

INTRODUCTION AND BACKGROUND

This is an appeal to the Toronto Local Appeal Body (“TLAB”) of a Committee of Adjustment (“COA”) decision, dated June 1, 2017, which refused the consent and variance applications of Amanullah Dorani (the “applicant”) for a proposed severance of 149 Westbourne Avenue, and associated variances. The proposal is to divide the subject property into two almost identical parcels, (Part A & B), and to construct a new 3-storey detached dwelling with an integral garage on each of them. The existing house at 149 Westbourne would be demolished.

The subject property is located in the Clairlea Community, in the south east quadrant of St. Clair Avenue East and Victoria Park Avenue. The area is a stable residential neighbourhood, consisting of single detached dwellings of 1 and 2 storeys. On site currently is a 1 storey single detached dwelling with driveway accessed via Westbourne Avenue.

A site visit by the panel was disclosed at the outset as consistent with Council’s direction in the constitution of TLAB. The site visit provide an appreciation as to built form, spacing and general characteristics of the neighbourhood, all of which was reinforced by other evidence of the witnesses.

The variances considered by the COA were as follows and no changes or alterations were proposed:

By-law No. 569-2013 & No 8978:

- a. The proposed lot frontage is 7.62 m and the proposed lot area is 241.55 m; Whereas the minimum required lot frontage is 12 m and the minimum required lot area is 371 m.
- b. The proposed dwelling will be located 0.61 m from the north side lot line and 0.76 m from the south side lot line for Part A; Whereas the minimum required side yard setback is 0.9 m.
- c. The proposed dwelling will be located 0.61 m from the south side lot line and 0.76 m from the north side lot line for Part B; Whereas the minimum required side yard setback is 0.9 m.

By-law No. 569-2013:

- d. The proposed dwelling will cover 41.79% of the lot area (100.94m.); Whereas the maximum permitted lot coverage is 33% of the lot area (79.71m.).
- e. 4. The proposed dwelling will have a height of 8.2 m; Whereas the maximum permitted height of a dwelling with a flat roof is 7.2m.
- f. A total of 9.63 m. of the first floor is proposed to be within 4 m of the front main wall; Whereas a minimum of 10 m. of the first floor must be located within 4 m of the front main wall.

g. The proposed rear deck will be located 0.91 m from the north side lot line for Part A; Whereas the minimum required setback for a platform (deck) is 1.22 m from the side lot line

h. The proposed rear deck will be located 1.06 m from the north side lot line for Part B; Whereas the minimum required setback for a platform (deck) is 1.22 m from the side lot line.

No. 8978:

i. The proposed dwelling will cover 42.97% of the lot area (103.79 m²); Whereas the maximum permitted lot coverage is 33% of the lot area (79.71 m²).

j. The proposed dwelling will be three (3) storeys in height at the garage portion only; Whereas the maximum permitted number of storeys is two (2).

k. The proposed parking space in the integral garage will have a width of 3.25 m; Whereas the minimum required width of a parking space is 3.3 m.

MATTERS IN ISSUE

The issue is whether the proposed severance and resulting lot sizes and variances maintain the policy of the Official Plan ('OP') to respect and reinforce the character of the neighbourhood.

JURISDICTION

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').

TLAB must also 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.

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

At the commencement of the hearing, four area residents indicated that they had an interest in the matter and wanted to participate in the hearing, but were not aware that they had to file for Party or Participant status to do so. The residents were Frank and Delva Poteseio; Paul Davidson; and Evda Gushevski. Mr. Poteseio submitted that

they were requesting some flexibility to the rules to allow them to participate, as the TLAB was relatively new, and they were not aware of the procedures. Counsel for the applicant objected to the participation of these area residents. The Applicant's Counsel submitted that it was a matter of procedural fairness, as the Applicant had gone through the process and filed the required documents, and none of the area residents in attendance had done so.

