

DECISION AND ORDER

Decision Issue Date Thursday, December 21, 2017

PROCEEDING COMMENCED UNDER subsection 53(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): BERTO VOLPENTESTA

Applicant: WESTON CONSULTING GROUP INC

Property Address/Description: 1174 GLENCAIRN AVE

Committee of Adjustment Case File Number: 17 121195 NNY 15 CO

TLAB Case File Number: 17 200724 S53 15 TLAB

Hearing date: Wednesday, November 15, 2017

DECISION DELIVERED BY Ian James Lord

INTRODUCTION

This is an appeal to a Notice of Decision dated June 22, 2017 granting approval to a consent application to divide 1174 Glencairn Avenue (the 'subject property') into two lots, for the purpose of the construction of a detached two-storey dwelling on each (the 'Application'). The approval included accompanying conditions.

The decision of the Committee of Adjustment (the 'COA') on the Application was paralleled by an application for variances to recognize the lots as requested to be severed and to permit relief for the construction thereon of the new dwellings.

The application for minor variances was approved by the COA without conditions or plans attachment and was not appealed. As a consequence, only the consent appeal and its associated conditions was before the Toronto Local Appeal Body (the 'TLAB') for disposition in a *de novo* hearing.

Two persons, Mr. Berto Volpentesta (the 'Appellant') and Mr. Enrico Iafolla gave evidence as Parties in opposition to the severance.

Luana Ianni and her brother Antonio Ianni, owners, both gave brief evidence supporting their Application, although they were represented by counsel and a professional planner.

The Appellant had Mr. Adam Pressick, also a professional planner, present to give evidence under summons.

Ms. Sara Nemati, a neighbouring resident and Participant spoke in general favour of the Application as did Mr. Steve Stojanovic, who has played a mutual support role with the owners in advancing redevelopment on Glencairn Avenue.

BACKGROUND

The subject property is located at a slightly elevated grade on the north side of Glencairn Avenue east of Caledonia road, one lot west of Lansdowne Avenue. Glencairn is a through street between Caledonia Road on the west and Dufferin Street, to the east, with both intersections being signalized. The subject property is located approximately one third the distance between these major north/south arterials.

Despite a Planning Staff Report recommending refusal of the Applications focused on the expressed non-conformity with the 'size and configuration of (the proposed lots), the North York Panel of the COA approved both the severance and consent matters.

The Appellant protested that the materials filed with the COA by those in opposition had not been considered by the COA, were not referenced in its decision and that no copy of the COA decision had been afforded neighbouring residents. It was only by happenstance that the Appellant discovered the existence of the COA decision, and only then in time to exercise appeal rights and only in respect of the severance decision.

No materials referenced appear to be in the COA file forwarded to TLAB; the Appellant did not attend the COA Hearing.

These aspects of the evidence are relayed for recognition; in fact, the consent appeal was properly filed and supported with due diligence and respect for the TLAB Rules. As well, both Parties were present throughout, participated fully in the proceeding and gave extensive evidence. I am therefore satisfied that a full opportunity was provided and exercised in the prosecution of the appeal.

MATTERS IN ISSUE

Commencing with the first and revised Staff Report, the Notice of Appeal, the filings and the ending with the *viva voce* evidence of the witnesses there was one prevailing theme. The issue before the TLAB was the appropriateness of the creation of two "undersized" lots, principally based on their frontage. This included the implications thereof on the character of the area, as defined in the Official Plan.

While it was suggested by counsel for the Applicant, Ms. Forristal, that the decision on lot frontage had been finally decided by the COA, it was acknowledged that the usefulness of those variances were entirely dependent on the outcome of the consent appeal. I am obliged to give consideration to the (now) unappealed decision of the COA in respect of variances applied for and granted.

Nevertheless, the failure to join an appeal of the variance matters with the consent appeal created an unusual anomaly which might, in other circumstances, have contributed to the issues under consideration. Here, the issue of conflict, interrelationship or jurisdictional impediment was neither raised nor argued and was generally not pursued in evidence.

