base, it was unreinforced therefore inherently weak, was relatively light and had no tie-backs. Such a wall will move away from the soil mass over time due to the soil pressure. The movement of the subject wall was from the pressure of the soil behind the wall, due to its inherently weak nature.

¹Our conclusions are based on our independent and unbiased consideration of the physical evidence and reported information available to Envista as of the date of this report. We have made our best efforts to ensure that all relevant and reasonably available information was reviewed and that any reported information, which we relied upon, was accurate. We reserve the right to revise our conclusions if any of the following conditions are met: if additional engineering reports which were not previously provided to us become available; if additional information or physical evidence become available which provide further insight into the matter; or, if it is shown that the information upon which we have relied to date was inaccurate.

5.3 Question 3

"Would regular maintenance have prevented the retaining wall from moving over time?"

Given the inherently weak nature of the wall construction, maintenance would not have prevented the wall from moving over time.

5.4 Question 4

"As at the date it was created, is the depiction of the location of the retaining wall in the June 7, 2013 survey by Land Survey Group accurate?"

In our opinion the depiction is not accurate as it is our opinion that the wall had already begun to move well before the June 7, 2013 survey was performed.

5.5 Question 5

"In November 2017, would an up-to-date survey have shown that any portion of the retaining wall was crossing the property line on to 67 Riverview Gardens?"

If a diligent surveyor had examined the retaining wall in November 2017, we believe that the survey at that time would have indicated that the wall not only crossed the property line onto 67 Riverview Gardens, but also that it crossed the property line onto 69 Riverview Gardens. It should also have indicated that the retaining wall was not even close to the property line of 67 Riverview Gardens at the northeast rear corner.

5.6 Question 6

"Has the retaining wall, or any portion of the retaining wall, failed or is it at risk of failure?"

In our opinion the entire retaining wall that runs along the rear of 67 Riverview Gardens has failed. We define failure in this context to mean that the wall is no longer reliably resisting soil pressure. In some areas, where the lean is excessive and sections of the wall have separated from one another, the wall is in danger of collapse. While such a collapse is unlikely to occur quickly, it is possible that significant and extended rainfall could saturate the retained soil to the point that the wall collapses suddenly. We understand that the owner of 67 Riverview Gardens has already taken the precaution of keeping his family away from the walls. That practice should continue until the walls are removed and replaced with properly designed and constructed walls.

5.7 Question 7

"Approximately how much money would it cost to repair or replace the portion of the retaining wall that runs along the property line to 67 Riverview Gardens?"

In our opinion the following estimate is a reasonable approximation of the cost to repair the entire retaining wall along the rear of 67 Riverview Gardens:

1. Mobilize, protect backyard, temporarily relocate shed	\$3,000
2. Remove/dispose of concrete block walls	\$7,000
3. Remove some soil from behind wall to allow for clear drainage stone	\$5,000
4. Install new precast interlocking stone wall with proper base/footing	\$50,000
5. Backfill behind wall with clear stone and some native soil	\$8,000
6. Repair landscaping & backyard accessway	\$7,000
7. Move shed back to original location, demobilize	\$3,000
8. Survey and engineering consulting fees	<u>\$15,000</u>
Subtotal	\$98,000
10% Contingency	\$9,800
Total (excl. HST)	\$107,800

6. CLOSURE

Photographs taken during our work, which are not included in this report, are retained in our files and are available to you upon request.

This report is for the exclusive use of our client and is not intended for any other purpose. All of the information presented above is based on all of the information made available to us at this time. Should additional information become available, we reserve the right to determine its impact on our opinions and conclusions and to revise our opinions and conclusions if warranted.

We trust that the above information meets your present requirements.

Please contact the undersigned with any questions or concerns regarding the content of this report, or with any other issues. We truly appreciate the opportunity to assist on this loss.

Sincerely,

Envista Forensics



Ron Koerth, B.A.Sc., MBA, P. Eng.
Senior Principal Consultant



Peer Reviewed by:
Ayman Dabbas, M.Eng., P. Eng.
Civil/Structural Technical Lead

ATTACHMENT A - Fogler Rubinoff Scope Email

Koerth, Ron

From: Macdonald, Robert <rmacdonald@foglers.com>
Sent: Friday, February 18, 2022 4:48 PM
To: Koerth, Ron
Cc: Venton, Scott R.
Subject: RE: 67 Riverview Gardens

Hi Ron,

Per our call today, we would like to go ahead with your report. In doing so, we would like you to provide your opinion in response to the following questions:

1. Has any portion of the retaining wall moved since it was constructed such that it now crosses the property line onto 67 Riverview Gardens?
 - a. If so, which areas of the retaining wall have moved, and to what extent?
2. If the retaining wall has moved over time, what are the apparent causes of that movement?
3. Would regular maintenance have prevented the retaining wall from moving over time?
4. As at the date it was created, is the depiction of the location of the retaining wall in the June 7, 2013 survey by Land Survey Group accurate?
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6. Has the retaining wall, or any portion of the retaining wall, failed or is it at risk of failure?
7. Approximately how much money would it cost to repair or replace the portion of the retaining wall that runs along the property line to 67 Riverview Gardens?

If you think that any of these questions are outside of your scope of expertise, or should be revised, please let us know.

Regards,

Rob



Robert Macdonald
Fogler, Rubinoff LLP
Mobile: 416.627.9307
Fax: 416.941.8852
Email: rmacdonald@foglers.com

ATTACHMENT B - Curriculum Vitae of Ron Koerth

PROFILE

Ron is a Senior Principal Consultant in Envista's Canadian Forensic Consulting division, with over 30 years combined experience as a civil and forensic engineer. Mr. Koerth is an accredited masonry engineer and specializes in structures and building sciences, construction claims, project management, and risk analysis. Mr. Koerth often has speaking engagements at numerous Toronto area professional societies of which he is also associated with. Mr. Koerth has served as an expert witness 28 times in Ontario Superior Court in matters relating to construction/inspections, fraud and building science. Key strengths include the following:

- ▶ Accredited Masonry Engineer
- ▶ BCIN qualified OBC designer for Small Buildings, Large Buildings, Structural and General/Legal Process
- ▶ Designated Consulting Engineer
- ▶ Construction Management
- ▶ Personal Injury Claims Analysis
- ▶ Project Commissioning
- ▶ Project Management
- ▶ Building Code Assessments
- ▶ Building Sciences
- ▶ Civil Engineering
- ▶ Building and Construction Failures
- ▶ Construction Claims Analysis
- ▶ Expert Witnessing
- ▶ Multi-Disciplined Forensic Investigations
- ▶ Preventative Maintenance
- ▶ Structural Failure Analysis

OFFICE

2785 Skymark Avenue
Suite 14
Mississauga, ON L4W 4Y3

CONTACT

Cell: +1 416 433 1375
Fax: +1 866 840 9584
ron.koerth@envistaforensics.com

CORPORATE OFFICE

2785 Skymark Avenue
Suite 14
Mississauga, ON L4W 4Y3

WEBSITE

www.envistaforensics.com

EDUCATION

Masters, Business Administration, 1993

York University – Toronto, Ontario, Canada

Bachelor of Applied Science (Civil Engineering), 1988

University of Waterloo – Waterloo, Ontario, Canada

CONTINUING EDUCATION

- ▶ "Expert Witness Forum," Vancouver 2017, Toronto 2015 and 2017.
- ▶ Expert Witness Forum in Business Litigation, Toronto, 2013 and 2014.
- ▶ 7th, 8th, 10th and 14th Conferences on Building Science and Technology, 1997.
- ▶ International Symposium on Fire Investigation Science and Technology, Cincinnati, May, 2008.
- ▶ Ontario Building Envelope Council Conference on Masonry, Toronto, 2004.
- ▶ Dalhousie University, Technical Seminar, Construction Claims: Analysis, Quantification, Resolution, Toronto, 2003.
- ▶ CSCE – Design of Shallow Foundations, Toronto, 2002.
- ▶ North American Conference on Roofing Technology, Toronto, 1999.
- ▶ Ontario Building Envelope Council Conference on Mould, Toronto, 1999.
- ▶ Masonry Engineering, McMaster University and Ontario Masonry Contractors Association, 1999.

PROFESSIONAL AFFILIATIONS

- ▶ Professional Engineers of Ontario
 - Demountable Event Structures Guideline Subcommittee, 2016-2019
 - Mentor in the Licensure Assistance Program, 2012-2013
 - Co-Author, Practice Guideline on Structural Building Assessments, December 2012
 - Provided Commentary to the Professional Engineers Ontario for their draft Guideline on Expert Witnesses, September 2010
- ▶ Consulting Engineers of Ontario
- ▶ Canadian Society of Civil Engineers
- ▶ Ontario Building Envelope Council

PROFESSIONAL BACKGROUND

October 2021 – Present: Envista Forensics – Mississauga, Ontario

Senior Principal Consultant, Forensic Consulting, Canada

November 2017 – October 2021: Envista Forensics – Mississauga, Ontario

Senior Vice President, Forensic Consulting, Canada

November 2015 – October 2017: Giffin Koerth Forensic Engineering – Toronto, Ontario

Consultant

December 2001 – November 2015: Giffin Koerth Forensic Engineering – Toronto, Ontario

Vice President, Property Group, Construction Claims and Technical Management

September 1996 – November 2001: Walters Forensic Engineering – Toronto, Ontario

Forensic Engineer

August 1995 – August 1996: University of Toronto – Toronto, Ontario

Facility Manager, Hart House

June 1994 – August 1995: University of Toronto – Toronto, Ontario

Project Manager

September 1989 – June 1994: Sylma Contracting – Toronto, Ontario

Partner, Residential Construction

September 1987 – September 1989: PCL Constructor's Eastern, Inc. – Toronto, Ontario

Project Coordinator and Manager

REPRESENTATIVE PROJECT EXPERIENCE

Greenhouse Construction Claim

- ▶ 12 million dollar construction claim relating to the construction of a large greenhouse facility.

Wood Products Plant Construction Claim

- ▶ Multi-million dollar construction claim relating to the claimed bonus on an early-finish in the design of a 50 million dollar wood products plant.

Bemar v. City of Mississauga

- ▶ Million dollar construction claim relating to the renovation of a commercial facility which went to trial.

Dirm v. Dalton

- ▶ Construction claim by a subcontractor against a general contractor in a college renovation which went to trial.

Sunview ats. Tompkins

- ▶ \$750,000 building science and mould related claim against window installer which went to trial.

Brewery Tank Collapse

- ▶ Forensic structural assessment of 200,000 litre steel tank support collapse within a brewery.

Construction Defect and Inadequate Inspections Litigations

- ▶ Numerous litigation cases involving defects at residential or commercial properties. Assessment included the review of codes and standards, appropriate construction techniques and the adequacy of inspections by municipalities, engineers and/or home inspectors.

Failure of Water stops on Multi-Unit Residential Building Complex

- ▶ Litigation matter related to the adequacy of a structural engineer's drawings, specifications and site inspections and the involvement of other consultants and the general contractor in the cause of the failure of water stops placed within concrete foundation walls.

Failure of Fiber-Cement Siding on a Large Resort Complex

- ▶ Assessment of the cause of the premature deterioration of fiber-cement siding which resulted in mould and structural decay. Claimed damages were \$2 million. Issues relating to improper flashing installation were discovered.

Failure of Fiber-Cement Siding on a Multi-Story Concrete Structure

- ▶ Premature failure of fiber-cement siding was discovered to be the result of improper construction techniques relating to the treatment of the air barrier at window and door openings in the insulated concrete form (ICF) exterior walls.

Personal Injury Cases

- ▶ Numerous investigations regarding personal injury cases involving elevated decks and platforms, stairways and walkways.

SPEAKING ENGAGEMENTS

- ▶ "Insurable Events on Construction Projects", on-line CE course, Alberta Insurance Council, June 24 & 25, 2021.
- ▶ "Expert Witness Forum," Canadian Institute, various, 2015 - 2017.
- ▶ "What is Forensic Engineering?" Ryerson University Mechanical Engineering, Toronto, January 2018 and various PEO chapters, 2013-2016.

- ▶ “Building Liability Conference” – Chair and Speaker, Toronto, May 21, 2014.
- ▶ “Expert Witnesses in Business Litigation – The Use of Engineering Experts in Real Property Litigation,” Federated Press, Toronto, May 30, 2013 and May 22, 2014.
- ▶ “Advanced Investigations of Slips & Falls and Personal Injury Claims,” Insurance Institute, Toronto, May 1, 2012.
- ▶ “Fire Investigation,” University of Toronto, lecture to Forensic Engineering Course, Toronto, 2012 to 2017.
- ▶ “Forensic Evidence and Experts,” Ontario Insurance Adjusters Convention, Toronto, February 8, 2012.
- ▶ “Fire Investigation,” ADMI, Toronto, October 18, 2007, June 23, 2011 and February 26, 2015.
- ▶ “Fire Claims – Tips to Avoid Getting Burned,” Canadian Defence Lawyers, Osgoode Hall, Toronto, March 21, 2011.
- ▶ “Demonstrative Evidence – Avoiding Spoliation Claims,” Ontario Bar Institute, Toronto, February 4, 2011.
- ▶ “Dispute Early Warnings,” 3rd Construction Claims Seminar, Federated Press, Toronto, January 27-28, 2011.
- ▶ “Practical Tips in Obtaining Reports: An Expert’s Perspective,” Ontario Bar Institute, November, 2010.
- ▶ “Structural Fire Damage Remediation,” Travelers Insurance, September, 2010.
- ▶ “Residential Construction, Construction Claims,” Various Engagements, 1997 – Present.

EXPERT WITNESS TESTIMONY

- ▶ Qualified 28 times as an expert witness in the Superior Court of Ontario in matters relating to theft/fraud (2), personal injury (4), building design/construction/inspections (21), and building science/mould (1).
- ▶ Arbitrated a construction dispute and appeared at a New Home License Appeal Tribunal Hearing.
- ▶ Appeared at mediations in matters relating to fire (3), construction/inspections (10), and building science (1).

PUBLICATIONS

- ▶ Articles on Forensic Engineering, insurance industry magazines, 1996 – Present.
- ▶ “What is an Accidental Fire?,” CIAA Claims Manual, 2011.
- ▶ “Fire Scene Safety for Adjusters,” Claims Canada, May, 2008.
- ▶ “Forensic Engineering in Property Loss Investigations,” CIAA Claims Manual, 2008.
- ▶ “Expert Witnesses – Hired Guns or Truth Seekers,” Claims Canada, July, 2007.
- ▶ “Determining Liability in Construction Claims,” Legal Focus, 1998.





