The TLAB does not support the failure to meet the obligations set out in its Rules of Practice and Procedure. The Rules are designed to cause a fair, timely and expeditious disclosure of relevant information by way of mutual exchange. TLAB will not condone efforts that tend to take advantage of or are not cooperative to the diligent exercise of party responsibilities. In this case, the area residents have indicated that they were not familiar with the rules, and there has been no prejudice identified in allowing their participation in the hearing. TLAB recognizes that its processes and Rules are relatively new, in transition from longstanding and somewhat differing practices before the Ontario Municipal Board, somewhat rigorous in their own context and deserving, in this instance, of relief under Rule 2.2, in this transitional period.

TLAB granted the area residents Participant status for the hearing in this matter. Counsel for the Applicant, requested these Participants give their evidence first, so they would know what they needed to address in the absence of witness statements being filed. This request was granted without objection.

The Participants

Mr. Poteseio lives at 145 Westbourne and is in opposition to the application. He has lived in the neighbourhood since 1984, and raised his family there. Mr. Poteseio stated that the by-law that came into effect around 1986 was sound and gave the residents some form of protection so that when developers came into the neighborhood to construct they had a guideline to follow that was agreeable to all parties. It was Mr. Poteseio's submission that the proposed construction was not only changing the street scape and effecting the stability of the neighbourhood but also dismantling the by-laws.

Mr. Poteseio stated that he has a petition with over 150 signatures of people living in the neighborhood that oppose the application. He indicated that similar construction has been attempted before by other contractors and they have been diligent and successful in the past in preventing it. In cross examination Mr. Poteseio clarified that the petition was originally signed and brought forward a few years ago on a different application for the same lot. He stated, however, that it does not change the views or facts of the individuals that signed the petition. He indicated that he speaks on behalf of everyone that signed the petition and that they are happy to extend it to all properties that come along, as it was not for one particular property but for the preservation of the neighborhood.

Mr. Poteseio expressed concern that allowing the severance of the property would escalate into more properties being done this way. He indicated that he and other residents moved to the suburbs for the space, and were concerned that soon this neighbourhood would be gone and become just like the downtown area. He stated that there have been a few lots that have been severed over the years and that there are

existing 25-foot lots but they predate the 1986 by-law, with the exception of one property on Pitt Avenue and that happened to be a 60 foot lot.

Loss of greenery and space to shovel snow in the winter were raised by Mr. Poteseio as issues of concern with the application. Mr. Poteseio stated that there are properties that were severed about 4 blocks south of them, and in the winter, they have nowhere to push their snow and end up pushing onto the street. Mr. Poteseio stated that the neighbourhood, currently with single two-story homes, has a lot of greenery, with grass in the front, trees and a backyard. He stated that there was very little in terms greenery in the proposed properties. It was Mr. Poteseio's submission that the proposed construction was "oversized" and should be scaled back.

Paul Davison lives at 147 Westbourne Avenue and has resided in the neighborhood for 26 years. He stated that he moved to the neighbourhood with his family because of the lot sizes and spaces between the houses and has fought, for about 10 to 12 years to preserve their neighborhood through various developers who have come in and tried and severed the lots and build several homes. Mr. Davison stated that this was the third time that he has fought to prevent the severing of the subject property. He submitted that neighbourhood residents should have the right to preserve their neighbourhood, and that developers should not be able to come in, when they do not intend to live there, and change the neighborhood for their own goals. Mr. Davison supported the submission of Mr. Poteseio.

Eva Gushevski lives across the street at 148 Westbourne Ave and has resided in the neighbourhood for 40 years. She supported the submissions of Mr. Poteseio. Ms. Gushevski expressed concern of possible parking congestion. She stated that the subject property could have four to five cars, with cars parking on the road which would cause congestion on the streets.

The Applicant

The Applicant retained Tae K. Ryuck to provide professional land use planning evidence in support of the application. Mr. Ryuck was qualified to give expert evidence based on his experience and training. In preparation for the hearing, he had visited the site, reviewed the COA file and relevant land use planning legislation and regulations. Mr. Ryuck prepared disclosures documents relevant to his analysis and opinion, including a lot study area.