This Panel Member advised the Parties and Participants of a site visit and a general review of the materials each had filed. I declined the invitation by Ms. Forristal to hear first from the Appellant and those in opposition; the matter of a consent application warrants that the owner/Applicant have a full opportunity to support the request and respond to concerns expressed.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

EVIDENCE

Ms. Forristal called Jane McFarlane as an expert witness with extensive experience as a professional planner, a Registered Professional Planner and member of the Ontario Professional Planners Institute (Exhibit 1, Tab 2a and b). Without objection Ms. McFarlane was qualified to give expert planning opinion evidence.

Reference is made here to those elements of the evidence having bearing on the issue as above defined. Despite this, Ms. McFarlane adequately and to the satisfaction of this Member addressed the requisite jurisdictional tests above identified and not otherwise disputed.

Ms. McFarlane described the intent of the applications to remove the current detached bungalow on a 15.24 m lot, to create two lots of 7.62 m frontage. The by-law standard under both the new Toronto By-law 569-2013 (not yet in force by virtue of an appeal to the Ontario Municipal Board ('OMB') and the North York By-law 438-86, is 9 m.

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Much of the planners' evidence turned on how this lot frontage number and resulting built form is 'experienced in the neighbourhood', arising from its central focus in the appeal.

The planner defined two neighbourhoods based on dwelling types, a five minute walk, the regular grid pattern, a dramatic shift to employment uses south of Glencairn Avenue and the boundaries of the arterials, east and west.

The larger neighbourhood incorporated two streets to the north, Glen Park and Glen Grove. Despite a similarity in built form and detached dwellings, she distinguished very quickly these northern streets from Glencairn based on their uniformity, similarity in lot pattern and more generous frontages. Glencairn, to the planner, demonstrated characteristics of a distinguishing nature: higher concentration of redeveloped properties; less uniformity in frontages; greater diversity of house style; more heavily travelled thoroughfare without traffic calming augmentation found elsewhere, and the transit route aspect.

Her document book presented a thorough record of street new builds, lots of record at 7.62 m and lots having a potential for redevelopment, through severance activity. She described Glencairn's characteristic as not being homogenous, containing three zone categories with different frontage standards (9m; 12m; 15m) and a random mix of original bungalows, new construction on generous sized lots and renovations.

She differentiated this built form and character from the greater uniformity of that on the two streets to the north.

Ms. McFarlane acknowledged that the majority of housing on Glencairn, between the arterials, consisted of lots exceeding the proposed 7.62 m. She prepared charts for each street grouping frontages into four categories based on City data which she cross checked.

She found that some 10% of the properties fell within the frontage category of less than 10 m. While the majority or prevailing characteristic exceeded the frontage proposed by the Application, she described the distribution and character of some 15 lots equal to the frontage proposed concluding they were well integrated into the fabric of the street, albeit largely still in their original single- storey bungalow style of built form.

She did not explain well why she grouped the two lower categories of frontages (to lots having less than 9.99 m frontage), but quite adequately demonstrated that some 15 lots of approximately 7.62 m frontage, or less, were distributed throughout the reach of Glencairn, not just at the intersections, and that two had recently been created by an OMB decision near the subject property, at 1153 Glencairn. The specific parcels referenced are found in Exhibit 1, Tab 13, Figure 4; the photographs are identified on Glencairn as No's: 1237 (7.16 m);1235 (7.6 m);1233 (7.6 m); 1217 (7.62 m);1213 (7.62 m);1211 (7.6 m);1200 (7.6 new build on an existing lot of record);1162 (7.2 m, new build on an existing lot of record);1160 (7.6 m);1126 (7.72 m);1124 (7.62 m);(and two now at 1153 with the OMB Order;1041 and 1039, all at 7.62 m)).

In anticipating the issue of precedent raised by the objectors, she made three points in her evidence: first, she examined frontages exceeding 14 m on lot frontage and examined 47 properties in the larger neighbourhood, 17 of which she judged were unlikely to be severed for reasons of recent redevelopment or have a zoning requirement establishing a frontage standard of 15 m. In the end she concluded some 28 properties had severance potential but noted that the level of that activity had been low and it was, at best, an unproductive predictive enterprise; second, that new builds on existing lots were a characteristic prevalence; third, renovation was evident throughout both the Glencairn and the larger neighbourhood. From these observations she noted that the neighbourhood was not static. She described abutting neighbours were supportive as demonstrated by letters collected by the owner and, as well, the subsequent testimony of Sara Nemati.