PROPERTY STANDARDS

Municipal property standards

[15.1](#) (1) In [sections 15.1](#) to [15.8](#) inclusive,

“committee” means a property standards committee established under [section 15.6](#);
 (“comité”)

“occupant” means any person or persons over the age of 18 years in possession of the property; (“occupant”)

“owner” includes,

- (a) the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and
- (b) a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property; (“propriétaire”)

“property” means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property; (“bien”)

“repair” includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section. (“réparation”) 1997, c. 24, s. 224 (8).

Adoption of policy

(2) Where there is no official plan in effect in a municipality, the council of a municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions. 1997, c. 24, s. 224 (8).

Standards for maintenance and occupancy

(3) The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.

2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition. 1997, c. 24, s. 224 (8).

No distinction on the basis of relationship

(4) The authority to pass a by-law under subsection (3) does not include the authority to pass a by-law that sets out requirements, standards or prohibitions that have the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a property, including the occupancy or use as a single housekeeping unit. 1997, c. 24, s. 224 (8).

Provision of no effect

(5) A provision in a by-law is of no effect to the extent that it contravenes the restrictions described in subsection (4). 1997, c. 24, s. 224 (8).

Inspection of property without warrant

15.2 (1) Where a by-law under [section 15.1](#) is in effect, an officer may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine,

- (a) whether the property conforms with the standards prescribed in the by-law; or
- (b) whether an order made under subsection (2) has been complied with. 1997, c. 24, s. 224 (8).

Contents of order

(2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under [section 15.1](#) may make an order,

- (a) stating the municipal address or the legal description of the property;
- (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
- (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (d) indicating the final date for giving notice of appeal from the order. 1997, c. 24, s. 224 (8).

Service and posting of order

(3) The order shall be served on the owner of the property and such other persons affected by it as the officer determines and a copy of the order may be posted on the property in a location visible to the public. 1997, c. 24, s. 224 (8); 2017, c. 34, Sched. 2, [s. 9](#).

Registration of order

(4) The order may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (3) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order. 1997, c. 24, s. 224 (8).

Appeal of order

[15.3](#) (1) An owner or occupant who has been served with an order made under [subsection 15.2 \(2\)](#) and who is not satisfied with the terms or conditions of the order may appeal to the committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order. 1997, c. 24, s. 224 (8).

Confirmation of order

(2) An order that is not appealed within the time referred to in subsection (1) shall be deemed to be confirmed. 1997, c. 24, s. 224 (8).

Duty of committee

(3) The committee shall hear the appeal. 2002, c. 9, s. 24.

Powers of committee

(3.1) On an appeal, the committee has all the powers and functions of the officer who made the order and the committee may do any of the following things if, in the committee's opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

1. Confirm, modify or rescind the order to demolish or repair.
2. Extend the time for complying with the order. 2002, c. 9, s. 24.

Appeal to court

(4) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (3.1) may appeal to the Superior Court of Justice by notifying the clerk of the municipality in writing and by applying to the court within 14 days after a copy of the decision is sent. 2002, c. 9, s. 24.

Appointment

(5) The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and the persons upon whom the appointment is to be served. 2002, c. 9, s. 24.

Judge's powers

(6) On the appeal, the judge has the same powers and functions as the committee. 1997, c. 24, s. 224 (8).

Effect of decisions

(7) An order that is deemed to be confirmed under subsection (2) or that is confirmed or modified by the committee under subsection (3) or a judge under subsection (6), as the case may be, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order. 1997, c. 24, s. 224 (8).

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Schedule A-1 Alert Sign

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[History: Adopted by the Council of the City of Toronto 2000-10-05 by By-law No. 930-2000.¹ Amendments noted where applicable.]

General References

Building construction and demolition - See Ch. 363.

Carbon monoxide detectors - See Ch. 387.

Fees and charges - See Ch. 441.

Fences - See Ch. 447.

Graffiti - See Ch. 485

Grass and weeds - See Ch. 489.

Heating - See Ch. 497.

Littering and dumping of refuse - See Ch. 548.

Use of pesticides - See Ch. 612.

Abandoned refrigerators and other appliances - See Ch. 659.

Signs - See Ch. 693.

Snow and ice removal - See Ch. 719.

Trees - See Ch. 813.

Discontinuance of vital services - See Ch. 835.

Building Code Act, 1992 - See S.O. 1992, c.23.

Elevating Devices Act - See R.S.O. 1990, c. E.8.

Health Protection and Promotion Act - See R.S.O. 1990, c. H.7.

Ontario Heritage Act - See R.S.O. 1990, c. O.18.

¹ Editor's Note: This by-law was passed under the authority of subsections 15.1(3) and 15.1(6) of the *Building Code Act, 1992*, S.O. 1992, c. 23. This By-law No. 930-2000 comes into effect January 1, 2001. Section 45, Repeal of by-laws, of this by-law provided that, except for the purposes set out in §§ 629-3 and 629-50, the following are repealed: former Borough of East York By-law No. 39-90, "To provide standards for the maintenance and occupancy of property in the Borough of East York," as amended; former City of Etobicoke Municipal Code Chapter 198, Property Maintenance and Minimum Standards; former City of North York "Property Standards By-law No. 31148," as amended; former City of Scarborough By-law No. 20483, "being a by-law prescribing standards for the maintenance and occupancy of property," as amended; former City of Toronto Municipal Code Chapter 210, Housing Standards, and Article II, Non-Residential Standards, and Article IV, Vacant Land, of Chapter 264, Property Maintenance; former City of York By-law No. 3180-95, "To provide basic and uniform standards governing the condition and maintenance of properties in the City of York, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof," as amended and as codified in Former City of York Municipal Code Property Maintenance Chapter 824, PROPERTY MAINTENANCE. In addition, By-law No. 559-2004, adopted June 24, 2004, which amended this chapter, also repealed Ch. 151, Buildings, Vacant, of the former City of Toronto Municipal Code.

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ARTICLE I
Definitions; Application

§ 629-1. Definitions.

A. As used in this chapter, the following terms have the meanings indicated:

ACCESSORY BUILDING - A subordinate building or structure that is devoted exclusively to the use naturally and normally incidental to the main use of the property and is located in a yard appurtenant to the main building.

ACCESS TO EXIT - The same meaning as in Article 1.4.1.2. of Division A of the Building Code, that is noted as follows for reference purposes only and is subject to Subsection C: **[Added 2010-08-27 by By-law No. 974-2010]**

(1) ACCESS TO EXIT - That part of a means of egress within a floor area that provides access to an exit serving the floor area.

BASEMENT - A storey of a dwelling which is below ground level, and includes a cellar.

BUILDING AREA - The greatest horizontal area of a building above grade: **[Added 2008-04-29 by By-law No. 349-2008]**

(1) Within the outside surface of exterior walls; or

(2) Within the outside surface of exterior walls and the centre line of firewalls.

DWELLING - A building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

EXIT - The same meaning as in Article 1.4.1.2. of Division A of the Building Code, that is noted as follows for reference purposes only and is subject to Subsection C: **[Added 2010-08-27 by By-law No. 974-2010]**

(1) EXIT - That part of a means of egress, including doorways, that leads from the floor area it serves to a separate building, an open public thoroughfare or an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare.

GROUND COVER - Any suitable material applied to the ground to prevent erosion of the soil and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

GUARD - A protective barrier, with or without openings through it, that is around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways, or other locations to prevent accidental falls from one level to another. **[Added 2008-04-29 by By-law No. 349-2008]**

HABITABLE ROOM - A room in a dwelling designed, lawfully used or capable of being lawfully used for living, sleeping, cooking or eating purposes.

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HANDRAIL - A continuously graspable rail forming the top part of a balustrade or guard on stairs, landings, raised walkways and ramps adhered to a wall or a guard forming part of the stair, landing, walkway or ramp intended to provide guidance and support to the user and to arrest falls. **[Added 2008-04-29 by By-law No. 349-2008]**

MERCANTILE OCCUPANCY - The occupancy or use of a building or part of a building for the displaying or selling of retail goods, wares or merchandise. **[Added 2009-05-27 by By-law No. 570-2009²]**

MIXED-USE BUILDING - A building lawfully used in part for residential purposes and in part for non-residential purposes.

MOTION SENSOR CONTROLLED SWITCH - An electrical control device activated by movement within a defined area, for the purpose of operating one or more electrical fixtures. **[Added 2010-08-27 by By-law No. 974-2010]**

MULTIPLE-DWELLING - A building or part of a building containing three or more dwelling units.

NON-HABITABLE FLOOR AREA:

- (1) A room in a building or a dwelling unit other than a habitable room, and includes:
 - (a) A bathroom, toilet room, laundry, pantry, lobby, corridor, stairway, closet or boiler room.
 - (b) Any part of a room having a clear ceiling height of less than 1.4 metres.
- (2) Other service and maintenance space of a dwelling for public use or access to and vertical travel between storeys.

NON-RESIDENTIAL PROPERTY - Land, a building or structure used or capable of being used for other than residential purposes.

NULL ZONE - Where the artificial lighting for a space is controlled by one or more motion sensors, a portion of the space that does not receive sensor coverage from a motion sensor. **[Added 2010-08-27 by By-law No. 974-2010]**

OCCUPANCY - The use or intended use of a building or part of a building for the shelter or support of persons, animals or property as established by the Building Code. **[Added 2008-04-29 by By-law No. 349-2008]**

OCCUPANT, OWNER, PROPERTY and REPAIR - The same meanings as in subsection 15.1(1) of the *Building Code Act, 1992*. These meanings are noted as follows, for reference purposes only, and are subject to Subsection C:

- (1) **OCCUPANT** - Any person or persons over the age of 18 years in possession of the property.
- (2) **OWNER** - Includes:

² Editor's Note: This by-law came into force July 27, 2009.

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- (a) The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
 - (b) A lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.
- (3) **PROPERTY** - A building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property.
- (4) **REPAIR** - Includes the provision of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in a by-law passed under this section.

RESIDENTIAL PROPERTY - Land, a building or structure used, capable of being of being used, designed or intended for residential use.

RETAINING WALL - A wall or similar structure built to hold back, confine, or sustain the pressure from a bank of earth, loose stone or fill material separating two grade levels.

[Added 2008-04-29 by By-law No. 349-2008]

SANITARY FACILITIES - A room or rooms containing one or more toilets, washbasins, bathtubs or showers or any combination thereof and includes a toilet room. **[Added 2009-05-27 by By-law No. 570-2009³]**

SEWAGE SYSTEM - The City sanitary sewer system or a private sewage disposal system approved by the City.

STANDARDS - The standards for the maintenance and occupancy prescribed for property in this chapter.

STOREY - The portion of a building: **[Added 2008-04-29 by By-law No. 349-2008]**

- (1) That is situated between the top of any floor and the top of the floor next above it; or
- (2) That is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

SUPPLIED FACILITY - An appliance, fixture or piece of equipment, including any related system, provided or established in conjunction with the use of property that is ancillary or incidental to the occupancy as may be specified within a lease agreement or required to be provided in accordance with the provisions of the Building Code, the *Health Protection and Promotion Act*, the Municipal Code or other applicable by-law or regulation. **[Added 2009-05-27 by By-law No. 570-2009⁴]**

³ Editor's Note: This by-law came into force July 27, 2009.

⁴ Editor's Note: This by-law came into force July 27, 2009.

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VEHICLE - Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power.

YARD - The part of the lot unoccupied by the main building and includes vacant land.

- B. A term not defined in Subsection A shall have the same meaning as the term in the *Building Code Act, 1992* or in the Building Code.
- C. In this chapter a reference to an Act, regulation or by-law is to that Act, regulation or by-law as it is amended or re-enacted from time to time.

§ 629-2. Application.

This chapter applies to all property in the City of Toronto.

ARTICLE II
Property Standards Committee

[Amended 2001-12-06 by By-law No. 1068-2001⁵]

§ 629-3. Property Standards Committee; appeals; fees.

- A. A Property Standards Committee is established that consists of four Committee Hearing Panels.
- B. Each Committee Hearing Panel shall hear appeals of orders made under subsection 15.2(2) of the *Building Code Act, 1992* respecting property in the geographic area of one of the service delivery districts of the Department of Urban Development Services.
- C. If an order applies to a property that is located in the geographic area of more than one service delivery district, the appeal may be heard by any committee hearing panel responsible for one of the geographic areas in which the property is located.
- D. Fees.

Despite § 629-50 and any other by-law of a former municipality, a person appealing an order to the Property Standards Committee shall pay the fee set out in Chapter 441, Fees and Charges, payable in advance, for the processing of the appeal. [Amended 2006-09-27 by By-law No. 1056-2006]

§ 629-3.1. Members.

- A. The Property Standards Committee shall be composed of 16 members with four members assigned to each Committee Hearing Panel from time to time under the Property Standards Committee's rules of procedure.

⁵ Editor's Note: This by-law came into force January 1, 2002.

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- B. The members of the Property Standards Committee shall be appointed for a term specified by Council, and serve at pleasure of Council until their successors are appointed.
[Amended 2015-07-09 by By-law No. 825-2015]
- C. Reserved.⁶
- D. Members shall be at least 18 years old, Canadian citizens or landed immigrants and either residents or municipal taxpayers of the City.
- E. Members shall not act as agents for any person on their appeal of an order to the Property Standards Committee.

ARTICLE III
General Duties and Obligations

§ 629-4. Compliance required.

- A. No person shall use, occupy, permit the use or occupancy of, rent, or offer to rent, any property that does not conform with the standards prescribed in this chapter.
- B. No basement or any portion of a basement shall be used or permitted to be used as a habitable room or dwelling unit unless each habitable room complies with all requirements for egress, light, ventilation and ceiling height set out in this chapter.

§ 629-5. Owner's duties.

The owner of property shall:

- A. Repair, maintain and keep clean the property in accordance with the standards and take immediate action to eliminate any unsafe condition; and
- B. Ensure that every supplied facility in or on the property is: **[Amended 2009-05-27 by By-law No. 570-2009⁷]**
 - (1) Constructed, installed and maintained so that it will function safely and effectively;
 - (2) Kept in a satisfactory working condition; and
 - (3) Available for use by the occupants and other users of the property in accordance with the standards.

§ 629-5.1. Emergency contact sign.

[Added 2004-06-24 by By-law No. 559-2004]

- A. The owner of a multiple-dwelling shall cause a sign to be posted and maintained in a prominent place in the front lobby or entrance of the building.

⁶ Editor's Note: Subsection C was deleted July 9, 2015 by By-law No. 825-2015.

⁷ Editor's Note: This by-law came into force July 27, 2009.