The subject property is located in the south east quadrant of St. Clair Avenue East and Victoria Park Avenue. For his lot study area, Mr. Ryuck chose the area bounded by St. Clair Avenue East to the North, Victoria Park Avenue to the west, Pharmacy Avenue to the east, and Dolphin Drive to the South, as seen in the area context map at Exhibit 3. Mr. Ryuck indicated that the study area is reflective of what one would see in their day to day lives, such as walking their dog, or going to the local business in the area.

The neighbourhood is a stable residential area, consisting of 1 and 2 story single detached houses. Mr. Ryuck stated, however, that there is regeneration ongoing in the form of redevelopment and additions. He stated that there was a mixture of lot sizes

and frontages. To the north there is a mixture of commercial uses along St. Clair Avenue East, and a school. The area is well served by public transit.

The subject site currently houses a 1-storey single detached dwelling with driveway accessed via Westbourne Avenue. The site has a lot area of 483.1 square meters, frontage of 15.24 metres and a depth of 31.70 metres. The subject site is designated "Neighbourhoods" in the Official Plan and is zoned RD in the City of Toronto Zoning By-law No. 569-2013 and S in the Scarborough By-law No. 8978.

Mr. Ryuck stated that the homes in the area have a mixture of lot frontage and lot areas, existing in original homes or new homes by way of severances and redevelopment. Referring to the Area Context Map, Mr. Ryuck identified approximately twenty six properties with lot frontages that are lesser than or equal 7.65 metres. These properties were located on Bexhill Avenue, Pit Avenue, Maybourne Avenue and Westbourne Avenue. He stated that this was significant because these are lots similar to lot frontages sought by the Applicant, which is 7.62 metres. It was Mr. Ryuck's opinion that the new homes developed by way of severances in the area have in no way destabilized the neighbourhood fabric, pattern or streetscape. Mr. Ryuck noted that although these severances have occurred predominately south of the subject site, as raised by one of the area residents, there is no policy or zoning or other restrictions that prohibits severing property north of this particular block.

Mr. Ryuck stated that the proposal is to construct two new 3-storey single detached dwellings with an integral garage. He indicated that the proposed dwellings will result in the following: a. A total GFA of 171.30m² (Parts A & B) b. Proposed height of 8.20m (Parts A & B) c. Lot Frontage – 7.62m (Parts A & B) d. Lot Depth - +/- 31.70m (Parts A & B) e. Building Length – 16.15m (Parts A & B) f. Building Depth – 22.20m (Parts A & B) g. Lot Coverage – 41.79% (Parts A & B). He indicated that there was no variances with respect to length.

Mr. Ryuck referred to the streetscape elevation shown in Exhibit 7. He stated that in terms of the roof lines the proposal is consistent with eaves line in the area, but because it is a flat roof there is a lower height that is required. If the proposal was for a pitched roof no variance would be needed, but because it is a flat roof variances are required. Mr. Ryuck stated that the top of the roof is consistent in terms of form and height with the eaves lines of adjacent dwellings to the south on the same side and also across the street. He indicated that in terms of heights and massing, there are homes in the area that have been approved with increased heights up to 9.3 metres. Mr. Ryuck stated that the eaves of some of these newer homes is the same height that is being proposed, but by definition of the by-law flat roofs require a lower height.

Mr Ryuck stated that the lower height requirement for flat roofs is to protect from massing that may be presented towards the street. He submitted that from a massing perspective the proposal is a modest size home, and has been set back appropriate consistent with other homes along Westbourne Avenue so that it is not encroaching into the front yard. Mr. Ryuck stated that there is plenty of separation from the street to the house, and this separation does not create the massing or overbearing feeling one would feel with a traditional flat roof. He opined that from a quantitative perspective the proposed 8.2 metres versus the 7.2 metres that is required, is minimal, but most

importantly from a qualitative perspective it does not create a building that is intrusive or offensive to the streetscape and is not overbearing on the streetscape itself.