In applying the policy considerations of the Official Plan (there being no dispute as to the issue of minor intensification as promoted by Growth Plan and the Provincial Policy Statements), Ms. McFarlane provided the opinion that the application was consistent with the Neighbourhoods designation in its replenishment of new housing stock (s. 3.2.1.2), was consistent with the Housing Policy provisions and met the criteria specified in s.4.1.5 to demonstrate both 'fit' and 'respecting and reinforcing' the physical character of the neighbourhood. In this regard, she pointed to the prevalent single detached, integral garage two-storey building form of most new builds. Most of these were on larger lots than those proposed.

Apart from the variances which had been approved and not appealed, she noted that the lot size and area proposed is consistent with the lots on Glencairn, including building type.

She asserted conformity with the Official Plan and separately traced a supportive opinion on each of the criteria in s. 53(21) of the *Planning Act*, required to be considered on lot severance. On the criteria in issue, s. 53 (21) b) f), she supported the lot frontage and related characteristics as being within the established character of the area and consistent with the dimensions and shapes, size and area as prescribed, evident and demonstrated in the vicinity.

She said there was no verbiage in the Official Plan supportive of only permitting the most frequently experienced occurring frontage or size of lots. Rather, unlike her critique of the City Planner who she felt was unnecessarily restricted to the frontage issue, she claimed to have examined the full range of listed factors and found the application to be within the distribution of the range of lots in the larger perspective – and to constitute good planning.

In questioning by Mr. Volpentesta, Ms. McFarlane acknowledged that, but for the recent OMB decision at 1154 Glencairn, severance applications had not been the norm and none had been approved in recent times. Rather, redevelopment has occurred through renovation and new buildings on existing lots of record. While agreeing with this, she made the point that the OMB decision was the only one made within the current planning framework and was in the context of a required 12 m frontage under its applicable zoning. She felt it should be given some weight. The Decision, dated October 10, 2017 (Board File PL170432) by member S. Tousaw, was provided.

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In responding to Mr. lafolla, she did not agree that the area or neighbourhood was necessarily defined by zone districts and that the influence of major streets can alter the sense of Neighbourhood. She acknowledged on her own analysis, comparable to the subject property, there were 28 other parcels with sufficient frontage to be eligible for consent applications. She disagreed that recent examples of approvals are determinative of the obligation to have regard to and assess subsequent applications.

The City of Toronto ('City) by counsel, took no part in this proceeding.

Adam Pressick, Staff Planner with the City, gave evidence under summons and was qualified on consent to give professional land use planning opinion evidence. He described his Staff Report as reflecting his opinion that the (then) applications should be refused, premised on his appreciation and application, in particular, of s. 4.1.5 b) of the Official Plan, specifically in relation to the size and configuration of the proposed lots.

The initial Staff Report was effectively withdrawn and revised upon Ms. McFarlanes' Firm pointing out several 'template' errors that demonstrated inattention to its drafting. The second report was signed and advanced the same day as the error identifications were made known; he acknowledged there were no alterations that would indicate any reconsideration of the recommendations, after attending to the errors.

Mr. Pressick had completed (or adapted) a lot study of an area similar to Ms. McFarlane's larger area; he did not accede to its refinement to Glencairn on her basis of distinguished homogeneity. Rather, he felt that the small lots that were in the neighbourhood were historic 'anomalies', that, while scattered, he felt they had a degree of concentration nearer to the arterials, rather than interior to the neighbourhood. Otherwise, he felt the lot pattern, frontages, sizes of lots, spacing, building type and character warranted the lot study area definition he used.

Apart from the lot study and his findings on the proposed lot frontage as being inconsistent with the prevalent built form character of the larger area, Mr. Pressick did no impact analysis, was constrained by the inability to address the approved variances and neither had regard for nor evaluated policies respecting intensification from the PPS, Growth Plan or the City Official Plan. His emphasis was that the Official Plan attempts to 'avoid destabilization at all costs'; he perceived that the smaller lot frontage proposed, and its relative rarity in new construction in the area all mitigated against the policy objective of respecting and reinforcing the physical character of the area. In his view, the best way to minimize the risk of destabilization was to not recommend more narrow lots or their proliferation.

