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To: Councillor Brad Bradford, Chair
and Members of the
Committee

And To: Nancy Martin, Committee Administrator phc@toronto.ca

RE: PH 3.16 - Expanding Housing Options Neighbourhoods: Multiplex Study
Final Report

This letter is being provided to the Committee and reflects my personal thought as a person who happens to be involved as a member of the public since 1969 and a lawyer since 1979.

**DENIAL OF APPEAL RIGHTS NOT IN CONFORMITY WITH THE PROVINCIAL
LEGISLATION**

The limitation on the right to due process in a democracy which is dependent on have a full review by an independent body whether it be a court or tribunal is critical to ensuring there is no abuse of process, and that proper consideration of all issues has been given.

Unless Council is supportive of the denial of rights some care should be used despite the bureaucracy recommendation that you can do so.

A careful reading of the provision makes it clear that the upper limit is 3 not 4 units.

The section reads as follows:

(19.1) Despite subsection (19), **there is no appeal** in respect of the parts of a by-law that are **passed to permit the use of,**

- (a) a second residential unit in a **detached house, semi-detached house or rowhouse** on a parcel of land on which residential use, ancillary to the detached house, semi-detached house or row house or other than ancillary residential use, is permitted, if all buildings and structures cumulatively **contain no more than one residential unit;**

[NOTE: no reference to duplexes, triplexes or fourplexes. It is clear that the standards are those that exist for a detached house, semi-detached house or

rowhouse . This is not indicating that the standards are to be altered to allow much larger structures as the City is proposing and is not intended to alter the existing physical character]

- (B) **a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use cu other than ancillary residential use, is permitted, if no building and structure ancillary to the detached house, semi-detached house or row house contains any residential units; or**

[NOTE: It is clear that this wording again limits the additional units to the aforesaid uses and does not include duplexes, triplexes, and fourplexes; and again the standards for those uses are to be maintained and not exceeded.]

- (c) **one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house; semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or row house contains any residential units.**

[NOTE: It is clear again that the permission does not include duplexes, triplexes or fourplexes.]

As a result it is my position that a right of appeal should exist since the proposed amendments cannot shelter under Bill 23.

If the Committee takes the position that the right to appeal is lost, then this should be referred back to see if the issues can be addressed.

HISTORY TO DATE OF GARDEN SUITES AND LANEWAY SUITES DOES NOT BODE WELL FOR HOW THESE POLICIES COULD BE APPLIED

When the Department conducted its review of laneway suites the only opinion that were considered were those of the development industry and how any limits (i.e. red tape) be lessened.

The treatment of Garden Suite Applications before the Committee of Adjustment and Planning Comments thereon

Protection of Tree Canopy

301 Wright Avenue A0780/21TEY

This application contained several variances. Of critical importance the garden suite's coverage would have exceeded 60 sq. m. Under the OPA governing Garden Suites such approval should ensure soft landscaping of 50% be maintained. The proposal was providing only 22%. Note Planning did not object to this variance. The Swansea Area Ratepayers Group pointed out the garden suite included a two car garage. The Committee suggested one garage be taken away which resulted a revised variance of 33.57% still below the 50%.

The purpose of the soft landscaping was to permit expansion of the tree canopy plus dealing with other issues.

Again the wording of the OPA used should and not will as is the case here but here there is no tying of protecting tree canopy or protected trees, so even less protection is being provided here.

The removal of FSI and increasing the permitted length to 19 m is even a greater threat to expansion of the tree canopy.

Protection of Existing Tenants and Fit of the Proposal

50 Mc Gee St A0384/2TEY

The proposal was to tear down a two unit detached dwelling to a four-and-one half-storey eight-unit apartment building and rooftop terraces.

The applicant's agent indicated that the tenants would be welcomed to return if they were willing to pay the increased rent.

Several tenants in adjacent buildings on the street appeared to oppose on the basis that they expected to be turfed as well when similar applications come forward. The proposal was for a 16.75 m height versus the permitted height of 12 m, and a variance for an FSI of 1.48 versus 1 times.

Planning had originally objected because the garden suite by-law had not been passed, no objection was filed for the garden suite in this application.

These are two examples which indicate that there no balance anymore. It is clear the only interest is that of the development industry.

BREACH OF DUE PROCESS

Two provisions were not part of the public discussions and now less as positions of City staff and now are. These were the 19 m depth and the removal of FSI.

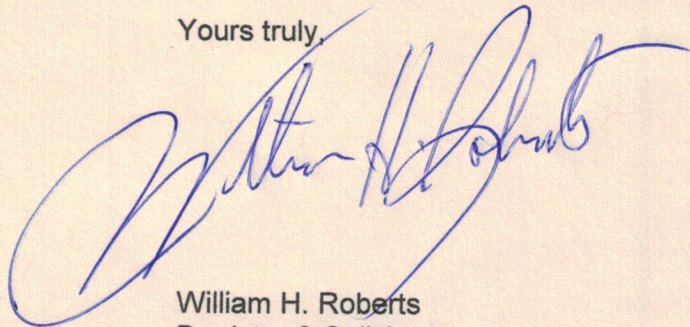
Many groups will be unaware of this seismic shift. At a minimum you should consider the need for fresh notice to allow groups to respond to these changes, and in particular since Staff is saying there is no right of appeal.

PRIOR HISTORY.

As indicated I have been involved for may decades and what is happening now appears to be a repeat of the late sixties and early seventies when concerned citizens banded together to turf the pro-development councillors (aldermen) under the banner CO72. They were concerned about the impacts on trees, services and other valid planning matters.

They became active as they saw out of control development and poor planning with the exclusion of the public from the process and were lobbyists ruled City Hall. Right now most people due to the images being created do not understand the full implications of the changes but one buildings start being erected and they find they have no rights, beware the whirlwind you are summoning.

Yours truly,



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