With respect to the Provincial Policy Statement (PPS) and the Growth Plan, Mr. Ryuck stated that in summary terms, the policies of the PPS and Growth Plan encourage and promote the following: a) optimizing the efficient use of land, resources and infrastructure, including existing and planned public transportation; b) Compact form; c) Redevelopment and intensification, and d) Mixed uses at densities that make efficient use of land, resources and infrastructure. In Mr. Ryuck's opinion, the proposal is consistent with the applicable policies of the PPS and is in conformity with the Growth Plan. Mr. Ryuck stated that the proposal does not have any issues that specifically rise to the level of provincial concern and other provincial policies is not specifically relevant in this instance. The lots are fully serviceable lots, with sewer and water hook up.

Maintain the General Intent and Purpose of the Official Plan

Mr. Ryuck stated that the subject site is designated Neighbourhoods, as demonstrated in the excerpts of the Official Plan (OP) at Exhibit 11. In reference to s.2.3a. of the OP, he stated that the OP directs intensification towards designated growth areas but the OP states that "Neighbourhoods shall be stable but not static. "A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood." It was Mr. Ryuck's opinion that the proposed single detached dwellings respects and reinforces the existing physical character of the neighbourhood. He stated that it is a single detached home that is modest in size and height and is deployed appropriately on the newly created lots. Mr. Ryuck stated that the existing physical character of the neighbourhood is one in which there are a mixture of lot frontages and lot areas. He indicated that the area is also experiencing regeneration and intensification in the form of severances and also redevelopment of existing lots all while not impacting the stability of the neighbourhood.

Mr. Ryuck stated that physical changes to established neighbourhoods must be sensitive, gradual and generally fit the existing physical character. He referred to s. 4.1 of the OP, stating that a key objective of the OP is that new development respect and reinforce the general physical patterns in a Neighbourhood. Mr. Ryuck stated that the key test for new development is found in policy 5. He stated that the test is in the opening words - development must respect and reinforce the existing physical character of the neighbourhood. Mr. Ryuck stated that the criteria enumerated in (a) through (h) are the criteria that the OP directs us to use in assessing the character and evaluating whether the test is met. He stated that the intent of the OP is to ensure that new development does not propose changes to these criteria that are out of keeping with other development. If the proposal doesn't offend any of the characteristics, then the policy is met.

Referring to the criteria enumerated in (a) thorough (h), Mr. Ryuck stated that the following criteria were not applicable: a) patterns of streets; g) continuation of special landscape or built-form features that contribute to the unique physical character; and (h) heritage buildings. Mr. Ryuck commented on the remaining applicable criteria as follows:

(b) size and configuration of lots – The proposed lot areas are consistent with what exist in the area by approval or by original design. It is reflective of approvals granted by the City and existing properties of similar lot sizes.

(c) heights, massing, scale – The proposal is completely consistent with other heights and massing in the neighbourhood. It is a modest size house, not overdevelopment. The proposal is respectful of the set back at front and rear, and length of the lot. In terms of height, it is respectful of area and reflective of the streetscape. From a streetscape perspective it seamlessly integrates into the neighbourhood and is a good addition.

(d) prevailing building types – The proposed are two single detached dwelling which is consistent with other homes in the area.

(e) setbacks of buildings from the street - The intent is to maintain conformity of setbacks. Exhibits 9 and 10 shows similar setbacks as those on Westbourne Avenue. The proposed front setback is consistent with street and adjacent dwellings.

(f) prevailing patterns of rear and side yard setbacks and landscaped open space –The proposed has no variance for rear yard setback. In terms of side yard setback there is a proposed wider side yard setback on the exterior that is between the two homes to protect the existing property. There are no windows, and this is consistent with the side yard setback from other properties in the area.

Mr. Ryuck noted that policy 8 also provides guidance about how to determine the relevant character of the neighbourhood. He stated that you have to look at existing conditions, both those that predate by-law, and the variances that have been allowed and the combination shows the character. Mr. Ryuck indicated about three years ago, there was a previous application on the subject property that was different. He indicated that that application sought to add a larger home with greater heights on this property. It was Mr. Ryuck's opinion that the proposal today is more reflective of the physical pattern and character of the neighbourhood. Mr. Ryuck submitted that the proposals reflect the general and physical pattern, is designed consistent with others in neighbourhood and will result in a consistent street frontage, and building envelope that will respect the current streetscape of area. It was opinion, therefore, that the application meets the intent and purpose of the OP.