In cross examination, Mr. Pressick was candid on the application of the PPS and Growth Plan, that the Application(s) are consistent and conform. He acknowledged his recommendation to the COA was entirely predicated on lot frontage and the zoning standard of 9 m and its adverse effect on ascertaining site character.

He was not aware of the OMB severance approval of 1153 Glencairn, but said he would normally look at recent approvals.

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He agreed that of the 137 lots on Glencairn, 14 are at a lot frontage of 7.6 m or less, or 10% of the lots. There are lots close to 8 m, to the west of the subject property.

The Appellant, resident at 1179 Glencairn Avenue, gave evidence on behalf of the appeal keying off the fact that if 10 % of the lots demonstrate equivalent lot frontages to the application, the prevalent balance – 80-85%, did not. He suggested that as a long term resident of some 37 years, he had an appreciation of the neighbourhood and its evolution. As with his Notice of Appeal, Mr. Volpentesta was clear that his appreciation that the neighbourhood was one of consistently wide front yards enjoying redevelopment through renovation and new construction on existing lots. Further, that the community has resisted new development through severances and had invested instead on-site construction, which he admitted to have been substantial, but which has occurred through owner investment in own properties. He foresaw the Application to be a precedent and allowing for more parcel speculation, when the neighbourhood consists of reinvestment and improvement, for more severances and resultant tall, narrow housing, without significant setbacks or vegetation.

Mr. Volpentesta admitted that it was foolish of him not to have attended the Hearing of the COA. He did not assert any direct impact of the Application beyond a neighbourhood mantle of objections.

The Appellant felt increased severance activity under the guise of intensification will change the course of positive regeneration, add infrastructure burdens, enhance speculation and yield up to the potential for 154 new homes, beyond the limit envisaged as Ms. McFarlane's advice.

He said these influences were neither positive nor evidence of respecting a re-enforcement or advance for the physical neighbourhood; rather, they would adversely impact on the quality of living.

In questioning he acknowledged positive support for intensification goals and that there were no circulation comments supportive of his advice as to an already over-stressed public municipal infrastructure or services. He acknowledged that one approval did not constitute destabilization.

Enrico Iafolla gave evidence opposing the Applications noting he had withdrawn his earlier support on being apprised of the site development details.

This Panel notes the extensive filings by both opposing interests of apparently solicited 'form' letters of support or opposition. Planning decisions are not a popularity contest and the most cogent and helpful advice is to hear directly from persons motivated to speak to a matter affecting their interests.

Living to the rear of the subject property, Mr. Iafolla felt the frontage, size and height of the proposed buildings would be an anomaly, stick out and act as a precedent that will alter the character of the neighbourhood. As with Mr. Volpentesta, he did not wish to see the larger investments made to date in the neighbourhood devalued by smaller lots being encouraged.

He did not agree with the planner McFarlane that the neighbourhood could be divided into substrata: he felt the streets she distinguished and the reasons provided were disingenuous as his daily familiarity suggested differently.

Mr. Iafolla acknowledged surprise to learn of the number of existing narrow lot frontages /sizes noting that their landscaping, frontage and spacing is different but that this was not evident as there were not many such dwellings and they were not tall. He felt the new buildings on the smaller lots became dominant in order to accommodate current desires for more space. He felt an approval will play a strong role in precedent and that other lot owners would come forward.

Mr. Stojanovic gave evidence encouraging new development. Using superlatives, he extolled the virtues how 'new' could be 'beautiful', 'good' and 'pleasant', and not an 'anomaly'.

Mr. Stojanovic is the owner of 1156 Glencairn and the recipient of the October, 2017 approval by the OMB to sever his existing bungalow lot, with two frontages identical to the Application.

Ms. Forristal filed a copy of that OMB decision: an owner of the subject property and witness herein, Mr. Ianni, had appeared at the OMB Hearing in support of the Stojanovic request for severance and minor variance approval. Mr. Stojanovic appeared at this TLAB Hearing in support of the Ianni request for severance approval.