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- B. The sign shall indicate, in lettering not less than 12.7 millimetres in height, the current name, address and telephone number of the owner, manager or other person responsible for the property and the name and telephone number of the authorized person to contact in the case of an emergency on a twenty-four-hour basis.
- C. The telephone numbers listed on the sign shall be numbers that do not result in a charge back fee on the telephone bill for the telephone service used to call the listed telephone number.
- D. If there is a change in the information displayed on the sign, the sign shall be revised to reflect the change within one week of the change.

§ 629-6. Occupant's duties.

Every person who occupies property shall:

- A. Maintain the property in a clean and sanitary condition;
- B. Maintain all plumbing, cooking, refrigerating appliances and fixtures, and all storage facilities and other equipment in or on the property in a clean and sanitary condition;
- C. Maintain all sanitary facilities and every fixture in a sanitary facility in a clean and sanitary condition; **[Amended 2009-05-27 by By-law No. 570-2009⁸]**
- D. Keep all exits from the property clear and unobstructed;
- E. Co-operate with the landlord in complying with the requirements of this chapter;
- F. Limit the number of occupants to the maximum number permitted by this chapter; and
- G. Take immediate action to eliminate any unsafe condition.

§ 629-7. Manner of making repairs.

- A. All repairs shall be made in a good workmanlike manner with materials that are suitable and sufficient for the purpose and free from defects.
- B. Without restricting the generality of Subsection A:
 - (1) The requirement that repairs be made in a "good workmanlike manner" includes:
 - (a) Ensuring that the component repaired can perform its intended function.
 - (b) Finishing the repair in a manner reasonably compatible in design and colour with adjoining decorative finishing materials.
 - (2) The requirement that repairs be made with "materials that are suitable and sufficient for the purpose" includes a requirement for materials reasonably compatible in design and colour with adjoining decorative finishing materials.

⁸ Editor's Note: This by-law came into force July 27, 2009.

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§ 629-8. Higher standard.

If there is a conflict between a provision in this chapter and a provision of any other City by-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public prevails.

**ARTICLE IV
Standards**

§ 629-9. Pest control.

All properties shall at all times be kept free of rodents, vermin, insects and other pests and from conditions which may encourage infestation by pests.

§ 629-10. Maintenance of yards and property.

- A. Nothing in this section shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property, if a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.
- B. All yards and any other part of a property shall be kept clean and free from accumulations of junk, rubbish, brush, refuse, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- C. All yards and any other part of a property shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- D. No mechanical equipment, vehicle, trailer or boat or a remnant or any part of them, or that is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left in a yard, unless it is lawfully permitted to use the yard for this purpose.
- E. Firewood storage.
 - (1) Firewood for domestic use may be stored in a rear yard if the area used for this storage is not more than 15 percent of the area of the rear yard.
 - (2) The stored firewood shall be:
 - (a) Neatly piled not less than 300 millimetres from any lot line;
 - (b) Stored at a height of not less than 150 millimetres above grade; and
 - (c) Stored with a total height of not more than 1.5 metres.
- F. Clothing drop boxes.

[Added 2006-09-27 by By-law No. 800-2006⁹; amended 2013-05-10 by By-law No. 599-2013¹⁰]

⁹ Editor's Note: By-law No. 800-2006 came into force January 1, 2007.

¹⁰ Editor's Note: By-law No. 599-2013 came into force September 1, 2013.

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- (1) Every owner of property on which a clothing drop box is used or located shall ensure that the clothing drop box is clean, in good repair and is free of graffiti, and shall ensure that all areas immediately adjacent to the clothing drop box are clean and free of litter, refuse and other debris.
- (2) Subject to § 395-3 of Chapter 395, Clothing Drop Boxes, an owner of property shall not erect, display, locate or place or allow to be erected, displayed, located or placed on his or her property unless:
 - (a) A permit has been obtained under Chapter 395, Clothing Drop Boxes;
 - (b) The permit number or permit is displayed on the clothing drop box;
 - (c) The clothing drop box is erected, displayed, located or placed in compliance with Chapter 395, Clothing Drop Boxes and any other applicable by-law; and
 - (d) The clothing drop box is placed in the location for which the permit was granted.
- (3) An owner of property upon which a clothing drop box is placed that is in contravention of this subsection or Chapter 395, Clothing Drop Boxes, may be ordered to take any necessary action to remedy the contravention, including the removal of the clothing drop box from the property.

§ 629-11. Landscaping, drainage and grading.

- A. All yards shall be graded and have suitable ground cover to prevent recurrent ponding of water, unstable soil conditions or erosion, and so as to direct the flow of surface water away from the walls of all buildings. **[Amended 2004-06-24 by By-law No. 559-2004]**
- A.1. Despite Subsection A, the front yard of a residential property, other than a multiple-dwelling or a mixed-use building, shall be maintained as follows: **[Added 2004-06-24 by By-law No. 559-2004]**
 - (1) Graded so as to prevent recurrent ponding of water and direct the surface water away from the building.
 - (2) Not used or maintained for parking purposes, except for the areas required or permitted to be used for parking under any applicable zoning by-law or permitted to be used for parking by a minor variance to a zoning by-law or an agreement with the City.
 - (3) Landscaped, so as to prevent unstable soil conditions or erosion, with any combination of the following:
 - (a) Trees, shrubs, grass or flowers;
 - (b) Decorative stonework, walkways or screening; and
 - (c) Any other horticultural or landscape-architectural elements.

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- (4) If paving is permitted as landscaping under the provisions of a zoning by-law, any hard surface paved area must be separated from adjacent driveways and walkways with a physical barrier, not less than 150 millimetres above grade.
- B. Where grass forms part of the ground cover, it shall be maintained in a living condition and at a height of not more than 20 centimetres.
- C. All lawns, shrubs and hedges shall be kept trimmed and not be overgrown.
- D. All yards shall be kept free of heavy undergrowth and weeds.
- E. A tree or other plant, or a limb or branch or¹¹ it, that is dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant.
- F. All hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not:
 - (1) Obstruct the safety of the public;
 - (2) Affect the safety of vehicular or pedestrian traffic;
 - (3) Constitute an obstruction of view for vehicular traffic;
 - (4) Wholly or partially conceal or interfere with the use of any hydrant or water valves;
or
 - (5) Overhang or encroach upon any pavement, sidewalk or travelled portion of any street or highway.
- G. All catch basins, storm drains, ditches and swales shall be maintained free from defects and obstructions.

§ 629-12. Accessory buildings.

Every accessory building shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives or other weather-resistant material.

§ 629-13. Enclosures.

All fences, screens and other enclosures around or on a property shall be maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical, with a uniform construction, in good repair and free from hazards.

¹¹ Editor's Note: Technical amendment is required to change "or" to "of."

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§ 629-14. Retaining walls.

Retaining walls shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

§ 629-15. Signs.¹²

- A. Signs and any fastening or supporting members that are damaged, broken or excessively weathered or faded, or that have a worn, peeled or cracked finish, shall be removed or refinished and put in a good state of repair so that the signs are free from defects or faded lettering.
- B. Signs and sign structures that are not used for the purpose intended, not cared for or discarded shall be removed from the property.
- C. Signs shall be maintained so that the information conveyed by the sign by colour, form, graphic, illumination, symbol or writing is clearly legible.

§ 629-16. Structural adequacy.

- A. Every part of a building or structure shall be maintained in good repair and in a structurally sound condition so as:
 - (1) To be capable of safely sustaining its own weight and any load to which, normally, it might be subjected;
 - (2) To be capable of safely accommodating all normal structural movements without damage, decay or deterioration; and
 - (3) To prevent the entry of moisture that would contribute to damage, decay or deterioration.
- B. Foundation walls, basements, cellars and crawl spaces and other supporting members of a building or structure shall be maintained in good repair and structurally sound.
- C. For purposes of this section, "structure" includes a fence, shed or other small building in addition to structures defined in the *Ontario Building Code Act, 1992*.

§ 629-17. Buffering.

Property that, because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:

- A. A barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling unit;
- B. A barrier to prevent wind-blown waste, wrappings, debris and similar things from littering or settling on adjacent properties;

¹² Editor's Note: See also Ch. 693, Signs.

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- C. A visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and
- D. The provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

§ 629-18. Exterior walls, columns and beams.

- A. Exterior columns, walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecured objects and materials.
- B. The protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building or structure.
- C. Markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and co-ordinated to the exterior finish of the building or structure.
- D. All canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

§ 629-19. Stairs, guards, handrails and other structures.

- A. All stairs, verandas, porches, decks, loading docks, ramps, balconies, fire escapes and other similar structures and all treads, risers, guards, handrails, supporting structural members or other appurtenances attached to them shall be maintained free from defects and hazards, capable of supporting all loads to which they may be subjected, and in a safe, clean, sanitary condition and in good repair.
- B. Retaining walls. **[Amended 2008-04-29 by By-law No. 349-2008]**
 - (1) A retaining wall exceeding 1,000 millimetres in exposed height shall be protected by a guard on all open sides where access to the open space is provided at the top of the retaining wall.
 - (2) Required guards as described in Subsection B(1) shall be constructed and maintained in accordance with Subsection C or D based on the type of occupancy established for the building on the property.
 - (3) Required guards as described in Subsection B(1) for retaining walls on land without a building, including vacant land, shall be constructed and maintained in accordance with Subsection D.
- C. Guards, for all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium- and low-industrial

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occupancies shall be installed and maintained to comply with the following: [Amended 2008-04-29 by By-law No. 349-2008; 2008-09-25 by By-law No. 983-2008;¹³ 2009-10-01 by By-law No. 932-2009¹⁴]

(1) Required guards.

- (a) Except as provided in Subsection C(1)(b) and (c), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, mezzanines, galleries and raised walkways, shall be protected by a guard on each side that is not protected by a wall for the length where:
 - [1] There is a difference in elevation of more than 600 millimetres between the walking surface and the adjacent surface; or
 - [2] The adjacent surface within 1.2 metres from the walking surface has a slope of more than one vertical to two horizontal.
- (b) Guards are not required:
 - [1] At loading docks;
 - [2] At floor pits in repair garages; or
 - [3] Where access is provided for maintenance purposes only.
- (c) When an interior stair has more than two risers or an interior ramp rises more than 400 millimetres, the sides of the stair or ramp and the landing or floor level around the stairwell or ramp shall be protected by a guard on each side that is not protected by a wall.

(2) Height of guards.

- (a) Except as provided in Subsection C(2)(b) to (d), all guards shall be not less than 1,070 millimetres high.
 - (b) All guards within dwelling units shall be not less than 900 millimetres high.
 - (c) Exterior guards serving not more than one dwelling unit shall be not less than 900 millimetres high where the walking surface served by the guard is not more than 1,800 millimetres above the finished ground level.
 - (d) Guards for flights of steps, except in required exit stairs, shall be not less than 900 millimetres high.
 - (e) The height of guards for flights of steps shall be measured vertically from a line drawn through the leading edge of the treads served by the guard.
- (3) Except for floors of garages serving a single dwelling unit, where garage floors or ramps are 600 millimetres or more above the adjacent ground or floor level, every

¹³ Editor's Note: This by-law came into force April 29, 2008.

¹⁴ Editor's Note: This by-law came into force April 29, 2008.

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opening through a garage floor and the perimeter of floors and ramps that have no exterior walls shall be provided with:

- (a) A continuous curb not less than 150 millimetres in height; and
 - (b) A guard not less than 1,070 millimetres above the floor level.
- (4) Openings in guards.
- (a) Except as provided in Subsection C(4)(b), openings through any guard that is required by Subsection C(1) shall be of a size that will prevent the passage of a spherical object having a diameter of 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
 - (b) Openings through any guard that is required by Subsection C(4), and that is installed in a building of industrial occupancy, shall be of a size that will prevent the passage of a spherical object having a diameter of 200 millimetres unless it can be shown that the location and size of such openings that exceed this limit do not represent a hazard.
 - (c) Unless it can be shown that the location and size of openings that do not comply with the following limits do not represent a hazard, openings through any guard that is not required by Subsection C(1), and that serves a building of other than industrial occupancy, shall be of a size that:
 - [1] Will prevent the passage of a spherical object having a diameter of 100 millimetres; or
 - [2] Will permit the passage of a spherical object having a diameter of 200 millimetres.
- (5) Climbing prevention in guard design.
- (a) Guards required by Subsection C(1), except those in industrial occupancies and where it can be shown that the location and size of openings do not represent a hazard, shall be designed so that no member, attachment or opening will facilitate climbing.
 - (b) Guards shall be deemed to comply with Subsection C(5)(a) where any elements protruding from the vertical and located within the area between 140 millimetres and 900 millimetres above the floor or walking surface protected by the guard:
 - [1] Are located more than 450 millimetres horizontally and vertically from each other;
 - [2] Provide not more than 15 millimetres horizontal offset;
 - [3] Do not provide a toe-space more than 45 millimetres horizontally and 20 millimetres vertically; or

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[4] Present more than a slope of one vertical to two horizontal slope on the offset.

- (6) Glass in guards shall be:
- (a) Safety glass of the laminated or tempered type conforming to CAN/CGSB-12.1-M, "Tempered or Laminated Safety Glass"; or
 - (b) Wired glass conforming to CAN/CGSB-12.11-M, "Wired Safety Glass."
- (7) Loads on guards.
- (a) Guards shall be designed to resist the loads specified in Table § 629-19C(7).
 - (b) Where the width and spacing of balusters in guards within dwelling units and exterior guards serving not more than two dwelling units is such that three balusters can be engaged by a load imposed over the three-hundred-millimetre width, the load shall be imposed so as to engage three balusters.
 - (c) None of the loads specified in Table § 629-19C(7) need to be considered to act simultaneously.
 - (d) For guards within dwelling units and for exterior guards serving not more than two dwelling units, Table § 629-19C(7) need not apply where the guard construction has been demonstrated to provide effective performance.

Table § 629-19C(7)
Specified Loads for Guards
Forming part of Subsection C(7)(a)
Minimum Design Loads

Location of Guard	Horizontal Load Applied Inward or Outward at any Point at the Top of the Guard	Horizontal Load Applied Inward or Outward on Elements Within the Guard, Including Solid Panels and Pickets	Evenly Distributed Vertical Load Applied at the Top of the Guard
Guards within dwelling units and exterior guards serving not more than 2 dwelling units	0.5 kN/m or concentrated load of 1.0 kN applied at any point ^(a)	0.5 kN applied over a maximum width of 300 mm and a height of 300 mm ^(b)	1.5 kN/m

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Guards serving access walkways to equipment platforms, contiguous stairs and similar areas	Concentrated load of 1.0 kN applied at any point	Concentrated load of 0.5 kN applied at any point on individual elements	1.5 kN/m
All other guards	0.75 kN/m or concentrated load of 1.0 kN applied at any point ^(a)	Concentrated load of 0.5 kN applied at any point on individual elements	1.5 kN/m

Notes to Table § 629-19C(7).