Maintain the General Intent and Purpose of the Zoning By-laws:

Mr. Ryuck indicated that the subject site is zoned RD in the City of Toronto Zoning By-law No. 569-2013 and S in the Scarborough By-law No. 8978. He stated that the general purpose of the by-laws is to ensure compatible built form within an area, and ensure no unacceptable adverse impacts on streetscape or on adjacent properties. With respect to the variances requested, Mr. Ryuck stated the Lot Coverage has been deployed on the property and is within a built form that is consistent with the homes within the neighbourhood. He stated that there are other existing homes or approvals within the neighbourhood of Lot Coverage up to 43%. Mr. Ryuck stated that each individual proposal needs to be evaluated individually and the proposal is not out of

character with the neighbourhood. Mr. Ryuck stated that this is an area that has coverages that exceed the by-law requirements and in this case the proposal is consistent with what is already on the ground today.

In referring to the survey drawings at Exhibit 9 and 10, Mr. Ryuck stated that the two homes are proposed appropriately on the sites, does not exceed the building length or depth requirements of the site and has been set back appropriately along Westbourne Avenue. He opined that the building envelope as proposed on the site is more than appropriate, and does not create any adverse impact on adjacent property that would be inconsistent with what you would find in urban areas. Mr. Ryuck stated that the proposal is not a dramatic increase from the requirements of the by-law, and is not an over development of the site

In terms of side yard setback for both Parts A and B, Mr. Ryuck indicated that they are reflective of what is found throughout the neighbourhood. He stated that adjacent to 147 Westbourne there are reduced side yard setbacks and it is consistent in form to what is being sought for the subject site and what exist throughout the neighbourhood. Mr. Ryuck indicated that the side yard setback in between the proposed dwellings do not have any windows that face on to each other, so from a views and privacy perspective there are none.

In terms of height of the dwelling, Mr. Ryuck stated, that as seen in the elevation plans, at Exhibit 9 and 10, the proposed is a flat roof of 8.2 metres, instead of 7.2 metres required in the By-law. Mr. Ryuck repeated that if this was a pitched roof there would be no height variance required, in addition to that, the top of the roof or the eaves lines of the proposed roof is consistent with eaves line that are found throughout the street along Westbourne Avenue north and south of the site. The intent and purpose of the 7.2 metres flat roof standard is to mitigate any massing that would be created from a block of building that would be presented onto a street. Mr. Ryuck stated that in this particular case the building has been set back in excess of the front yard setback requirements. In addition, it is consistent with the front yard set backs of adjacent homes in the area. The difference between the by-law and the proposed height is quantitatively indiscernible and qualitatively it does not create an impact on the street scape where it would be viewed upon as being inconsistent with the built pattern of the streetscape.

In terms of the setback requirements of the decks located at the rear, Mr. Ryuck stated that for Part A, the set back is located against a framed garage at the property to the north, at 151, which is existing there today. He opined that the deck, from a setback and impact perspective, is minor in nature. Mr. Ryuck stated that in terms of views or privacy, issues that may be created as a result of this reduced setback is mitigated by the fact that there is an existing large framed garage on the adjacent property. For Part B, it is the same variance for the rear deck in terms of a side yard setback. This is adjacent to Part A, and it was Mr. Ryuck's opinion that once again there is enough separation. He stated that there will be fencing down the rear portion of the lot line, and views, privacy and massing issues that may be created will be mitigated in large part by the proposed fence that will be constructed between the two properties.

In terms of the variance related to the first floor minimum area being 10 square metres, Mr. Ryuck stated that this is related to the fact that as the proposed has an integral garage. As you walk in through the front, there are steps leading towards the front door and this level at the front door is lower than the garage level. He stated that the actual ground floor is up on top of the garage so there is a small landing occurring behind the door and they consider that technically to be the first floor. Mr. Ryuck opined that the proposed areas are, in terms of the variances being sought, from a qualitative and quantitative perspective are very minor, and from a streetscape perspective one cannot discern what's behind the front door, whether it meets the 10 square metres or not, as it is not representative of what a person would experience as they walk by this house.

