



McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673

**Michael Foderick\***  
Partner | Associé  
Direct Line: 416-601-7783  
Direct Fax: 416-868-0673  
Email: mfoderick@mccarthy.ca  
**\*Professional Corporation**

Assistant: Hayley Barredo  
Direct Line: +1 (416) 601-8200 x542065  
Email: hbarredo@mccarthy.ca

June 20, 2023

**Via Email (diana.yacoub@toronto.ca; teycc@toronto.ca)**

|                                                                                                                                                                                                                |                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Diana Yacoub, Manager of Plan Examination<br>City of Toronto Building Department, Toronto &<br>East York District<br>Toronto City Hall<br>100 Queen Street West, 16th Floor, East Tower<br>Toronto, ON M5H 2N2 | Toronto & East York Community Council<br>Cathrine Regan, Secretariat<br>City of Toronto, City Council<br>Toronto City Hall<br>100 Queen Street West<br>Toronto, ON M5H 2N2 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

To Whom it May Concern:

**Re: 251 Dunvegan Road – Report to Toronto & East York Community Council under  
Toronto Municipal Code Subsection 363-6.3 C.  
Permit Application Nos.: 23 140932 BLD 00 NH and 23 140969 DEM 00 DM**

We represent Sean Frankfort (the “**Owner**”), the owner of the property municipally known as 251 Dunvegan Road (the “**Subject Property**”), in the City of Toronto (the “**City**”), and more particularly within the neighbourhood known as Forest Hill (the “**Forest Hill Neighbourhood**”).

We write in regard to a notice from the City’s Buildings Department dated May 19, 2023 (the “**Buildings Notice**”) with respect to the demolition of the existing detached dwelling (the “**Old Dwelling**”) and construction of a new detached dwelling on the Subject Property (the “**New Dwelling**”), which relate to the application for a replacement building permit (City Application No. 23 140932 BLD 00 NH – the “**Building Permit**”) and the application for the associated demolition permit (City Application No. 23 140969 DEM 00 DM – the “**Demolition Permit**”).

The Building Permit was issued by the City’s Buildings Department on June 20, 2023 following the clearance of outstanding architectural and mechanical comments identified in the Buildings Notice (“**Building Permit Issuance**”). Confirmation of Building Permit Issuance is attached to this letter as **Attachment “A”**.

Importantly, given that a building permit for a replacement building has been issued for the Subject Property in association with the application for the Demolition Permit, subsection 33(6) of the *Planning Act*, R.S.O. 1990, c. P.13 (the “**Planning Act**”) and subsection 363-6.3 C. of the City’s Municipal Code applies to the Demolition Permit. As a result, the Demolition Permit **must be issued**, and subsection 33(7) of the *Planning Act* only permits the issuance of single condition, namely that the Owner construct the replacement building within two years.

In addition to the above, given the substantive procedural history associated with the Subject Property, we wish to provide comments to Toronto & East York Community Council ("**Community Council**") with respect to the issuance of the Demolition Permit.

### **Background**

In September 2022, the Owner applied to the City's Committee of Adjustment (the "**Committee**") for minor variances to permit the construction of a new detached dwelling on the Subject Property (the "**Application**"). The Application was approved by the Committee on January 11, 2023 (the "**Committee Approval Decision**"). The Committee Approval Decision is attached to this letter as **Attachment "B"**.

With respect to the Application and the Committee Approval Decision, Urban Forestry staff issued a letter of clearance, dated April 4, 2023, confirming that no impacts to any protected trees were recommended, contemplated, or necessary during demolition or construction (the "**Letter of Clearance**"). The Letter of Clearance from Urban Forestry staff is attached to this letter as **Attachment "C"**.