^(a) The load that creates the most critical condition shall apply.

^(b) See Subsection C(7)(b).

- D. Guards for all buildings exceeding three storeys in building height or having a building area exceeding 600 square metres or used for other occupancies not described in Subsection C shall be installed and maintained to comply with the following: **[Added 2008-04-29 by By-law No. 349-2008; amended 2008-09-25 by By-law No. 983-2008;¹⁵ 2009-10-01 by By-law No. 932-2009¹⁶]**

(1) Safety within all floor areas.

- (a) Except as otherwise provided in this section, a guard not less than 1,070 millimetres high shall be provided:
 - [1] Around each roof to which access is provided for other than maintenance;
 - [2] At openings into smoke shafts that are less than 1,070 millimetres above the floor; and
 - [3] At each raised floor, mezzanine, balcony, gallery, interior or exterior vehicular ramp, and at other locations where the difference in level is more than 600 millimetres.
- (b) Except as provided in Subsection D(1)(c) and (2)(d), openings through any guard that is required by Subsection D(1)(a) shall be of a size that will prevent the passage of a sphere having a diameter more than 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
- (c) Openings through any guard that is required by Subsection D(1)(a) and that is installed in a building of industrial occupancy shall be of a size which will

¹⁵ Editor's Note: This by-law came into force April 29, 2008.

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prevent the passage of a sphere having a diameter more than 200 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.

- (d) Openings through any guard that is not required by Subsection D(1)(a) and that serves a building of other than industrial occupancy shall be of a size that:
 - [1] Will prevent the passage of a sphere having a diameter more than 100 millimetres; or
 - [2] Will permit the passage of a sphere having a diameter more than 200 millimetres unless it can be shown that the location and size of openings that exceed these limits do not represent a hazard.
 - (e) Unless it can be shown that the location and size of openings do not present a hazard, a guard shall be designed so that no member, attachment or opening located between 140 millimetres and 900 millimetres above the level protected by the guard will facilitate climbing.
 - (f) Subsection D(1)(a) does not apply at the front edges of stages, floor pits in repair garages and loading docks.
- (2) Assembly occupancy.
- (a) Except as required by Subsection D(2)(c) to (d) for bleacher seats, guards shall be installed in outdoor and indoor places of assembly with fixed seats so that:
 - [1] At the fascia of every box, balcony or gallery where the seats extend to the edge, the height of guards is not less than 760 millimetres in front of the seats, and 920 millimetres if located at the end of aisles or at the foot of steps;
 - [2] The height of guards along every cross aisle other than those adjacent to the fascia of every box, balcony or gallery is not less than 660 millimetres, except that guards need not be provided if the backs of the seats along the front side of the aisle are not less than 600 millimetres above the floor of the aisle; and
 - [3] Where the seating is arranged in successive tiers and the height of rise between platforms is more than 450 millimetres, the height of guards is not less than 660 millimetres along the entire row of seats at the edge of the platform.
 - (b) The backs and ends of bleacher seats more than 1,200 millimetres above the ground or floor that are not adjacent to a wall shall be protected with a guard:
 - [1] Not less than 1,070 millimetres high above an adjacent aisle surface or foot rest; and
 - [2] Not less than 920 millimetres high above the centre of an adjacent seat board.

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- (c) If the front of a bleacher is more than 600 millimetres above the ground or floor, it shall be protected with a guard not less than 840 millimetres high above the front foot rest.
 - (d) Openings through any guard that is required by Subsection D(2)(b) and (c) shall be of a size that will prevent the passage of a sphere having a diameter more than 300 millimetres.
- (3) Exit facilities.
- (a) Every exit shall have a wall or a well-secured guard on each side.
 - (b) Except as required by Subsection D(3)(d), the height of guards for exit stairs shall be not less than 920 millimetres measured vertically to the top of the guard from a line drawn through the outside edges of the stair nosings and 1,070 millimetres around landings.
 - (c) Exit ramps and their landings shall be protected with guards not less than 1,070 millimetres measured vertically to the top of the guard from the ramp surface where the difference in elevation between the adjacent ground or floor level and the ramp is more than 600 millimetres.
 - (d) The height of guards for exterior stairs and landings more than 10 metres above adjacent ground level shall be not less than 1,500 millimetres measured vertically to the top of the guard from the surface of the landing or a line drawn through the outside edges of the stair nosings.
 - (e) Except as provided in Subsection D(3)(f), openings through any guard that is required by Subsection D(3)(a) shall be of a size that will prevent the passage of a sphere having a diameter more than 100 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
 - (f) Openings through any guard that is required by Subsection (D)(3)(a) and that is installed in a building of industrial occupancy shall be of a size that will prevent the passage of a sphere having a diameter more than 200 millimetres unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard.
 - (g) In a stairway, a window for which the distance measured vertically between the bottom of the window and a line drawn through the outside edges of the stair nosings is less than 900 millimetres, or a window that extends to less than 1,070 millimetres above the landing, shall:
 - [1] Be protected by a guard that is:
 - [a] Located approximately 900 millimetres above a line drawn through the outside edges of the stair nosing; or
 - [b] Not less than 1,070 millimetres high measured to the top of the guard from the surface of the landing; or

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- [2] Be fixed in position and designed to resist the lateral design loads specified for guards and walls in accordance with Subsection D(5).
- (h) Unless it can be shown that the location and size of openings do not present a hazard, a guard shall be designed so that no member, attachment or opening located between 140 millimetres and 900 millimetres above the level being protected by the guard will facilitate climbing.
- (4) Window protection in apartment buildings.
 - (a) Within apartment building occupancies, as described in accordance with the Building Code, protection shall be provided at windows to minimize the hazards to children in accordance with Subsection D(4)(b) to (d).
 - (b) Fixed windows within dwelling units that extend to less than 1,000 millimetres from the floor shall be protected by guards to at least 1,000 millimetres above the floor, or shall be designed to withstand the lateral design loads for balcony guards in accordance with Subsection D(5).
 - (c) Except as provided in Subsection D(4)(d), in dwelling units, any window located more than 2,000 millimetres above grade that opens within 1,500 millimetres of the floor shall be protected:
 - [1] By a guard conforming to Subsection D(5);
 - [2] By:
 - [a] A controlled sash operation to restrict, when engaged, the opening of the operable sash to not more than 100 millimetres; and
 - [b] A heavy-duty screen conforming to CAN/CSA A440, "Windows"; or
 - [3] By an alternative device that does not reduce the degree of safety provided by Subsection D(4)(c)[1] or [2].
 - (d) Protection of a window need not be provided in a dwelling unit where an exterior balcony is constructed for the full length of a window.
- (5) Loads on guards.
 - (a) The minimum specified horizontal load applied inward or outward at the top of every required guard shall be:
 - [1] 3.0 kilonewtons per metre for means of egress in grandstands, stadia, bleachers and arenas;
 - [2] A concentrated load of 1.0 kilonewtons applied at any point for accessways to equipment platforms, contiguous stairs and similar areas where the gathering of many people is improbable; and
 - [3] 0.75 kilonewtons per metre or a concentrated load of 1.0 kilonewtons applied at any point, whichever governs for locations other than those described in Subsection D(5)(a)[1] and [2].

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- (b) Individual elements within the guard, including solid panels and pickets, shall be designed for a load of 0.5 kilonewtons applied over an area of 100 millimetres by 100 millimetres located at any point in the element or elements so as to produce the most critical effect.
 - (c) The loads required in Subsection D(5)(b) need not be considered to act simultaneously with the loads provided for in Subsection D(5)(a) and (d).
 - (d) The minimum specified load applied vertically at the top of every required guard shall be 1.5 kilonewtons per square metre and need not be considered to act simultaneously with the horizontal load provided for in Subsection D(5)(a).
 - (e) For loads on walls acting as guards where the floor elevation on one side of a wall, including a wall around a shaft, is more than 600 millimetres higher than the elevation of the floor or ground on the other side, the wall shall be designed to resist the appropriate lateral design loads prescribed elsewhere in this section or 0.5 kilopascals, whichever produces the more critical effect.
 - (f) Loads on vehicle guardrails for storage garages shall be designed for a concentrated load of 22 kilonewtons applied horizontally outward at any point 500 millimetres above the floor surface.
- E. Handrails for all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium- and low-industrial occupancies shall be installed and maintained in accordance with the following: **[Added 2008-04-29 by By-law No. 349-2008; amended 2009-10-01 by By-law No. 932-2009¹⁷]**
- (1) Required handrails.
 - (a) Except as permitted in Subsection E(1)(b) and (c), a handrail shall be provided:
 - [1] On at least one side of stairs or ramps less than 1,100 millimetres in width;
 - [2] On two sides of curved stairs or ramps of any width, except curved stairs within dwelling units; and
 - [3] On two sides of stairs or ramps 1,100 millimetres in width or greater.
 - (b) Handrails are not required for:
 - [1] Interior stairs having not more than two risers and serving a single dwelling unit;
 - [2] Exterior stairs having not more than three risers and serving a single dwelling unit;
 - [3] Ramps with a slope of not less than a slope of one vertical to 12 horizontal; or

¹⁷ Editor's Note: This by-law came into force April 29, 2008.

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- [4] Ramps rising not more than 400 millimetres.
- (c) Only one handrail is required on exterior stairs having more than three risers if the stairs serve a single dwelling unit.
- (2) Continuity of handrails.
 - (a) Except as provided in Subsection E(2)(b), at least one required handrail shall be continuous throughout the length of the stair or ramp, including landings, except where interrupted by:
 - [1] Doorways; or
 - [2] Newel posts at changes in direction.
 - (b) For stairs or ramps serving a single dwelling unit, at least one handrail shall be continuous throughout the length of the stair or ramp, except where interrupted by:
 - [1] Doorways;
 - [2] Landings; or
 - [3] Newel posts at changes in direction.
- (3) Termination of handrails.
 - (a) Handrails shall be terminated in a manner that will not obstruct pedestrian travel or create a hazard.
 - (b) Except for stairs and ramps serving a single dwelling unit, at least one handrail at the sides of a stair or ramp shall extend horizontally not less than 300 millimetres beyond the top and bottom of each stair or ramp.
- (4) Height of handrails.
 - (a) The height of handrails on stairs and ramps shall be measured vertically from the top of the handrail to:
 - [1] A line drawn through the leading edge of the stair treads served by the handrail; or
 - [2] The surface of the ramp, floor or landing served by the handrail.
 - (b) Except as provided in Subsection E(4)(c), the height of handrails on stairs and ramps shall be:
 - [1] Not less than 800 millimetres; and
 - [2] Not more than 965 millimetres.
 - (c) Where guards are required, handrails required on landings shall be not more than 1,070 millimetres in height.
- (5) Ergonomic design.

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- (a) A clearance of not less than 50 millimetres shall be provided between a handrail and any surface behind it.
 - (b) All handrails shall be constructed so as to be continually graspable along their entire length with no obstruction on or above them to break a handhold, except where the handrail is interrupted by newels at changes in direction.
- (6) Handrails and projections below handrails, including handrail supports and stair stringers, shall not project more than 100 millimetres into the required width of a stair or ramp.
- (7) Design and attachment of handrails.
- (a) Handrails and any building element that could be used as a handrail shall be designed and attached in such a manner to resist:
 - [1] A concentrated load at any point of not less than 0.9 kilonewtons; and
 - [2] For handrails other than those serving a single dwelling unit, a uniformly distributed load of 0.7 kilonewtons.
 - (b) Where a handrail serving a single dwelling unit is attached to wood studs or blocking, the attachment shall be deemed to comply with Subsection E(7)(a) where:
 - [1] The attachment points are spaced not more than 1.2 metres apart;
 - [2] The first attachment point at either end is located not more than 300 millimetres from the end of the handrail; and
 - [3] The fasteners consist of no fewer than two wood screws at each point, penetrating not less than 32 millimetres into solid wood.
- F. Handrails for all buildings exceeding three storeys in building height or having a building area exceeding 600 square metres or used for other occupancies not described in Subsection E shall be installed and maintained to comply with the following: **[Added 2008-04-29 by By-law No. 349-2008; amended 2008-07-17 by By-law No. 719-2008;¹⁸ 2008-09-25 by By-law No. 983-2008;¹⁹ 2009-10-01 by By-law No. 932-2009²⁰]**
- (1) Exit facilities.
- (a) A ramp or stairway shall have a handrail on at least one side, and if 1,100 millimetres or more in width, shall have handrails on both sides.
 - (b) If the required width of a ramp or flight of stairs is more than 2,200 millimetres, one or more intermediate handrails continuous between landings shall be provided, and located so that there will be not more than 1,650 millimetres between handrails.

¹⁸ Editor's Note: This by-law came into force April 29, 2008.

¹⁹ Editor's Note: This by-law came into force April 29, 2008.

²⁰ Editor's Note: This by-law came into force April 29, 2008.

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- (c) Handrails shall be continuously graspable along their entire length and shall have:
 - [1] A circular cross section with an outside diameter not less than 30 millimetres and not more than 43 millimetres; or
 - [2] Any non-circular shape with a graspable portion that has a perimeter not less than 100 millimetres and not more than 125 millimetres and whose largest cross-sectional dimension is not more than 45 millimetres.
 - (d) Handrails on stairs and ramps shall be not less than 865 millimetres and not more than 965 millimetres high, measured vertically from a line drawn through the outside edges of the stair nosing or from the surface of the ramp, except that handrails not meeting these requirements are permitted provided they are installed in addition to the required handrail.
 - (e) Except as required by Subsection F(2) and except where interrupted by doorways or newels at changes in direction, at least one handrail shall be continuous throughout the length of a stairway or ramp, including landings.
 - (f) Handrails shall be terminated in a manner that will not obstruct pedestrian travel or create a hazard.
 - (g) At least one handrail shall be:
 - [1] Not less than 300 millimetres beyond the top riser, and continue to slope for a depth of one tread beyond the bottom riser followed by a three-hundred-millimetre horizontal extension; and
 - [2] In the case of a ramp, extend horizontally at the required height, not less than 300 millimetres beyond the top and bottom edges of the incline.
 - (h) The clearance between a handrail and any surface behind it shall be not less than 50 millimetres.
 - (i) Handrails and their supports shall be designed and constructed to withstand the loading values obtained from the non-concurrent application of:
 - [1] A concentrated load not less than 0.9 kilonewtons applied at any point and in any direction for all handrails; and
 - [2] A uniform load not less than 0.7 kilonewtons per square metre applied in any direction to handrails not located within dwelling units.
 - (j) A ramp shall have handrails on both sides.
- (2) Care or detention occupancy.
- (a) In a nursing home, a home for the aged and a care occupancy, a continuous handrail shall be provided on both sides of a stairway throughout the length of the stairway, including landings, except where a handrail is interrupted by doorways or newels at changes in direction.