ANALYSIS, FINDINGS, REASONS

The principal issue as listed above is whether the severance of an existing lot of record into two comparatively narrow lots of 7.62 m offends the policy of the City Official Plan, s.4.1.5 b), and section 51(24) c) and (f), above, of the *Planning Act*.

Both speak to the relevant consideration as to the size and configuration of the proposed lots and as to whether they respect and reinforce, and 'fit' the 'physical character of the neighbourhood' or constitute an aberration, inconsistent with principles of good urban design and community planning.

The Appellant and Mr. Iafolla present a well- argued case that the pattern of redevelopment in the local and broader neighbourhood has been renovation and reconstruction on existing lots of record. This activity is prevalent, they argue, and the investment in these homes of obvious and of substance. The neighbourhood is in the process of updating itself with examples of fine, large scale, modern two-storey detached residential dwelling units of substance, generally with integral garages and substantial built form. In this regard, they argue that severances have not been frequent, indeed are the exception, except for the decision of the OMB at 1157 Glencairn Avenue. And it is the case that there are a significant number of large frontage lots on Glencairn Avenue capable of theoretical lot division, 12% of the inventory on the evidence. Indeed, Ms McFarlane identified 28 that she felt were eligible candidates for lot division in the larger study area, although it would be pure

speculation as to anticipated applications, their timing or consistency with owner priorities.

The mutual support rule demonstrated by the owners Mssrs. Ianni and Stojanovic suggest that the apprehension expressed by Mssrs. Volpentesta and Iafolla is not without foundation: that the neighbourhood could be on the cusp of change as to the desirability and acceptability of further infill housing.

It is impressive that these latter two individuals hold such deep seated commitment to their local community and the retention of its physical attributes. Indeed, Toronto will not be what it can be as a world class City without the regard, depth of concern and personal investment it takes to participate in the land development approvals process: namely, energy, vision, studied appreciation and appropriate support.

The proposed severance would create two rectangular lots, each with a 7.62 m frontage. It is this dimension that is the subject of conflict in professional planning advice and it is this dimension that has triggered opposition going to the definition of area character. Lot frontage is one criteria listed in the relevant documents requiring consideration and evaluation in context. Were this the first severance application in the neighbourhood and were these the only proposed lots of similar dimension, this decision might be easier. On the evidence, while only marginally so, neither is the case. In respect of the frontage issue, the statistics provided by the two planners are not seriously in dispute. Whether the larger neighbourhood or Glencairn Avenue alone is considered the representative study area, approximately 12% of the lots have frontages in excess of 14 m or more. Some of these (28), have acknowledged severance potential. On Glencairn, some 10-12% of the lots have frontages of 7.72 m or less, comparative to the Application. Generally, these are lots that are the product of the original subdivision process and largely remain developed with original housing; only 2 have been recently created by severance. Some 14 lots remain on Glencairn, interspersed between Caledonia Road and Dufferin Street that are capable of redevelopment as-of-right as two-story detached dwellings with integral garages, as proposed for the subject property. A number of these exist well within 200m of the subject property. This is not an inconsequential number of narrow lots or proximity of location.

Lot frontage is an important indicia of neighbourhood character, but it shares that role with several other criteria of built form identified in s.4.1.5 of the Official Plan and the list in the Act, s. 51(24).

The zoning by-laws applicable to the subject site contemplate a 9 m frontage standard. The variance to approve a reduced lot frontage and building compliance of two proposed two-story detached dwellings has received the approval of the COA.

I am obliged by the provisions of sections 2 and 3 of the *Planning Act* to have regard for that decision and the material that was before the COA. By the same provisions, I am obliged to be consistent with Provincial Policy and to conform to the Growth Plan, both of which support intensification and infill development at proper,

capable locations. The planners both agree that these documents support the purpose of the Application: regeneration and a variety of housing form.