### **Committee Approval Decision and Building Permit Issuance**

With respect to the Committee Approval Decision, the Letter of Clearance, and Building Permit Issuance, the Owner offers the following comments:

- the Owner has complied with and continues to comply with the conditions identified in the Committee Approval Decision, including conditions recommended by Urban Forestry (the "**Approval Condition**");
- the Owner has retained a certified arborist and tree-risk assessor (the "**Consulting Arborist**") to prepare a tree inventory, arborist report, and tree preservation in relation to the Approval Condition (collectively, the "**Arborist's Reports**");
- as per the Arborist's Reports, tree protection plan measures including but not limited to two-phase tree protection fencing, horizontal root zone protection, and hand excavation will be implemented and adhered to during both the demolition of the Old Dwelling and the construction of the New Dwelling (the "**Tree Protection Measures**");
- as per the Arborist's Reports, the Tree Protection Measures, and the Letter of Clearance, no negative impacts to any protected trees are recommended, contemplated, or necessary during the demolition of the Old Dwelling and the construction of the New Dwelling;
- during the demolition of the Old Dwelling and the construction of the New Dwelling, the Consulting Arborist will be attending the Subject Property to ensure compliance with the Tree Protection Measures, the recommendations of the Arborist's Reports, and the recommendations of Urban Forestry; and,
- during the demolition of the Old Dwelling and the construction of the New Dwelling, the Owner and the Consulting Arborist will continue to communicate directly with Urban Forestry to advise them of important project milestones, construction progress, and

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compliance with the Tree Protection Measures, the recommendations of the Arborist's Reports, and the recommendations of Urban Forestry.

### **Summary and Conclusion**

Contrary to any accusations in the complaint, the Owner has complied with and continues to comply with all Tree Protection Measures, recommendations of the Arborist's Reports, and the recommendations of Urban Forestry with respect to the demolition of the Old Dwelling and the construction of the New Dwelling. No impacts to any protected trees are recommended, contemplated, or necessary during the demolition or construction associated with the Demolition Permit and the Building Permit. In all other respects, the complaint filed against the Demolition Permit solely amounts to the bad faith continuation of a dispute by a neighbour.

The Demolition Permit and the Building Permit comply with subsection 8(2) of the *Building Code Act, 1992*, S.O. 1992, c. 23, and all "applicable law" as defined in *O. Reg. 350/06 – "Building Code"*. Furthermore, given that a building permit for a replacement building has been issued for the Subject Property in association with the application for the Demolition Permit, subsection 33(6) of the *Planning Act* and subsection 363-6.3 C. of the City's Municipal Code mandates the issuance of the Demolition Permit.

The Owner and the Owner's family are active members of the Ward 12 community, the Forest Hill Neighbourhood, and the City broadly – they are the named sponsors of the Frankfort Family Reena Residence project, located at 155-165 Elm Ridge Drive, which will provide housing, medical care, counselling, and therapy for individuals with developmental disabilities who require residential support. The Owner and the Owner's family are looking forward to the opportunity to continue their advocacy work for the Reena Foundation from the Forest Hill Neighbourhood.

Should you have any questions or require further information with respect to the Demolition Permit or the Building Permit, please do not hesitate to contact our firm.

Sincerely,

**McCarthy Tétrault LLP**



Michael Foderick\*  
Partner | Associé

MF/DA

Attachments: Attachment "A" – Confirmation of Building Permit Issuance  
Attachment "B" – Committee Approval Decision  
Attachment "C" – Urban Forestry Letter of Clearance

cc: Bill Stamatopoulos, Director & Deputy Chief Building Official, City of Toronto Building Department

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Attachment "A"

Confirmation of Building Permit Issuance



Toronto and East York District  
100 Queen Street West  
Toronto, ON M5H 2N2  
Tel: 4163975330

# BUILDING PERMIT

This card must be kept posted in a conspicuous place on site of construction.

23 140932 BLD 00 NH

Site Address 251 DUNVEGAN RD  
Project Description SFD - Detached;  
New Building  
Date Issued Tuesday June 20, 2023

**Kamal Gogna, P. Eng.**  
Chief Building Official and  
Executive Director

**Kamal Gogna, P. Eng.**  
Deputy Chief Building Official and  
Director

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## **Attachment “B”**

### **Committee Approval Decision**



**Kyle Knoeck**  
Director, Zoning and Secretary-Treasurer  
Committee of Adjustment  
City Planning Division

Committee of Adjustment  
Toronto and East York  
Toronto City Hall  
100 Queen Street West  
Toronto, Ontario M5H 2N2

**Sabrina Salatino**  
Manager and Deputy Secretary-Treasurer  
416-392-0413  
coa.tey@toronto.ca

January 11, 2023

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

**File Number:** A1018/22TEY  
**Property Address:** 251 DUNVEGAN RD  
**Legal Description:** PLAN 2376 LOT 1  
**Agent:** MCCARTHY TETRAULT LLP  
**Owner(s):** JODI FRANKFORT  
SEAN FRANKFORT  
**Zoning:** RD (f18.0; d0.35) (x1332) HT 11.0 (ZAP)  
**Ward:** Toronto-St. Paul's (12)  
**Community:** Toronto  
**Heritage:** Not Applicable

Notice was given and a Virtual Public Hearing was held on **Wednesday, January 11, 2023**, as required by the Planning Act.