In summary Mr. Ryuck stated that the goal of a zoning by-law is to maintain or create policies or standards to maintain a house form in terms of massing, height and setbacks and lot sizes which are compatible to what is in the neighbourhood. However, compatible does not necessarily mean it has to be the same. In his opinion the overall intent of a zoning by-law is to arrive at a built form with development standards that are consistent, that would be compatible, and that create no adverse impacts to adjacent properties or to the neighbourhood. It is his opinion that this proposal of the two new homes does not create a built form that is inappropriate in any way, or a built form that creates adverse impacts to the neighbourhood. It was his opinion that the proposed severance and minor variances for the two detached dwellings meets individually and cumulatively the intent and purpose of the zoning by-law.

Whether desirable for the appropriate development or use of the land

In terms of the desirability and appropriateness of the proposal, Mr. Ryuck opined that the proposed severance creates a lot, in terms of lot frontage and area, that is characteristic of what is in neighbourhood today. He stated that the variances related to lot coverage, lot frontage, lot area and side yard setbacks does not seek to push the limits of the permitted building envelope. Mr. Ryuck stated that there are reduced side yard setbacks found throughout the neighbourhood as seen on Exhibit 3. In addition, he stated that there are homes that are greater in length and depth throughout the neighbourhood, so the built form or building envelope pattern that is found throughout the neighbourhood is diverse. It was Mr. Ryuck's opinion that in this particular case the building length, depth and envelope is consistent with what is found throughout the neighbourhood.

In terms of building envelope and setbacks, Mr. Ryuck opined that it does not push the limits of that envelope and is a consistent form and a modest form that will integrate well in to this neighbourhood. He stated that taking into consideration the policy directions of the OP, the proposed does not seek approval at the expense of the neighbourhood in anyway. It was Mr. Ryuck's opinion that the built form being proposed is consistent with others that is found throughout the neighbourhood. He stated that it does not create shadows or overlooks, or privacy issues that are uncharacteristic of the existing context and the design is done with sensitivity to the relationship of adjacent properties and the neighbourhood. Mr. Ryuck stated that the question of appropriateness with respect to the application relates to the built form and the manner

in which the dwelling has been integrated with the existing area. It is his opinion that the proposal will reflect existing physical character, and is appropriate and desirable.

Whether Variances Are Minor

With respect to whether the variances are minor, Mr. Ryuck stated that variances can be considered to be not minor for two reasons, namely, that it is too large or that it is too important to be considered minor. He stated that the test for “minor” is not that there is no impact – it is whether the impact is considered unacceptable, and opined that the variances sought are in no way unacceptable within an urban setting, especially within this neighbourhood. It was Mr. Ryuck’s opinion that any impacts that may be created from lot coverage, lot frontages, lot area, heights are all well within the realm of acceptability within this context. He stated that the proposed has been designed in a manner that does not test the limits of “unacceptable”, and creates a home in terms of massing, heights and setbacks, that is characteristic of what is existing in the neighbourhood today, and as such it is his opinion that the proposed is minor in nature.

Letters of support were identified by Mr. Ryuck at Exhibits 16 and 17, and were also indicated by blue dots shown on the Area Context Map at Exhibit 3. Mr. Ryuck stated that four letters are from the same block on Westbourne, and there were also additional letters from blocks to the east and west and further south of the subject site. In addition, Mr. Ryuck stated that there was no comment from City staff with respect to objection to this proposal. He stated that City Planning had no concerns with respect to the severance or the variances being sought in this proposal. Mr. Ryuck indicated that this was unlike the previous application on this property where the City staff had concerns and issues with that particular application, but in this case there are none from any departments of the City. Mr. Ryuck stated that there were no conditions of approval indicated from the City by any of the departments.