As important as the frontage consideration is the fact is that the City Official Plan, s.4.1.5, mandates evaluation criteria for 'Housing' that extend well beyond - and none of which are prioritized over the other. These are directed considerations of how all aspects act in considering 'fit', and the measures of assessment directed to 'respect and reinforce the physical development' of the neighbourhood. The only point of contest of significance between the two planners is as to whether there is precedent, adverse to the character of the area, in the creation of two lots from the subject property, based on frontage.

The evidence of Ms. McFarlane is preferred as to her evaluation of all relevant criteria from these sources. Her evidence was thorough, not seriously challenged and not retrenched from by admissions of consequence. In contrast, by frank admission, Mr. Pressick focused the conclusions of his lot study on one aspect: the dimension and shape of the lots and in particular, lot frontage. To be fair, Mr. Pressick at the Hearing was not confronted with both a variances and lot division appeal, as was the subject matter of his Staff Report, to the COA. That said, the focus of his opinion evidence was on the suitability of these narrower lots, without a perspective on all policy objectives and considerations relevant to the substantive matter of lot creation. His failure, when being prompted to amend his initial Report, to broaden the perspective beyond lot frontage is a significant derogation to the weight attributable to the opinion offered.

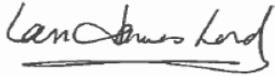
I accept Ms. McFarlane's assessment that all conditions are met to make the subject property suitable for division. At common law, land division was the prerogative of the owner. With modern planning controls, that prerogative is now fettered by a host of relevant considerations and their evaluation.

I am satisfied that this has occurred only through Ms. McFarlane's evidence. Her oral evidence, supplemented by the content of Exhibit 1 provides a satisfactorily basis for decision on the appeal respecting the subject property. While there may be a fear of creating a precedent, I accept the advice of Ms. McFarlane that individual decisions by the owner and the land use planning approvals process itself will mitigate against the speculative and undisciplined flood of new homes that the Appellants feared.

DECISION AND ORDER

The appeal is dismissed and provisional consent is given to the subject property, 1174 Glencairn Avenue, to the creation of two residential lots identified as Parts 1 and 2 on the plan attached hereto as **ATTACHMENT 1** and forming part of this decision.