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- (b) Corridors and ramps used by residents in a nursing home shall be equipped with handrails on each side conforming to Subsection F(1)(c), (d), (f), (g) and (h).

§ 629-20. Roofs and roof structures.

- A. Every roof of a building and all its components shall be weather-tight and free from leaks, loose, unsecured or unsafe objects and materials, dangerous accumulation of ice and snow, and hazards.
- B. Roof decks, catwalks and related guards shall be maintained in good repair.
- C. Drainage.
- (1) Where a rain-water collection system is not provided, the drainage from all roof surfaces of buildings shall discharge into an eavestrough or roof gutter and then into a downpipe that discharges directly into the building drain or not more than 150 millimetres above grade.
- (2) Any above-ground discharge from a downpipe or pipe shall be directed to discharge and be contained on the property in a manner that is not likely to cause damage to any adjoining property or create a hazardous condition on any stairway, walkway, street or boulevard.
- D. Every eavestrough, roof gutter, flashing and downpipe shall be protected by a suitable finishing material and shall be maintained free from leaks, defects, obstructions and hazards, water-tight and in good repair.
- E. All aerials, satellite dishes, lightning arrestors and other similar structures and their supporting members shall be maintained in a safe condition and in good repair.
- F. Chimneys, smoke or vent stacks and other similar roof structures and their supporting members shall be maintained in good repair and free from defects.

§ 629-21. Exterior openings, doors, windows and skylights.

- A. Exterior openings.
- (1) All exterior openings for doors and windows shall be fitted with doors or windows that are maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
- (2) Any openings in an exterior wall of a building that are not protected by a door or window shall be maintained in a weather-tight condition to prevent drafts or leakage and protected by suitable materials to prevent the entry of rodents, vermin and insects.
- (3) All exterior doors, windows, skylights and basement hatchways, including storm and screen doors and storm windows, shall be maintained in good repair and free from defects and missing components.

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- B. All windows in a dwelling unit that are capable of being opened shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. All windows capable of being opened and all exterior doors shall be free from defective hardware and be capable of being locked or otherwise secured from inside the building.
- D. Glazed doors, windows and other transparent surfaces shall be kept reasonably clean in order to permit unimpeded visibility and unrestricted passage of light.²¹

§ 629-22. Garbage and debris storage and disposal.

- A. Garbage and refuse shall be stored in receptacles and removed in accordance with other City by-laws.
- B. All garbage bags containing garbage shall be stored within an enclosed garage or in a covered garbage receptacle.
- C. Every property shall have a garbage storage facility or a sufficient number of suitable receptacles that are readily accessible to all occupants so as to contain all garbage, debris and trade waste. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. The receptacles shall be containers that are water-tight, equipped with a tight-fitting cover, rodent- and pest-proof, and shall be maintained in a clean state. **[Amended 2004-06-24 by By-law No. 559-2004]**
- E. If a garbage chute system was originally installed in a multiple-dwelling, the system shall be maintained operative. **[Amended 2004-06-24 by By-law No. 559-2004]**
- E.1 Despite Subsection E, a garbage chute system may be closed by the owner of the multiple-dwelling and maintained closed if: **[Added 2010-05-12 by By-law No. 478-2010]**
 - (1) The owner has been issued a permit for this closure by the General Manager, Solid Waste Management Services, under Article VIII of Chapter 844, Waste Collections, Residential Properties;
 - (2) The garbage chute system is closed by prohibiting access to the chute in a manner that is non-permanent and easily reversible, for example, by padlocking the openings, so that the garbage chute system can be reopened for normal operations if the permit under Article VIII of Chapter 844 is revoked; and
 - (3) The permit issued under Article VIII of Chapter 844 has not been revoked.
- E.2 A garbage chute system that is closed as described under Subsection E.1 shall be maintained otherwise operational in accordance with Division B, Article 3.6.3.3 "Linens and Refuse Chutes" of the Ontario Building Code. **[Added 2010-05-12 by By-law No. 478-2010]**

²¹ Editor's Note: Former § 629-21E and F, requiring safety devices and guards for windows in multiple-dwelling units that are greater than two metres above grade, which previously followed this subsection, were repealed April 29, 2008 by By-law No. 349-2008.

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- F. Every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour-free condition.
- G. The place for temporary storage and disposal of garbage and refuse shall be kept in a litter-free and odour-free condition, maintained in a manner that will not attract pests, create a health or other hazard, or obstruct an emergency route, recreation facility, parking area, driveway or walkway.
- H. Where garbage and refuse is to be stored or placed for disposal outside the enclosing walls of a building, the storage place or place for disposal shall be screened.
- I. If an exterior bulk or roll-off container garbage disposal system is used, it shall be equipped with covers or similar devices that are easily opened, but shall not be left open, except when being loaded.
- J. Any exterior bulk or roll-off garbage disposal system shall be large enough to contain all garbage and refuse generated between collections and not be loaded beyond the top of the container.

§ 629-23. Steps, walks, driveways, parking and loading areas.

- A. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be maintained in good repair so as to afford safe passage under normal use.
- B. Steps, landings, walks, driveways, parking spaces, ramps and similar areas of a yard shall be cleared of snow and ice within 24 hours of a snowfall to provide safe access and egress for persons and vehicles.
- C. A walk shall be provided from the principal entrance of every building to a public street, or to a driveway that provides access to a public street.
- D. All areas used for vehicular traffic or the parking or storage of a vehicle shall be paved with asphalt, concrete, interlocking stone or other environmentally safe and dust-free equivalent surface.
- E. Despite Subsection D, if a non-residential property abuts a residential property, all the areas used for vehicular traffic or the parking or storage of a vehicle shall be surfaced with asphalt, concrete or interlocking stone.
- F. All areas of a yard that are used for vehicular traffic or the parking or storage of a vehicle or that are surfaced with a material impervious to water shall be:
 - (1) Kept free from dirt, surface dust and refuse;
 - (2) Maintained in good repair and free from cracks, holes and ruts;
 - (3) Adequately graded and drained to prevent ponding of water and to direct the flow of water away from the walls of all buildings; and
 - (4) Provided with suitable markings to indicate parking spaces, and the markings shall be maintained so as to be clearly visible.

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- G. Any yards that have been previously covered with paving materials shall be repaired with materials of the same composition and consistent with the original materials.
- H. All areas of a property used for vehicular traffic or the parking or storage of a vehicle shall be provided with secured curb stops or other restraining devices to prevent vehicles from causing injury to any person or encroaching on or causing damage to any property.

§ 629-24. Vacant buildings and property.

- A. The owner of any unoccupied building or other vacant property shall protect the building or property against the risk of fire, accident or other danger, by effectively preventing the entrance to it of all unauthorized persons.
- B. If the normal locking of and other security measures for a building do not prevent entry, entry shall be prevented as follows:
 - (1) By covering all windows, doors and other openings in the building that provide a means of entry with plywood or an equivalent material that shall be securely fastened and tight fitting, and shall:
 - (a) Have a thickness not less than 12 millimetres;
 - (b) Be fixed, if covering a wooden door or window frame, by steel wire nails of not less than 50 millimetres in length and, if covering a metallic door or window frames, by self-tapping screws not less than 38 millimetres in length, and the nails or screws shall be spaced at intervals of not more than 150 millimetres over the entire length of each vertical and horizontal portion of each door or window frame; or
 - (2) By blocking up all windows, doors and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.
- C. All materials used for securing unoccupied buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building.
- D. Where a building remains vacant for a period of 90 days or more, the owner shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the property or adjoining premises.
- E. A vacant property that is not a building shall be secured by fencing, wheel stops, bollards or similar devices to prevent unauthorized entry.

§ 629-25. Occupancy standards.

- A. A room designed and intended for use as a non-habitable area shall not be used as a habitable area.
- B. No basement or cellar space shall be used as a dwelling unit or as a habitable room unless this use is otherwise permitted by law and complies with the other occupancy provisions in this chapter.

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- C. The maximum number of persons living in a habitable room shall not exceed one person for each nine square metres of habitable room floor area.
- D. For the purposes of this section, the minimum height of a habitable room shall be 1.95 metres over at least 1/2 the floor area, and, for the purposes of Subsections E and F, any floor area under a ceiling that is less than 1.4 metres in height shall not be counted in computing the required minimum floor area of a room used for sleeping.
- E. The minimum floor area of a room used by only one person for sleeping shall be six square metres with the room having a minimum dimension on one side of two metres.
- F. The minimum floor area of a room used by two or more persons for sleeping shall be four square metres for each person so using the room.

§ 629-26. Floors, stairs and landings.

- A. Every floor, stair, landing and every appurtenance, surface covering and finish attached to or laid upon it shall be maintained so as to properly perform its intended function and be reasonably smooth and level.
- B. Any repair, replacement or painting required by Subsection A shall be such that the material used shall have a finish and facing similar to that of the original covering.
- C. Floors and floor coverings shall be maintained free from any trip or other hazardous condition and shall be kept in a clean and sanitary condition and free from holes, stains, rubbish and debris.
- D. Floors of rooms in which plumbing fixtures are installed shall be maintained to be reasonably impervious to water and in a condition that permits easy cleaning.

§ 629-27. Walls and ceilings.

- A. Every wall and ceiling shall be maintained clean and free of holes, cracks and damaged and deteriorated surface material, and each repair shall be finished to reasonably match the existing walls or ceilings.
- B. Previously finished walls and other surfaces in public areas of property shall be maintained in good repair and shall be renewed or refinished, when necessary, to maintain a similar appearance.
- C. Marks, stains, graffiti, smoke damage, painted slogans or other similar markings or defacements on previously finished walls and other surfaces in public areas of property shall be removed and the surface refinished.
- D. Where noxious fumes, odours or gases are, or could be, present, all elements of separation shall be of gas-tight construction and maintained in a good state of repair so as to effectively prevent the passage of noxious fumes, odours or gases through the separation.

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§ 629-28. Doors, passageways and exits.

- A. Doors, passageways and exits shall be maintained free from hazardous conditions, obstructions and impediments.
- B. Required or provided safety equipment relative to exits and means of egress, such as, but not limited to, door closures, co-ordinating devices, smoke seals and pressurized vestibules, latching devices, hinges, moulding and similar devices shall be maintained in good working order.
- C. Interior doors, their frames, glass panels and hardware shall be maintained in good repair, and all doors shall be of a good fit in their frames.
- D. All doors and hatches to the roof that provide access for the purpose of maintenance shall be kept locked at all times.

§ 629-29. Multiple-dwellings entrances and exits.

- A. In multiple-dwellings where there is a shared entrance:
 - (1) Every door used as an entrance to or exit from the building shall be kept closed and locked and equipped with self-closing and self-locking mechanisms, and the door shall not be secured in an open position except in an emergency situation; and **[Amended 2004-06-24 by By-law No. 559-2004]**
 - (2) Each dwelling unit shall be connected by a two-way voice communication system and security locking release mechanism to the principal entrance of the building, and:
 - (a) A principal entrance terminus of the system shall be located so as to be easily accessible from the exterior of the building when the door at the principal entrance is locked; and
 - (b) The communication system shall not identify a tenant by unit number.
- B. Communication systems between dwelling units and the entrance terminus and all security locking device and release mechanisms connected to the systems shall be maintained in good repair and in operative condition.
- C. If exit doors are used as an exit from a multiple-dwelling containing 10 or more dwelling units, the doors shall be so arranged as to be readily opened without the use of a key in the direction of exit travel, and the exit doors shall be of a type easily identified and operated even in darkness. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. If doors connect dwelling units to the exterior or to an entrance or exit system shared in common with other dwelling units, the doors shall have dead-bolt locks with a bolt throw of not less than 25 millimetres, and the locks shall be protected with a solid or hardened free-turning ring or bevelled cylinder housing and be of a type that cannot be accidentally locked against entry by closing of the door.
- E. All devices and hardware required under Subsection D, including automatic door closers, shall be installed and maintained in good repair or replaced when removed.

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- F. Subsection D does not apply to entrance doors equipped with electronic or electrical locking devices, entrance doors more than two metres above the adjacent grade and not having direct access to grade via stairs, or exit doors not permitted by either the Ontario Fire Code or the Ontario Building Code to have a locking device.
- G. Doors shall afford the occupants of a dwelling unit with a reasonable degree of privacy and safety and prevent the entry of draughts into the dwelling unit.
- H. Shared locker and storage rooms in multiple-dwellings shall have a door that is equipped with a locking device controlling access, and the door shall be kept locked in a closed position except when access is being permitted. **[Amended 2004-06-24 by By-law No. 559-2004]**

§ 629-30. Ancillary rooms.

- A. All provided laundry, recreation and other ancillary rooms, and the facilities, amenities and associated equipment for the rooms, shall be kept clean and maintained in a safe condition and in good repair.
- B. Laundry rooms shall be maintained in a clean and sanitary condition, and all sinks provided in a laundry room shall be connected to hot and cold running water and properly connected to the drainage system.
- C. All laundry rooms shall have a trapped floor drain connected to the drainage system and capable of adequately draining the floor. **[Amended 2004-06-24 by By-law No. 559-2004]**

§ 629-31. Elevators.

- A. Elevators shall be maintained in a clean condition and certified to be in good working order and in compliance with the *Elevating Devices Act*.
- B. All elevator parts and appendages, including lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans, shall be kept in good repair and operational.

§ 629-32. Services and utilities.²²

- A. No owner or anyone acting on the owner's behalf shall disconnect or cause to be disconnected any service or utility providing light, heat, air conditioning, refrigeration, water or cooking facilities for any property occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of repairing, replacing or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.
- B. Any person liable for any service or utility rates shall be deemed to have caused the disconnection, shutting off, removal or discontinuance of the service or utility if the person

²² Editor's Note: See also Ch. 835, Vital Services, Discontinuance of.

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fails to pay the rates and, as a result of the non-payment, the service or utility is not²³ longer provided.

§ 629-33. Mail.

- A. Every dwelling unit shall have a separate and secure mail box or mail receptacle that is maintained in good repair at all times. **[Amended 2004-06-24 by By-law No. 559-2004]**
- B. If a mail slot provides direct access into a dwelling unit, it shall be designed or located so as to prevent access from the slot to unlock the doorknob or other locking device.
- C. Access to mail rooms shall be maintained in good repair to ensure the security of the mail

§ 629-34. Kitchen facilities.