Mr. Ryuck concluded that it was his opinion, the proposed variances and severance individually and cumulatively meet the tests of the Planning Act for Consent and Minor Variance and should be considered a meritorious application and in his opinion represent good planning. With respect to the consent, Mr. Ryuck opined that the proposed severance conforms with the Provincial Policy Statement (PPS), in terms that it promotes compact form, new development, intensification and utilizes existing infrastructure. It meets the intent of the OP by meeting the criteria in Policy 5 as defined in the Neighbourhoods section of the OP. It represents good planning generally for the subject land, for the neighbourhood and for the city generally.

ANALYSIS, FINDINGS, REASONS

The TLAB carefully considered the opinion evidence of the expert planning witness, as well as the evidence of the Participants. The predominate issue is whether the proposed severance and resulting lot sizes and required variances produces lots and buildings that are out of character with the neighbourhood.

Decision of Toronto Local Appeal Body Panel Member: Sophia Ruddock
TLAB Case File Number: 17 181780 S53 35 TLAB, 17 181781 S45 35 TLAB
17 181782 S45 35 TLAB

TLAB accepts the expert planning evidence provided that the severance and requested variances is consistent with the Provisional Policy Statement and conforms to the Growth Plan in that it promotes optimizing the efficient use of land, and infrastructure; compact form; and redevelopment and intensification. TLAB is satisfied, based on the planning evidence, that a plan of subdivision is not necessary.

In regards to the criteria in s.51(24), in reviewing the evidence presented, TLAB is satisfied that the proposal satisfies the criteria listed. TLAB accepts the expert evidence that the proposal to sever conforms to the OP and PPS in that the lot sizes resulting from the severance would be consistent with already existing or approved lots in the neighbourhood, and would not destabilize the neighbourhood fabric, pattern or streetscape. The proposal is to replace a single detached dwelling with two single dwellings and as such is suitable for the purpose it is to be subdivided. The homes in the area have a mixture of lot frontage and lot areas, existing in original homes or new homes by way of severances and redevelopment that are consistent with the proposal. The lots are fully serviceable lots, with adequate utilities and municipal services. There were no conditions of approval indicated from the City by any of the departments. TLAB accepts the evidence of Mr. Ryuck that the proposal does not have any issues that specifically rise to the level of provincial concern and other provincial policies are not specifically relevant in this instance.

With respect to the variances, TLAB accepts the expert evidence that the variances meet the four tests under s.45(1) of the Act. The variances proposed are minor and are desirable for the appropriate use of the land. The proposed single detached dwellings respects and reinforces the existing physical character of the neighbourhood. TLAB accepts the planning evidence that the 3- storey proposed is consistent with other heights, massing and scale in the neighbourhood. The proposed height of 8.20m, from a quantitative and qualitative perspective, does not result in a built form that is out of character with immediate adjacent properties or the neighbourhood. I accept the evidence of Mr. Ryuck that the proposed dwelling has been setback appropriately, consistent with other homes along Westbourne Avenue, so that it is not encroaching into the front yard and there is plenty of separation from the street to the house. From a streetscape perspective the proposed height seamlessly integrates into the neighbourhood.

TLAB accepts the planning evidence that the built form being proposed is consistent with others that is found throughout the neighbourhood. TLAB accepts the evidence of Mr. Ryuck that the variances are consistent with the standards of the Zoning By-laws and the policies of the Official Plan, and therefore maintain the general intent and purpose of By-laws and the Official Plan.

TLAB heard the concerns of the Participants, area residents who have lived in the community for several decades. The concerns raised respecting the loss of green space, increased parking and snow removal are all issues for which no variance is requested, and which fall outside the jurisdiction of TLAB. With respect to parking, the planning evidence was that the proposal provides adequate parking, allowing for one car in the garage and one in the driveway which is a common pattern in neighbourhoods throughout the city. Where the consent and variances proposed meet the statutory test, as in this case, TLAB has no grounds to refuse them.

DECISION AND ORDER

For all the reasons expressed above, the appeal is allowed. The TLAB orders:

1. Provisional consent is given to sever 149 Westbourne Avenue into two Parts subject to the conditions included as Attachment 1 to this decision.
2. The variances to Zoning By-law No. 569-2013 and No. 8978 as listed in Attachment 2 to this decision are authorized.
3. The new detached dwellings shall be constructed substantially in accordance with the Plans for Parts 1 and 2 filed as Exhibits 9 and 10, and appended as Attachments 3 and 4 respectively. Any other variances that may appear on these plans that are not listed in this decision are not authorized.