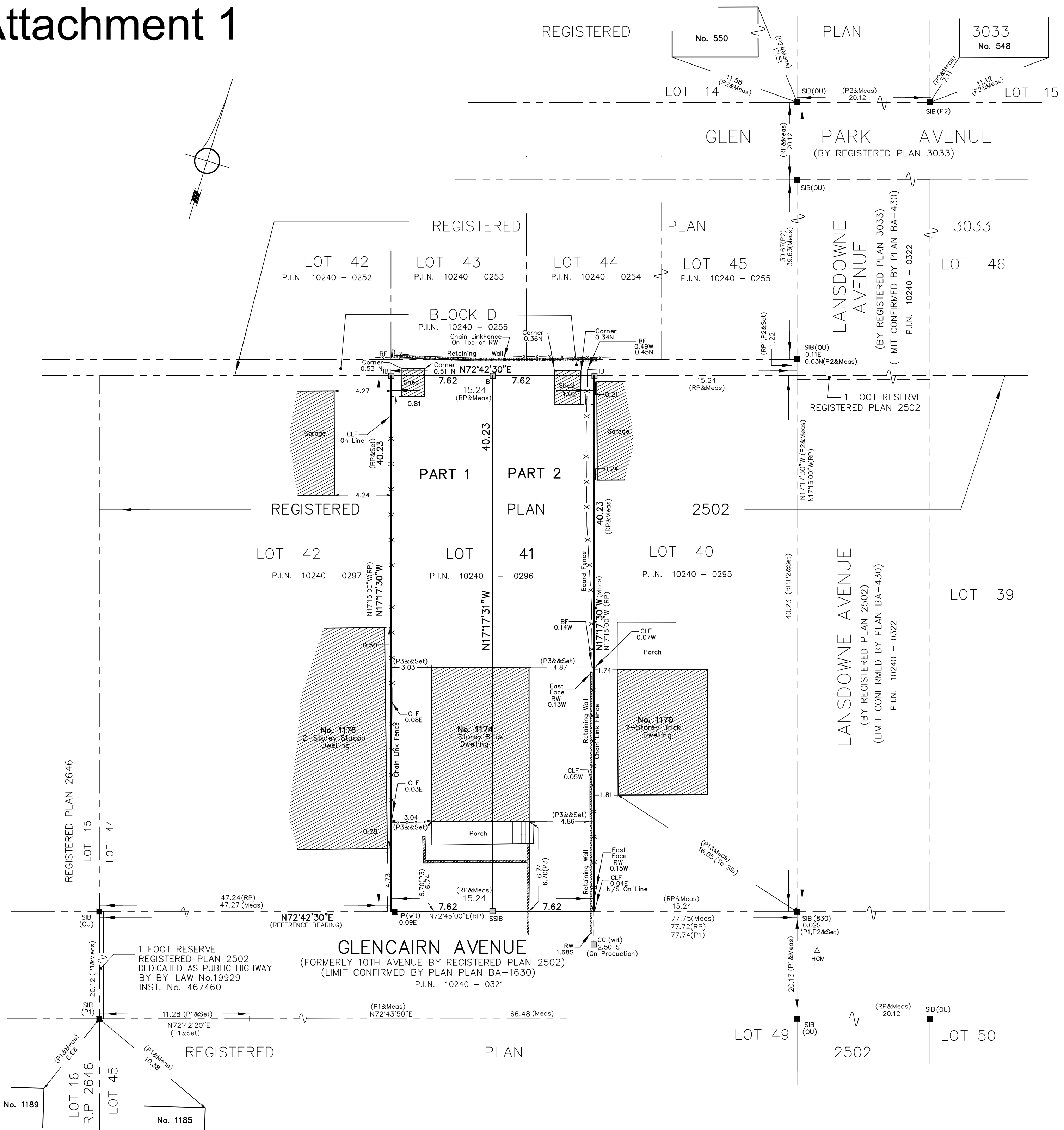
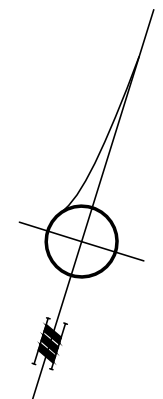
This consent is subject to conditions such that, before a Certificate of Consent is issued as required by section 53(42) of the *Planning Act*, the owner/applicant complete within ONE YEAR of the date of this Decision conditions 1 through 5 on page 2 of the decision of the Committee Of Adjustment dated June 22, 2017 and attached hereto as **ATTACHMENT 2** and forming part of this decision.



X

Ian Lord
Chair, Toronto Local Appeal Body
Signed by: Ian Lord

Attachment 1



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

Plan 66R-
RECEIVED AND DEPOSITED :

DATE : _____, 2012

DATE : _____, 2012

LAWRENCE O. ERTL
ONTARIO LAND SURVEYOR

REPRESENTATIVE OF THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF THE TORONTO OFFICE (No.66)

Metric DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PLAN OF SURVEY OF
PLAN OF LOT 41
REGISTERED PLAN 2502
CITY OF TORONTO
FORMERLY CITY OF NORTH YORK
SCALE 1:200

© COPYRIGHT
ertl surveyors 2012
Ontario Land Surveyors

Schedule

PART	LOT	REGISTERED PLAN	P.I.N.
1	41	2502	10240-0296
2			

Notes

BEARINGS ARE MTM GRID, DERIVED FROM SPECIFIED CONTROL POINTS XXX XXX XXX XXX AND XXX XXX XXX UTM ZONE 10 NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF X.XXXXXXXX

POSITIONS AND BEARINGS FROM TIES TO "SPECIFIED CONTROL POINTS"

SPECIFIED CONTROL POINTS (SCPs) : MTM ZONE 10, NAD83 (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) O. REG. 216/10