- A. Every room in which meals are prepared in a dwelling unit shall have a sink that is installed in a counter having a backsplash and a drain board made of material impervious to water.
- B. The sink shall be connected to an adequate supply of potable running hot and cold water and be connected to the drainage system of the dwelling unit. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. Each kitchen in a dwelling unit shall have an approved, connected and operating gas or electrical supply for cooking and refrigeration appliances. **[Amended 2004-06-24 by By-law No. 559-2004]**
- D. Every cupboard, kitchen fixture, fitting and supplied appliance shall be maintained in good repair and good working order.

§ 629-35. Electrical service and outlets.

- A. Every building and dwelling unit shall be wired for electricity and shall be connected to an operating electric supply system.
- B. The capacity of the system of circuits and electrical outlets within a building shall be adequate for the intended use of all rooms, and adequate electrical outlets shall be installed to prevent the need for extension cords or other extensions being used as a permanent wiring system. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. All electrical fixtures, switches, receptacles and connections to them shall be maintained in a safe and complete condition and in good working order.

²³ Editor's Note: Technical amendment is required to change "not" to "no."

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§ 629-36. Lighting.

[Amended 2004-06-24 by By-law No. 559-2004]

- A. Adequate artificial light required to maintain the level of illumination shall be provided at all times.
- B. Interior lighting. **[Amended 2008-04-29 by By-law No. 349-2008]**
- (1) Within all buildings of three or fewer storeys in building height, having a building area not exceeding 600 square metres and used for residential occupancies, business and personal services occupancies, mercantile occupancies or medium- and low-industrial occupancies:
- (a) Every exit other than an exit serving not more than one dwelling unit, public corridor or corridor providing access to exit for the public shall be equipped to provide illumination to an average level of not less than 50 lux at floor or tread level and at all points such as angles and intersections at changes of level where there are stairs or ramps.
 - (b) Emergency lighting shall be provided in:
 - [1] Exits;
 - [2] Principal routes providing access to exit in an open floor area;
 - [3] Corridors used by the public;
 - [4] Underground walkways; and
 - [5] Public corridors.
 - (c) Emergency lighting required in Subsection B(1)(b) shall be provided from a source of energy separate from the electrical supply for the building.
 - (d) Lighting required in Subsection B(1)(b) shall be designed to be automatically actuated for a period of not less than 30 minutes when the electric lighting in the affected area is interrupted.
 - (e) Illumination from lighting required in Subsection B(1)(b) shall be provided to average levels of not less than 10 lux at floor or tread level.
 - (f) Where incandescent lighting is provided, lighting equal to one watt per square metre of floor area shall be considered to meet the requirement in Subsection B(1)(e).
 - (g) Where self-contained emergency lighting units are used, they shall conform to CSA C22.2 No. 141-M, "Unit Equipment for Emergency Lighting."
 - (h) Every public or service area in buildings, including a recreational camp and a camp for housing of workers, shall have lighting outlets with fixtures controlled by a wall switch or panel.

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- (i) When provided by incandescent lighting, illumination required in Subsection B(1) shall conform to Table § 629-36B(1).
- (j) When other types of lighting are used, illumination equivalent to that shown in Table § 629-36B(1) shall be provided.

Table § 629-36B(1)
Lighting for Public Areas
Forming part of Subsection B(1)(i) and (j)

Room or Space	Minimum Illumination (lux)	Minimum Lighting Power Density, watts per square metre of floor area (incandescent lighting)
Storage rooms	50	5
Service rooms and laundry areas	200	20
Garages	50	5
Public water closet rooms	100	10
Service hallways and stairways	50	5
Recreation rooms	100	10
Recreational camps and camps for housing of workers hallways, corridors, stairways and sleeping areas	100	10
Kitchen	500	50
All other rooms	250	25

- (2) Within all buildings exceeding three storeys in building height or having a building area exceeding 600 square metres or used for other occupancies not described in Subsection B(1):
 - (a) An exit, a public corridor, a corridor providing access to exit for the public, a corridor serving patients or residents in a care and treatment occupancy or care occupancy, a corridor serving classrooms, an electrical equipment room, a transformer vault and a hoistway pit shall be equipped to provide illumination to

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an average level not less than 50 lux at floor or tread level and at angles and intersections at changes of level where there are stairs or ramps.

- (b) Rooms and spaces used by the public shall be illuminated as described in Subsection B(1)(h), (i) and (j).
- (c) Elevator machine rooms shall be equipped to provide illumination to an average level of not less than 100 lux at floor level.
- (d) Every place of assembly intended for the viewing of motion pictures or the performing arts shall be equipped to provide an average level of illumination at floor level in the aisles of not less than two lux during the viewing.
- (e) Every area where food is intended to be processed, prepared or manufactured and where equipment or utensils are intended to be cleaned shall be equipped to provide illumination to a level of not less than 500 lux measured at the floor level.
- (f) Every storage room, dressing room, sanitary facility, service area and corridor serving the areas in Subsection B(2)(e) shall be equipped to provide illumination to a level of not less than 300 lux measured at the floor level.
- (g) For shelf and rack storage systems walkways and platforms shall be equipped to provide illumination to an average level not less than 50 lux at floor or tread level and at angles and intersections at changes of level where there are stairs or ramps.
- (h) Emergency lighting shall be provided to an average level of illumination not less than 10 lux at floor or tread level in:
 - [1] Exits;
 - [2] Principal routes providing access to exit in an open floor area and in service rooms;
 - [3] Corridors used by the public;
 - [4] Corridors serving patients' or residents' sleeping rooms in a care and treatment occupancy or care occupancy;
 - [5] Corridors serving classrooms;
 - [6] Underground walkways;
 - [7] Public corridors;
 - [8] Floor areas or parts of them where the public may congregate in assembly occupancies intended for the production and viewing of the performing arts or other assembly occupancies, having an occupant load of 60 or more, other than arena-type or open-air assembly occupancies;
 - [9] Floor areas or parts of them in day-care centres where persons are cared for;

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- [10] Food preparation areas in commercial kitchens;
 - [11] Principal routes providing access to exit in a floor area that is not subdivided into rooms or suites of rooms served by corridors in a business and personal services occupancy, a mercantile occupancy or an industrial occupancy; and
 - [12] Internal corridors or aisles serving as principal routes to exits in a business and personal services occupancy, a mercantile occupancy or an industrial occupancy that is subdivided into rooms or suites of rooms, and is not served by a public corridor.
- (i) Emergency lighting to provide an average level of illumination of not less than 10 lux at floor or catwalk level shall be included:
 - [1] In a service space in which facilities are included to permit a person to enter and to undertake maintenance and other operations; and
 - [2] On a shelf and rack storage system, which includes walkways, platforms, unenclosed egress stairs and exits providing means of egress.
 - (j) The minimum value of the illumination required by Subsection B(2)(h) and (i) shall be not less than one lux.
 - (k) In addition to the requirements of Subsection B(2)(h) to (j), the installation of battery-operated emergency lighting in health care facilities shall conform to the appropriate requirements of CSA Z32, "Electrical Safety and Essential Electrical Systems in Health Care Facilities."
- C. For parking lots, walkways, stairs, porches, verandas, loading docks, ramps or other similar areas, a minimum level of illumination of 10 lux (0.90 foot-candle) at ground or tread level and at angles and intersections at changes of level where there are stairs or ramps. **[Added 2008-04-29 by By-law No. 349-2008]**
 - D. Interior and exterior lighting fixtures and lamps shall be installed and maintained so that the work, operations or activities normally carried out in or about any part of the property can be undertaken in safety and without undue eye strain.
 - E. All standards supporting artificial lights, lighting and the connections to lighting shall be kept in a safe and clean condition, in good repair and in good working order.
 - F. All lighting fixtures shall be protected from damage, and, if necessary to protect a lighting fixture from damage, the lighting fixture shall be protected by the provision of wired glass or other suitable means of protection, and the fixtures and protective material shall be maintained in a clean condition. **[Amended 2008-04-29 by By-law No. 349-2008]**
 - G. For purposes of Subsection A, "floor level" means the lower surface of a room, but in the case of stairs, means any area along the staircase, and in the case of an outdoor area, includes ground level.
 - H. Motion sensor controlled switches. **[Added 2010-08-27 by By-law No. 974-2010]**

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- (1) All interior lighting installed to provide the minimum level of illumination required by this chapter may be on circuits controlled by motion sensor controlled switches, except where the lighting circuit is:
 - (a) For an exit, including an exit stairway.
 - (b) Required to conform to Subsection B(2)(d).
 - (c) For emergency lighting.
- (2) A motion sensor controlled switch permitted under Subsection H(1) shall:
 - (a) Be designed for fail-safe operation so that if the motion sensor controlled switch fails, the electrical fixture that it controls activates.
 - (b) Be of a type, the operation of which is not impaired by the presence of smoke.
 - (c) Control an area that is not more than 240 square metres.
 - (d) If the illumination is for an access to exit:
 - [1] Maintain an average level of illumination of 10 lux at all times.
 - [2] Except as required under Subsection H(2)(d)[1], maintain the illumination within its area of control active for not less than 15 minutes after the activity that caused the lighting to activate has stopped or left its area of control.
 - (e) If the illumination is for a space that is an access to exit from a residential area:
 - [1] Activate all lighting between vertical partitions in the space.
 - [2] Activate all lighting within the space within two seconds of any movement either in or directly related to the area controlled by the motion sensor control switch.
 - (f) Provide coverage to all of the space so that there are no null zones.

§ 629-37. Plumbing; water and sanitary facilities.

[Amended 2004-06-24 by By-law No. 559-2004; 2008-04-29 by By-law No. 349-2008; 2009-05-27 by By-law No. 570-2009²⁴]

- A. All plumbing systems shall be maintained so that:
- (1) All drain, waste and vent piping, plumbing fixtures and appurtenances contained in the plumbing system are connected to a sanitary sewage system;
 - (2) All water piping is connected to the municipal water service system; and

²⁴ Editor's Note: This by-law came into force July 27, 2009.

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- (3) The plumbing system is kept in good working order, free from leaks or defects, protected from freezing and kept in a clean and sanitary condition.
- B. Every dwelling unit shall have an adequate supply of potable and running hot and cold water from a source approved by the Medical Officer of Health.
- C. Hot water supply and temperature control.
 - (1) Where a hot water supply is required by Subsection B, equipment shall be installed to provide to every dwelling unit an adequate supply of service hot water with a temperature range from 45 degrees Celsius to 60 degrees Celsius.
 - (2) Except as provided in Subsection C(3), the maximum temperature of hot water supplied by fittings to fixtures in a residential occupancy shall not exceed 49 degrees Celsius.
 - (3) Subsection C(2) does not apply to hot water supplied to installed dishwashers or clothes washers.
 - (4) A water distribution system supplying hot water to any bathtub, shower or hand basin that is accessible to a patient or resident in a care and treatment occupancy, a care occupancy, a resident of a group home, home for special care or residence for developmentally handicapped adults shall have one or more temperature gauges and control devices that are:
 - (a) Accessible only to supervisory staff; and
 - (b) Capable of being adjusted to ensure that the temperature of the water supplied to the fixtures does not exceed 49 degrees Celsius.
- D. Every dwelling unit shall have at least one toilet, one wash basin, and one bathtub or shower.
- E. All plumbing fixtures provided under Subsection D shall be connected with an adequate supply of potable, hot and cold running water, except that any water closet only needs to be connected to a cold water supply.
- F. A toilet equipped with adequate running water shall be installed, located and equipped to afford privacy.
- G. A properly connected wash basin shall be located in or adjacent to every room that contains a toilet or urinal.
- H. Basements or cellars that have concrete floors shall have an adequate number of trapped floor drains that are maintained in good repair and connected to the sewage system.
- I. The trapped floor drains required under Subsection H shall be screened with a metal grill or other suitable material so as to effectively exclude rodents.
- J. All sanitary facilities shall be kept clean and neat at all times.
- K. Any separate male or female sanitary facility in a building with a mercantile occupancy of more than 300 square metres (3,230 square feet) or an established occupancy load of more

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than nine persons, that is provided or required for public use under the Building Code, predecessor legislation or another Act, shall have the following signs:

- (1) Schedules A-4 and A-5 signs.
 - (a) A sign posted on the door or entrance to the sanitary facility in a conspicuous manner, that clearly indicates if it is a male or female sanitary facility and incorporates the universal symbol for male or female washrooms as described in Schedule A-4, at the end of this chapter; and
 - (b) Directional signs, as described in Schedule A-5, at the end of this chapter, shall be displayed at one or more customer service counters, attendant stations or cash register areas so that the location of the sanitary facilities within the building or the part of the building with a mercantile occupancy is prominently displayed; or
 - (2) Other signage that incorporates the universal male and female symbols for washrooms and is to the satisfaction of the Executive Director, Municipal Licensing and Standards, in meeting the general intent of the signage requirements of this subsection.
- L. For greater certainty, if Subsection K applies to a sanitary facility, the owner's duty under § 629-5B includes ensuring that the sanitary facility is available for the use of the mercantile occupancy's customers at all times that the mercantile occupancy is open to the public for business. **[Amended 2021-12-17 by By-law 1033-2021²⁵]**
- M. Subsection L does not apply when a mercantile occupancy is staffed by a single operator or attendant, and complying with the availability requirements in Subsection L would cause a security problem.

§ 629-38. Heating and air conditioning.²⁶

- A. Every heating and air-conditioning system or unit shall be kept in good repair and maintained in good working condition at all times relevant to the operation of that system.
- B. Every dwelling and every dwelling unit shall have a heating system capable of maintaining a room temperature of 21 degrees Celsius at 1.5 metres above the floor level in all habitable rooms, bathrooms and toilet rooms. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. Every furnace room and every boiler room shall be vented to provide combustion air for the heating equipment directly from the outside air.
- D. Auxiliary heaters shall not be used as a permanent source of heat.
- E. Fireplaces and other solid-fuel-burning appliances shall be connected to a smoke pipe, chimney flue or gas vent that shall be installed and maintained in good repair.

²⁵ Editor's Note: The amendment in By-law 1033-2021 is retroactive to July 27, 2009, the date By-law 570-2009 came into force.

²⁶ Editor's Note: See also Chapter 497, Heating.

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- F. All air-conditioning systems shall be operated from June 2 to September 14 so as to maintain an indoor temperature of not more than 26 degrees Celsius.
- G. All air conditioners and other water-cooled equipment shall be equipped with proper devices for the prevention of condensation drainage or discharge onto sidewalks, walkways, driveways and entrance areas or other areas used for pedestrian or vehicular traffic.
- H. The devices provided under Subsection G shall be configured so as not to cause damage to the walls or foundations or other parts of a building.