#### **PURPOSE OF THE APPLICATION:**

To construct a new three-storey detached dwelling with a two-car integral garage, a front porch, a rear ground floor covered porch, and a rear second storey balcony.

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

- 1. Chapter 10.20.40.20.(1), By-law 569-2013**  
The maximum permitted building length is 17 m.  
The new dwelling will have a building length of 25.17 m, including the basement.
- 2. Chapter 10.20.40.30.(1), By-law 569-2013**  
The maximum permitted building depth is 19 m.  
The new dwelling will have a building depth of 23.4 m, including the basement.

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3. **Chapter 10.20.40.40.(1)(A), By-law 569-2013**  
The maximum permitted floor space index is 0.35 times the area of the lot (335.6 m<sup>2</sup>).  
The new dwelling will have a floor space index equal to 0.6 times the area of the lot (577.28 m<sup>2</sup>).
4. **Chapter 10.5.40.70.(1), By-law 569-2013**  
The minimum required front yard setback is 10.47 m.  
The new dwelling will be located 8.51 m from the front (south) lot line.
5. **Chapter 10.20.40.10.(1)(A), By-law 569-2013**  
The maximum permitted building height is 11 m.  
The new dwelling will have a height of 11.53 m.
6. **Chapter 10.20.40.10.(2)(B)(ii), By-law 569-2013**  
The maximum permitted height of all side exterior main walls facing a side lot line is 8.5 m.  
The height of all side exterior main walls facing a side lot line will be 10.05 m.
7. **Section 4(2), By-law 438-86**  
The maximum permitted building height is 11 m.  
The new dwelling will have a height of 11.17 m, measured to the midpoint of the sloped roof.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

**The Minor Variance Application is Approved on condition**

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

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

The owner shall submit a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection. There are components of the project design outlined in the plans submitted to the COA that impact a tree protected under Municipal Code Chapter 813 Trees, Article III. As the impact to the tree is not directly related to the approval of the COA application, Urban Forestry advises that an application to injure or remove the tree may be denied regardless of the COA decision.

**SIGNATURE PAGE**

**File Number:** A1018/22TEY  
**Property Address:** 251 DUNVEGAN RD  
**Legal Description:** PLAN 2376 LOT 1  
**Agent:** MCCARTHY TETRAULT LLP  
**Owner(s):** JODI FRANKFORT  
SEAN FRANKFORT  
**Zoning:** RD (f18.0; d0.35) (x1332) HT 11.0 (ZAP)  
**Ward:** Toronto-St. Paul's (12)  
**Community:** Toronto  
**Heritage:** Not Applicable

**DISSENTED**

BRUCE MULLOCK  
(CHAIR)



LARRY CLAY

**DISSENTED**

PETER REED



JOANNE HAYES

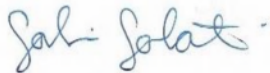


YIM CHAN

DATE DECISION MAILED ON: **Tuesday, January 17, 2023**

LAST DATE OF APPEAL: **Tuesday, January 31, 2023**

CERTIFIED TRUE COPY



Sabrina Salatino  
Manager & Deputy Secretary-Treasurer  
Committee of Adjustment, Toronto and East York District

### Appeal Information

The Provincial government has amended the Planning Act and generally removed rights of third parties to appeal Committee of Adjustment decisions. As of November 28, 2022, only the applicant, the Minister of Municipal Affairs and Housing, specified persons and public bodies (as those terms are defined in the Planning Act), are permitted to appeal decisions of the Committee of Adjustment.

All appeals must be filed by email with the Deputy Secretary-Treasurer, Committee of Adjustment to [coa.tey@toronto.ca](mailto:coa.tey@toronto.ca) and [Sabrina.Salatino@toronto.ca](mailto:Sabrina.Salatino@toronto.ca) by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal to the Ontario Land Tribunal (OLT) for the same matter.

#### TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary –Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at [www.toronto.ca/tlab](http://www.toronto.ca/tlab).

#### ONTARIO LAND TRIBUNAL (OLT) INSTRUCTIONS

To appeal this decision to the OLT you need the following:

- A completed OLT Appellant Form (A1) in digital format on a USB stick and in paper format.
- \$400 with an additional reduced fee of \$25 for each connected appeal filed by the same appellant.
- Fees are payable to the **Minister of Finance** by certified cheque or money order (Canadian funds).
- Due to the Covid-19 Emergency please contact the Deputy Secretary-Treasurer to make arrangements in submitting the appeal.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Land Tribunal (OLT) website at <https://olt.gov.on.ca/appeals-process/forms/>

A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the [Application Information Centre](#) and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Ontario Land Tribunal (OLT)** should be submitted in accordance with the instructions above.

## Attachment "C"

### Urban Forestry Letter of Clearance

 **Toronto Parks, Forestry & Recreation**  
Toronto and East York District  
Tree Protection & Plan Review  
100 Queen Street West, 1st Floor, Permit Alley Toronto, Ontario M5H 2N1  
Tel: (416) 392-7391  
Email: tpprsouth@toronto.ca

#### Letter of Clearance

Pursuant to Chapter 813 of the City of Toronto Municipal Code

|                |                           |
|----------------|---------------------------|
| Date:          | File Reference Number(s): |
| April 4th 2023 | #A1016/22TE               |

Municipal Address of the Property: 251 Dunvegan Rd

This is an official clearance letter issued by Urban Forestry for the above noted property, pertaining to the file reference number(s) shown. Please be advised that conditions required by Urban Forestry have been satisfied. Bylaw-protected trees shall not be injured or removed without a Permit or other authorization from Urban Forestry. Bylaw-protected trees must be protected from injury during all stages of construction.

As required under the Street Tree By-law and Private Tree By-law under Municipal Code, Chapter 813, Article II and Article III, Urban Forestry confirms that the following conditions have been met and/or are no longer required:

- ☒ Submission of a complete application for a permit to injure or remove a City owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.
- ☒ Submission of a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.
- ☐ Where there is no existing street tree, the owner shall provide payment in lieu of planting of one street tree on the City road allowance abutting each of the sites involved in the application. The current cash-in-lieu payment is \$583/tree.
- ☐ OMB/TLAB/LPAT conditions have been met.

#### Advisory Comments:

- Any application to remove a City owned tree and any application to injure a City tree that is not supported by Urban Forestry will be denied regardless of Committee of Adjustment approval. Should the applicant wish to appeal a denial by Urban Forestry, the matter may be referred to City Council through Community Council for consideration.
- Approval of the consent/minor variances listed in the subject Committee of Adjustment application does not preclude the applicant from obtaining the necessary tree removal/injury permits from Urban Forestry.
- All bylaw protected trees located on site and within 6 m of the site (12 m within the ravine protected area) must be protected in accordance with the City's Tree Protection Policy and Specifications for Construction near Trees. No excavation, grade changes, cutting of tree roots, extensive pruning to the tree's canopy or movement or storage of equipment/construction material/excavated soil is permitted within the minimum tree protection zones of trees unless prior authorization has been obtained from Urban Forestry.

#### LETTER OF CLEARANCE ISSUED TO: Owner

Note: any refundable payments received will only be released to the party making payment, following the guarantee period.

|                                                        |                                                                |
|--------------------------------------------------------|----------------------------------------------------------------|
| Name:<br>Sean Frankfort                                | Company Name:                                                  |
| Address:<br>251 Dunvegan Rd<br>Toronto, ON.<br>M5P 2P5 | Unit #:<br>Telephone: 416 702 2644<br>Email: sean@mansteel.com |

This document must be signed or e-mailed directly by Urban Forestry Staff:

Ryan Rolfe

Urban Forestry Representative  
on behalf of the Supervisor

Xin (Will) Zhou

Supervisor's Signature



(416) 392-7391

Phone No.

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Diana Yacoub, Manager, Plan Examination, Toronto & East York Community Council - June 20, 2023