POINT ID	NORTHING	EASTING
SCP XXX XXX XXX	XXX XXXX .XX	XXX XXXX .XX
SCP XXX XXX XXX	XXX XXXX .XX	XXX XXXX .XX

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

Legend

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	STANDARD SHORT IRON BAR
IB	DENOTES	IRON BAR
IP	DENOTES	IRON PIPE
CC	DENOTES	CUT CROSS
WIT	DENOTES	WITNESS
OU	DENOTES	ORIGIN UNKNOWN
830	DENOTES	E.W. PETZOLD, O.L.S.
RP	DENOTES	REGISTERED PLAN 2502
P1	DENOTES	PLAN BA-1630
P2	DENOTES	PLAN BA-430
P3	DENOTES	SURVEY BY H. WHEELER, O.L.S. DATED JUNE 17th., 1951
N/S/E/W	DENOTES	NORTH/SOUTH/EAST/WEST
RW	DENOTES	RETAINING WALL
BF	DENOTES	BOARD FENCE
HCM	DENOTES	HORIZONTAL CONTROL MONUMENT

Surveyor's Certificate

I CERTIFY THAT :

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 24th DAY OF APRIL, 2012

Date

Lawrence O.Ertl
Ontario Land Surveyor



City Planning Division

North York Civic Centre
 5100 Yonge Street
 North York, Ontario
 Canada, M2N 5V7
 Tel: (416) 397-5330
 Fax: (416) 395-7200

Thursday, June 22, 2017

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

File Number:	B0013/17NY	Zoning:	RD/R7 [ZZC]
Owner(s):	ANTONIO IANNI LUANA IANNI	Ward:	Eglinton-Lawrence (15)
Agent:	WESTON CONSULTING GROUP INC	Heritage:	Not Applicable
Property Address:	1174 GLENCAIRN AVE	Community:	North York
Legal Description:	PLAN 2502 LOT 41		

Notice was given and the application considered on Thursday, June 22, 2017, as required by the Planning Act.

THE CONSENT REQUESTED:

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

Retained - Part 1

Address to be assigned

The lot frontage is 7.62m and has a lot area of 306.50m².

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A0174/17NY.

Conveyed - Part 2

Address to be assigned

The lot frontage is 7.62m and has a lot area of 306.50m².

The property will be redeveloped as the site of a new detached dwelling, requiring variances to the Zoning By-law(s), as outlined in application # A0175/17NY.

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

The Consent Application is Approved on Condition

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

- (1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contacts: John House, Supervisor, Land and Property Surveys, at 416-392-8338; jhouse@toronto.ca, or his designates, Elizabeth Machynia, at 416-338-5029; emachyni@toronto.ca, John Fligg at 416-338-5031; jfligg@toronto.ca
- (3) **Two copies of the registered reference plan of survey** integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services. Contact: John House, Supervisor, Land and Property Surveys, at 416-392-8338; jhouse@toronto.ca
- (4) **Three copies of the registered reference plan of survey** satisfying the requirements of the Manager of Land and Property Surveys, Engineering Services, Engineering and Construction Services shall be filed with the Committee of Adjustment.
- (5) Within **ONE YEAR** of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the *Planning Act*, as it pertains to the conveyed land and/or consent transaction.

SIGNATURE PAGE

File Number:	B0013/17NY	Zoning	RD/R7 [ZZC]
Owner(s):	ANTONIO IANNI LUANA IANNI	Ward:	Eglinton-Lawrence (15)
Agent:	WESTON CONSULTING GROUP INC	Heritage:	Not Applicable
Property Address:	1174 GLENCAIRN AVE	Community:	North York
Legal Description:	PLAN 2502 LOT 41		

Rick Ross (signed)

Giacomo Tonon (signed)

Nadini Sankar (signed)

DATE DECISION MAILED ON: Thursday, June 29, 2017

LAST DATE OF APPEAL: Wednesday, July 19, 2017

CERTIFIED TRUE COPY

Dan Antonacci
Manager & Deputy Secretary Treasurer
North York Panel

Appeal Information

All appeals must be filed with the Deputy Secretary Treasurer, Committee of Adjustment by the last date of appeal as shown above.

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 Municipal Board (OMB) 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) in **digital format** on a CD/DVD
- \$300 for each appeal filed regardless if related and submitted by the same appellant
- Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds)

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

ONTARIO MUNICIPAL BOARD (OMB) APPEAL INSTRUCTIONS

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

- a completed OMB Appellant Form (A1) in **paper format**
- \$300.00 with an additional reduced fee of \$25.00 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).

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

*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 Municipal Board** should be submitted in accordance with the instructions above.

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