§ 629-39. Ventilation.

- A. Adequate ventilation shall be provided to all areas of a building, and every ventilation system or unit shall be regularly cleaned, kept in good repair and maintained in good working condition at all times to ensure its proper operation.
- B. If a system of mechanical ventilation is used in a dwelling, the system shall be capable of completely changing the air in all rooms at least once per hour.
- C. Ventilation shall be provided and maintained for every sanitary convenience room, either by means of natural ventilation through openings directly to the outside air that are not less than 0.09 square metre in size for each toilet and for each urinal, or by means of mechanical ventilation that is capable of completely changing the air in the room at least once per hour.
- D. If a system of mechanical ventilation is operated that exhausts noxious fumes, gases, dust or sawdust from a non-residential building, the discharge from the system shall terminate above the roof line of the building and not less than three metres clear of any skylight, window, ventilation or other opening into a building, and the system shall be operated in such a way as not to constitute a nuisance.
- E. If noxious fumes or gases are or could be present in a mixed-use building, ventilation shall be provided to remove the noxious fumes or gases, and all surfaces separating the non-residential portion from the residential portion of the building shall be of gas-tight construction and maintained in a good state of repair to effectively prevent the passage of noxious fumes or gases through the separation.
- F. A parking or storage garage that has a capacity for more than five vehicles shall have a mechanical ventilation system capable of providing a supply of fresh air, and the system shall remain on at all times unless otherwise controlled automatically by a carbon monoxide detection system that is located so as to provide full protection.
- G. Subsection F does not apply to an open-air storey of a parking or storage garage, if at least 25 percent of the total area of the perimeter walls of the storey is open to the outdoors in a manner that will provide cross ventilation to the entire storey.

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§ 629-40. Parking or storage garages.

- A. The walls, floors, ceilings and columns of every parking or storage garage shall be maintained free of holes, breaks or cracks, and impervious to water.
- B. If a parking or storage garage has a common entrance and a capacity for more than five vehicles, it shall be painted as follows, and all painted surfaces shall be maintained in a state of good repair and reasonable cleanliness:
 - (1) Every ceiling, wall and column shall be painted white from 60 centimetres above floor level; and
 - (2) The remaining portion of the wall and the column from floor level to a height of 60 centimetres shall be painted black. **[Amended 2004-06-24 by By-law No. 559-2004]**
- C. No machinery, boats, vehicles, trailers or parts of them that are in a wrecked, discarded, dismantled, inoperative or abandoned condition, or junk or rubbish shall be kept or allowed to remain in a parking or storage garage.

§ 629-41. Garages doors; exit doors.

- A. If a garage door allows for vehicular ingress or egress from a parking or storage area, and is equipped with an automatic closing mechanism, the garage door shall be equipped with a sensing device that does not allow the door to close when any person, animal or object is crossing its path.
- B. Except as provided in Subsection C, every parking or storage garage shall be served by not fewer than two pedestrian exit doors.
- C. In a building of not more than two storeys in building height, a parking or storage garage may be served by one pedestrian exit door if:
 - (1) The floor area of the storage garage is 200 square metres or less;
 - (2) The maximum travel distance from any point within the parking or storage garage to the exit is 25 metres or less; and
 - (3) The occupant load served by the exit is not more than 60 persons.
- D. Every pedestrian exit door referred to in Subsection B:
 - (1) Shall be designed and installed to open in the direction of exit travel and shall swing on its vertical axis;
 - (2) Shall have a reliable self-closing mechanism, and shall not at any time be secured in an open position; **[Amended 2004-06-24 by By-law No. 559-2004]**
 - (3) Shall be designed and installed so that, when the latch is released, the door will open easily in the direction of exit travel;
 - (4) Shall, except as permitted in Subsection D(5), be equipped with fastenings that allow the door to be readily opened from the inside without requiring keys, special devices or specialized knowledge of the door's opening mechanism; and

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- (5) May incorporate an electromagnetic locking device that does not incorporate latches, pins or similar devices to keep the door in the closed position if the following conditions are met:
 - (a) The building is equipped with a fire alarm system conforming to the Ontario Building Code;
 - (b) The locking device is installed as an ancillary device to the fire alarm:
 - [1] Upon activation of the fire alarm signal;
 - [2] In the event of a power failure or ground fault; and
 - [3] Upon actuation of a manually operated switch accessible only to authorized personnel manning a central control facility at all times that the building is occupied;
 - (c) A manually activated signalling box for the fire alarm system is located on the wall not more than 600 millimetres from the door;
 - (d) If, upon release, the locking device must be reactivated manually by the actuation of the switch in Subsection D(5)(b)[3];
 - (e) A legible sign having the words EMERGENCY EXIT UNLOCKED BY FIRE ALARM is permanently mounted on the exit door; and
 - (f) The lettering on the sign required in Subsection D(5)(e) is 25 millimetres high with a five-millimetre stroke.
- E. If more than one pedestrian exit door is required from a parking or storage garage, the exit doors shall be located so that the travel distance to at least one exit door shall not be more than:
 - (1) Sixty-one metres in any parking or storage garage that is an open parking or storage garage of not more than 10,000 square metres in building area and where no alternative use is made above the garage;
 - (2) Forty-five metres in any parking or storage garage that is equipped with a sprinkler system; and
 - (3) Thirty metres in any parking or storage garage that is not equipped with a sprinkler system.
- F. In Subsection E, "travel distance" means the distance from any point in the floor area to an exit measured along the path of exit travel.
- G. Pedestrian exit doors shall be located and arranged so that they are clearly visible or their locations are clearly indicated and they are accessible at all times.
- H. Every door providing access to a parking or storage garage used or intended for use exclusively by the residents of a multiple-dwelling for the storage or parking of motor vehicles shall be equipped with:

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- (1) A latch that will prevent entry to the garage except by the use of a key, coded card or similar device; and
 - (2) A self-closing device designed to return the door to the closed and latched position after each use.
- I. If there is any conflict between Subsection H and the Ontario Fire Code or the Ontario Building Code, the Codes prevail.
 - J. If an exit door required under this section does not open directly to the outside of a building, the exit door must incorporate wired glass panels over 50 percent of its surface unless it is also a door which is required to have a fire protection rating, in which case it must incorporate the maximum coverage of wired glass panels allowed by the Ontario Building Code.
 - K. If it is necessary to pass through a required exit door to obtain access to a lockable entrance door to the building, all doors through which a person must pass or pass by from the first required exit door to the outside of the building, except the lockable entrance door and the door opening directly to the outside, must incorporate wired glass panels over 50 percent of their surfaces.
 - L. If a door is required to incorporate wired glass panels under Subsection J or K, the door shall conform with any requirements of the Ontario Building Code and the Ontario Fire Code.

§ 629-42. Garage exit door signs.

- A. For the purposes of this section, the following terms shall have the meanings indicated:

ALERT SIGN - The sign described in the diagram in Schedule A-1, at the end of this chapter.

LARGE SAFE-EXIT ARROW - The sign described in Schedule A-2, at the end of this chapter.

SAFE-EXIT DOOR - A door leading to or constituting a required exit from a storage garage required and installed under the *Ontario Building Code Act, 1992*, the Ontario Building Code, any by-law respecting the construction of buildings passed under a predecessor of the *Ontario Building Code Act, 1992* or this chapter.

SAFE-EXIT ROUTE - A route in the storage garage from the parking stalls to a safe-exit door having less than five safe-exit route decision points.

SAFE-EXIT ROUTE DECISION POINT - The point along the safe-exit route where there is more than one option in the direction of travel.

SMALL SAFE-EXIT ARROW - The sign described in Schedule A-3, at the end of this chapter.

- B. In Schedules A-1, A-2 and A-3 at the end of this chapter, if a paint colour number is provided, for example, "GREY BODY (17178)," the part of the sign indicated shall be

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coloured to match the colour indicated by that number in Federal Standard 595B COLORS, dated July 1994, 7690-01-162-2210 Fan Deck.

- C. Large safe-exit arrows shall be displayed on safe-exit doors 1.5 metres above the floor, measured from the centre of the arrow to the floor, with the arrow pointing down.
- D. Where the placing of the arrows would have the effect of covering all or part of the glazed portion of an exit door, the arrow may be displayed in an alternate location if the location has been approved by the officer as meeting the general intent of this requirement.
- E. All parking or storage garages shall have safe-exit routes designated in accordance with the provisions of this chapter.
- F. Small safe-exit arrows shall be prominently displayed on columns or walls 1.5 metres above the floor, measured from the centre of the arrow to the floor:
 - (1) At least every 10 metres along the safe-exit route;
 - (2) At all safe-exit route decision points along the safe-exit route; and
 - (3) Wherever a safe-exit route crosses a traffic aisle.
- G. A safe-exit door, the frame of a safe-exit door and the wall adjacent to the safe-exit door to a distance of one metre on both sides of the frame and to a height of three metres above the floor or to the soffit above the bulkhead over the door, shall be coloured green to match the colour indicated by number 14193 in Federal Standard 595B COLORS, dated July 1994, 7690-01-162-2210 Fan Deck. **[Amended 2004-06-24 by By-law No. 559-2004]**
- H. Alert signs shall be prominently displayed on columns or walls 2.1 metres above the floor, measured from the top of the sign to the floor, so that there is one alert sign for every 25 parking stalls in the parking or storage garage, with the alert signs being evenly distributed in the parking or storage garage, but located not more than 30 metres apart.

ARTICLE V
Heritage Property Standards

[Added 2007-09-27 by By-law No. 1027-2007²⁷]

§ 629-43. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HERITAGE ATTRIBUTES:

- A. The attributes or features of property, buildings or structures that contribute to the property's cultural heritage value or interest that are defined or described or that can be reasonably inferred:

²⁷ Editor's Note: This by-law also redesignated former Art. V, Transition, as Art. VI, and former § 629-43, Transition, as § 629-50.

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- (1) In a by-law designating a property passed under section 29 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation, or otherwise;
 - (2) In a Minister's order made under section 34.5 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise;
 - (3) In a by-law designating a heritage conservation district passed under section 41 of the *Ontario Heritage Act* and identified as heritage attributes, values, reasons for designation or otherwise; or
 - (4) In the supporting documentation required for a by-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise.
- B. The elements, features or building components including, roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the heritage values and attributes and without which the heritage values and attributes may be at risk.

PART IV HERITAGE PROPERTY - Real property, including all buildings and structures thereon, that has been designated by the City under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act*.

PART V HERITAGE PROPERTY - Real property, including all buildings and structures thereon, located within a heritage conservation district that has been designated by the City under section 41 of the *Ontario Heritage Act*.

PROPERTY - A building or structure or part of a building, or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property, Part IV Heritage Properties and Part V Heritage Properties.

§ 629-44. Minimum standards.

In addition to the minimum standards for the maintenance and occupancy of property in the City as set out in this chapter, the owner or occupant of a Part IV Heritage Property or a Part V Heritage Property shall:

- A. Maintain, preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural heritage integrity of the building or structure.
- B. Maintain the property in a manner that will ensure the protection and preservation of the heritage values and attributes.

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§ 629-45. Repair of heritage attributes.

- A. Despite any other provision of this chapter, where a heritage attribute of a Part IV heritage property or a Part V heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired:
- (1) In a manner that minimizes damage to the heritage values and attributes;
 - (2) In a manner that maintains the design, colour, texture, grain or other distinctive features of the heritage attribute;
 - (3) Using the same types of material as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original; and
 - (4) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material.

§ 629-46. Replacement of heritage attributes.

- A. Despite any other provision of this chapter, where a heritage attribute of a Part IV heritage property or a Part V heritage property cannot be repaired, the heritage attribute shall be replaced:
- (1) Using the same types of material as the original;
 - (2) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material; and
 - (3) In such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the heritage attribute.

§ 629-47. Clearing and levelling of heritage properties.

Despite any other provision of this chapter, or the *Building Code Act, 1992*, no building or structure on a Part IV heritage property or a Part V heritage property may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the *Ontario Heritage Act*.

§ 629-48. Vacant and damaged designated heritage properties.

- A. Despite § 629-24D, where a Part IV heritage property or a Part V heritage property remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes caused by environmental conditions.
- B. Despite § 629-24B, the owner of a vacant Part IV heritage property or a Part V heritage property shall protect the building and property against the risk of fire, storm, neglect,

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intentional damage or damage by other causes by effectively preventing the entrance to it of all animals and unauthorized persons and by closing and securing openings to the building with boarding:

- (1) That completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
 - (2) That is fastened securely in a manner that minimizes damage to the heritage attributes and the historic fabric and is reversible;
 - (3) In a manner that minimizes visual impact.
- C. Despite § 629-24B(2), no window, door or other opening on a Part IV heritage property or Part V heritage property shall be secured by brick or masonry units held in place by mortar unless required by a Municipal Standards Officer.

§ 629-49. Conflict.

If there is a conflict between this section and any other provision in this chapter or any other City by-law, the provision that establishes the highest standard for the protection of heritage attributes shall prevail.

ARTICLE VI
Transition

§ 629-50. Transition.

- A. A by-law listed in Section 45²⁸ continues to apply for purposes of any notice or order given under the by-law until the work required by the notice or order is completed or any other enforcement proceedings in respect of the notice or order have been concluded.
- B. Where a person is alleged to have contravened a by-law listed in Section 45 before the date this chapter comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.
- C. A reference to a by-law listed in Section 45 in a former municipality's by-law shall be deemed to be a reference to this chapter.
- D. If an appeal of an order made under subsection 15.2(2) of the *Building Code Act, 1992* to the Housing Standards Committee of the former City of Toronto or the Property Standards Committees of the former municipalities of the Borough of East York and the Cities of Etobicoke, North York, Scarborough and York has not been heard before January 1, 2002, the appeal shall be heard by a committee hearing panel that is responsible for all or part of

²⁸ Editor's Note: Section 45 listed all other by-laws repealed by this by-law. Upon codification, the information on repealed by-laws is set forth in a footnote of the chapter history.

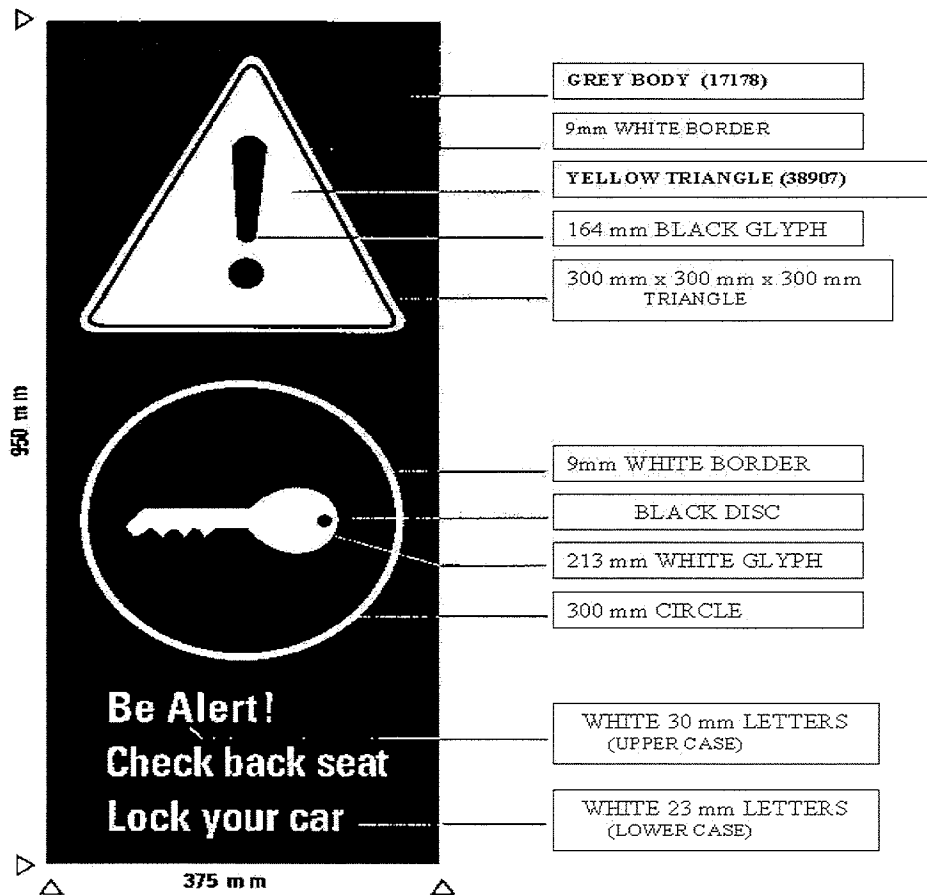
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the geographic area in which the property is located. [**Added 2001-12-06 by By-law No. 1068-2001²⁹**]

²⁹ Editor's Note: This by-law came into force January 1, 2002.

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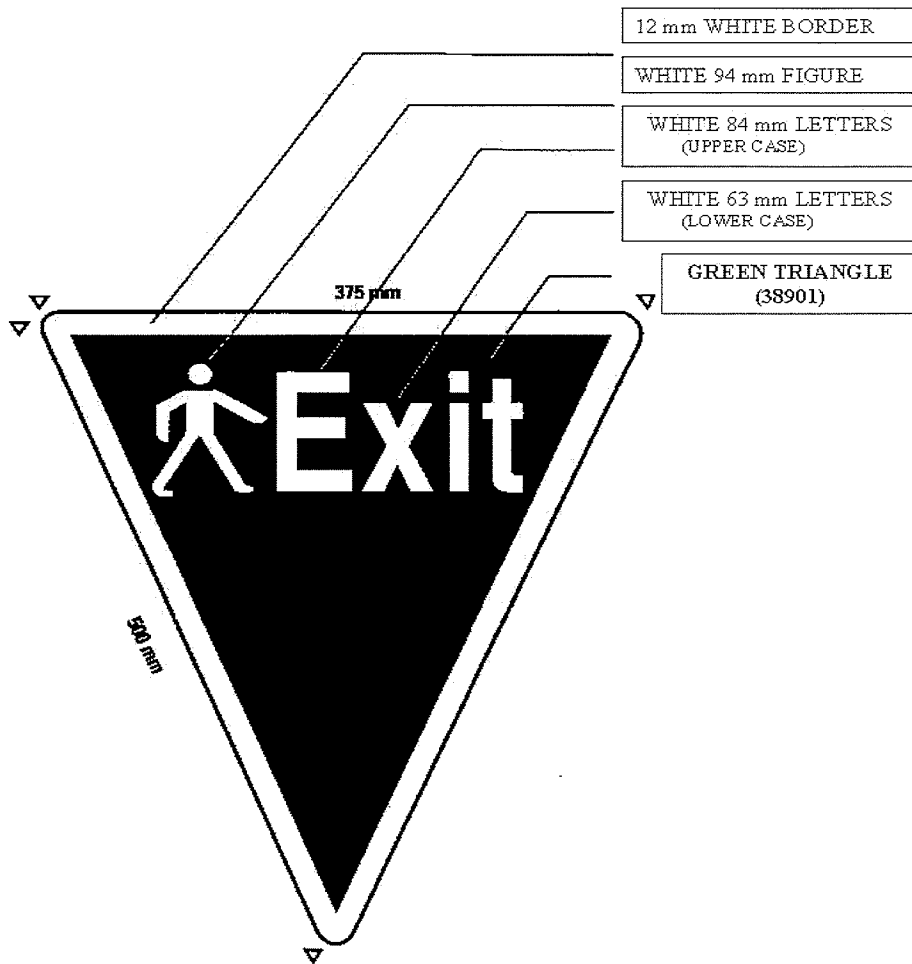
**Schedule A-1
Alert Sign**



SCHEDULE A-1 ALERT SIGN

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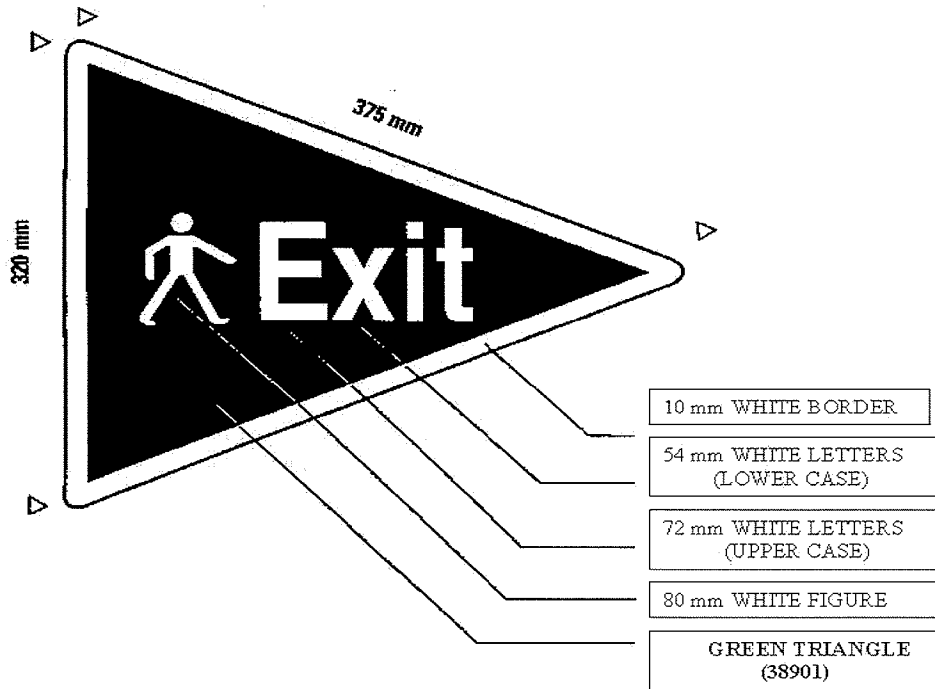
**Schedule A-2
Large Safe-Exit Arrow**



SCHEDULE A-2 LARGE SAFE-EXIT ARROW

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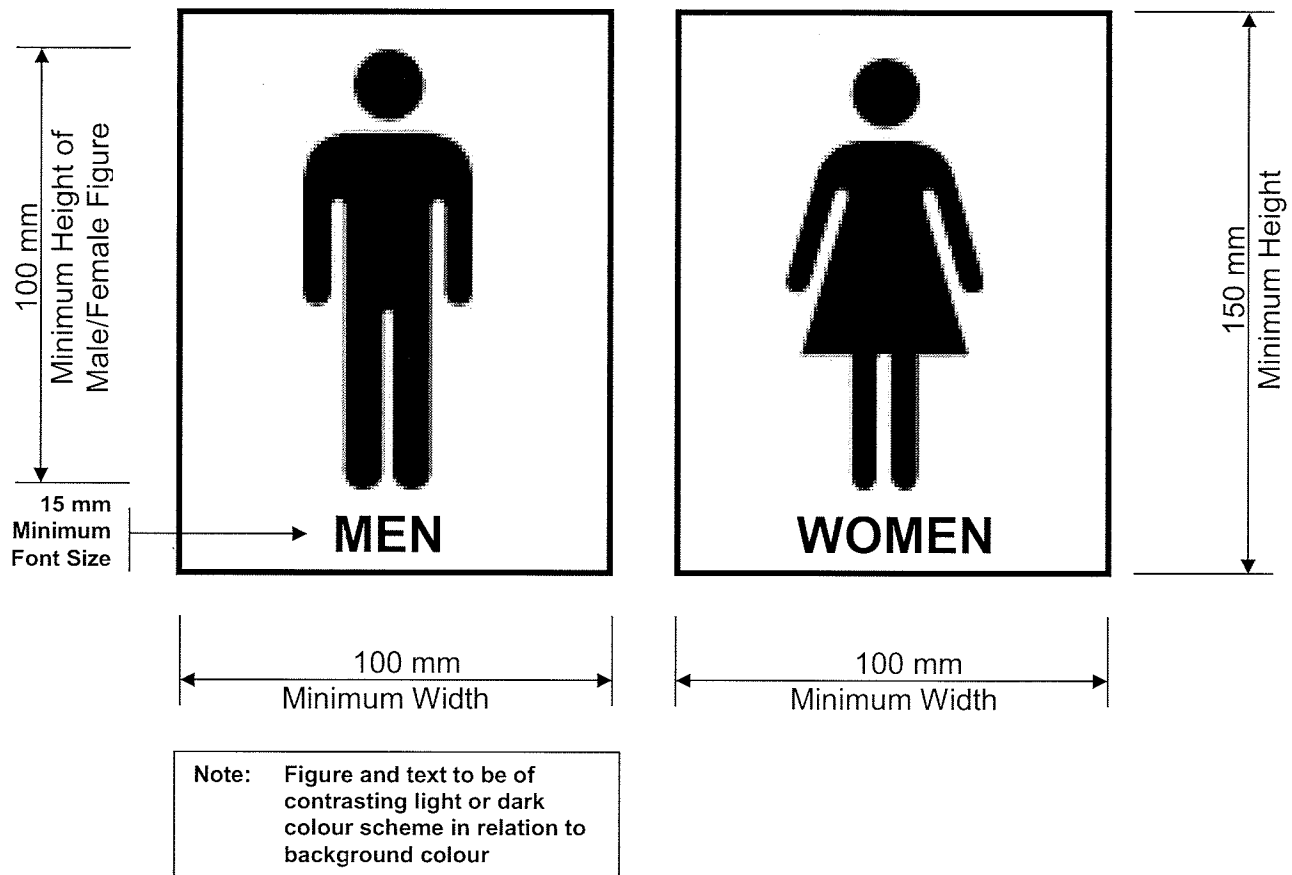
Schedule A-3
Small Safe-Exit Arrow



SCHEDULE A-3 SMALL SAFE-EXIT ARROW

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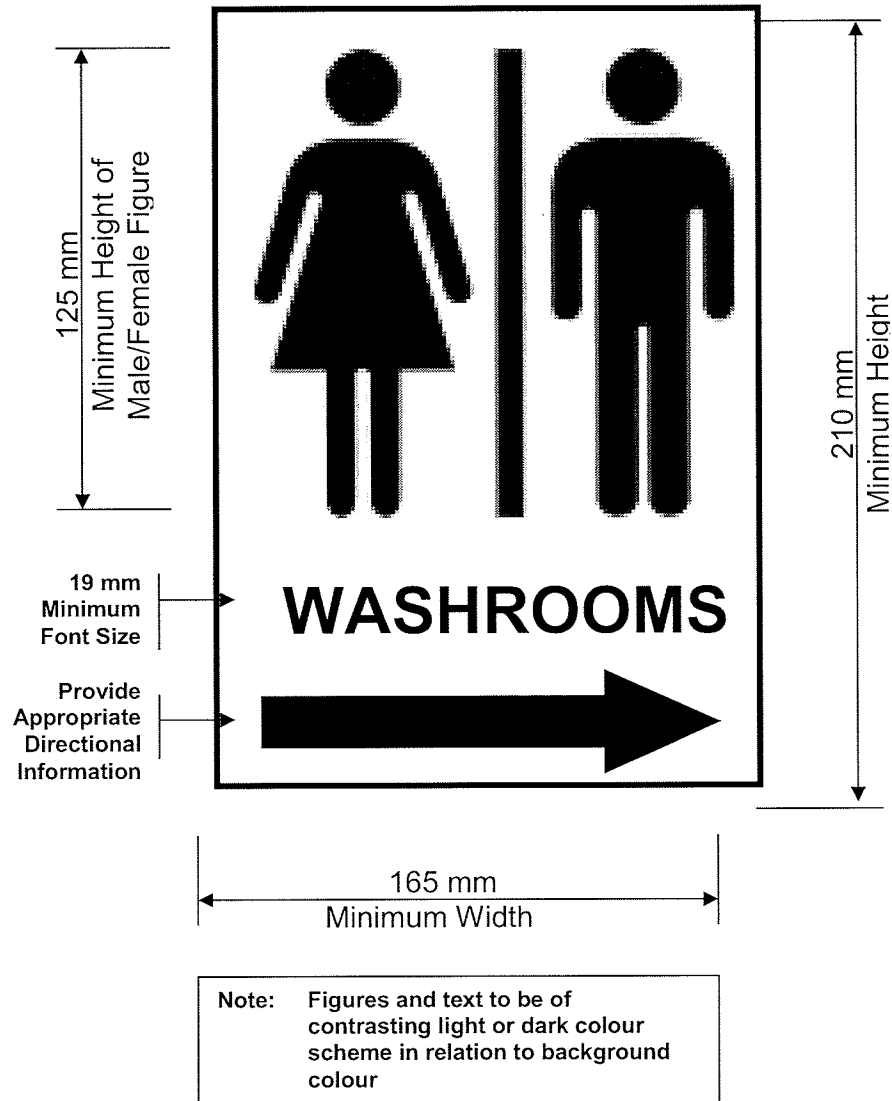
Schedule A-4
Universal Washroom Symbols
[Added 2009-05-27 by By-law No. 570-2009³⁰]



³⁰ Editor's Note: This by-law came into force July 27, 2009.

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Schedule A-5
Directional Washroom Sign
[Added 2009-05-27 by By-law No. 570-2009³¹]



³¹ Editor's Note: This by-law came into force July 27, 2009.