(Attachments 1-4)

X



Sophia Ruddock
Chair, Toronto Local Appeal Body
Signed by: Sophia Ruddock

Attachment 1: Conditions of Consent

(1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

(2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.

(3) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.

(4) Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

(5) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.

(6) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment. (7) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.

Attachment 2: By-laws

By-law No. 569-2013 & No 8978:

- a. The proposed lot frontage is 7.62 m and the proposed lot area is 241.55 m; Whereas the minimum required lot frontage is 12 m and the minimum required lot area is 371 m.
- b. The proposed dwelling will be located 0.61 m from the north side lot line and 0.76 m from the south side lot line for Part A; Whereas the minimum required side yard setback is 0.9 m.
- c. The proposed dwelling will be located 0.61 m from the south side lot line and 0.76 m from the north side lot line for Part B; Whereas the minimum required side yard setback is 0.9 m.

By-law No. 569-2013:

- d. The proposed dwelling will cover 41.79% of the lot area (100.94m.); Whereas the maximum permitted lot coverage is 33% of the lot area (79.71m.).
- e. 4. The proposed dwelling will have a height of 8.2 m; Whereas the maximum permitted height of a dwelling with a flat roof is 7.2m.
- f. A total of 9.63 m. of the first floor is proposed to be within 4 m of the front main wall; Whereas a minimum of 10 m. of the first floor must be located within 4 m of the front main wall.
- g. The proposed rear deck will be located 0.91 m from the north side lot line for Part A; Whereas the minimum required setback for a platform (deck) is 1.22 m from the side lot line
- h. The proposed rear deck will be located 1.06 m from the north side lot line for Part B; Whereas the minimum required setback for a platform (deck) is 1.22 m from the side lot line.

No. 8978:

- i. The proposed dwelling will cover 42.97% of the lot area (103.79 m²); Whereas the maximum permitted lot coverage is 33% of the lot area (79.71 m²).
- j. The proposed dwelling will be three (3) storeys in height at the garage portion only; Whereas the maximum permitted number of storeys is two (2).
- k. The proposed parking space in the integral garage will have a width of 3.25 m; Whereas the minimum required width of a parking space is 3.3 m.

EXHIBIT #9

Case File Number: 17 181780 S53 TLAB
 Property Address: 149 Westbourne Ave
 Date Marked: October 16, 2017

SURVEYOR'S REAL PROPERTY REPORT
 PART 1) PLAN AND TOPOGRAPHIC DETAIL OF
 LOT 114, REGISTERED PLAN M-463
 CITY OF TORONTO
 (FORMERLY CITY OF SCARBOROUGH)
 SCALE 1:200
 VLADIMIR DOSEN SURVEYING, O.L.S.

Property Type Residential
 Property Code & Description 301-Single-Family-detached

Legal Description
 PCL 114-1, SEC M463 : LT 114, PL M463 : SCARBOROUGH,
 CITY OF TORONTO

SITE DATA	
ZONING	R222
LOT AREA	241.55 m ²
LOT FRONTAGE	7.62 m
LOT DEPTH	31.70 m
LOT COVERAGE	41.79 %
G.F.A.	175.30 m ²
NO. OF STOREYS	2
BUILDING HEIGHT	8.20 m
BUILDING LENGTH	16.15 m
BUILDING DEPTH	22.20 m
PARKING	2

FRONT YARD LANDSCAPING AREA: 46.06 m²
 FRONT LANDSCAPING AREA: 23.03 m²
 HARD LANDSCAPING AREA: 2.97 m²
 DRIVEWAY: 16.58 m²
 PORCH: 3.88 m²
 REAR YARD LANDSCAPING AREA: 72.39 m²
 SOFT LANDSCAPING AREA: 63.33 m²
 DECK: 9.06 m²



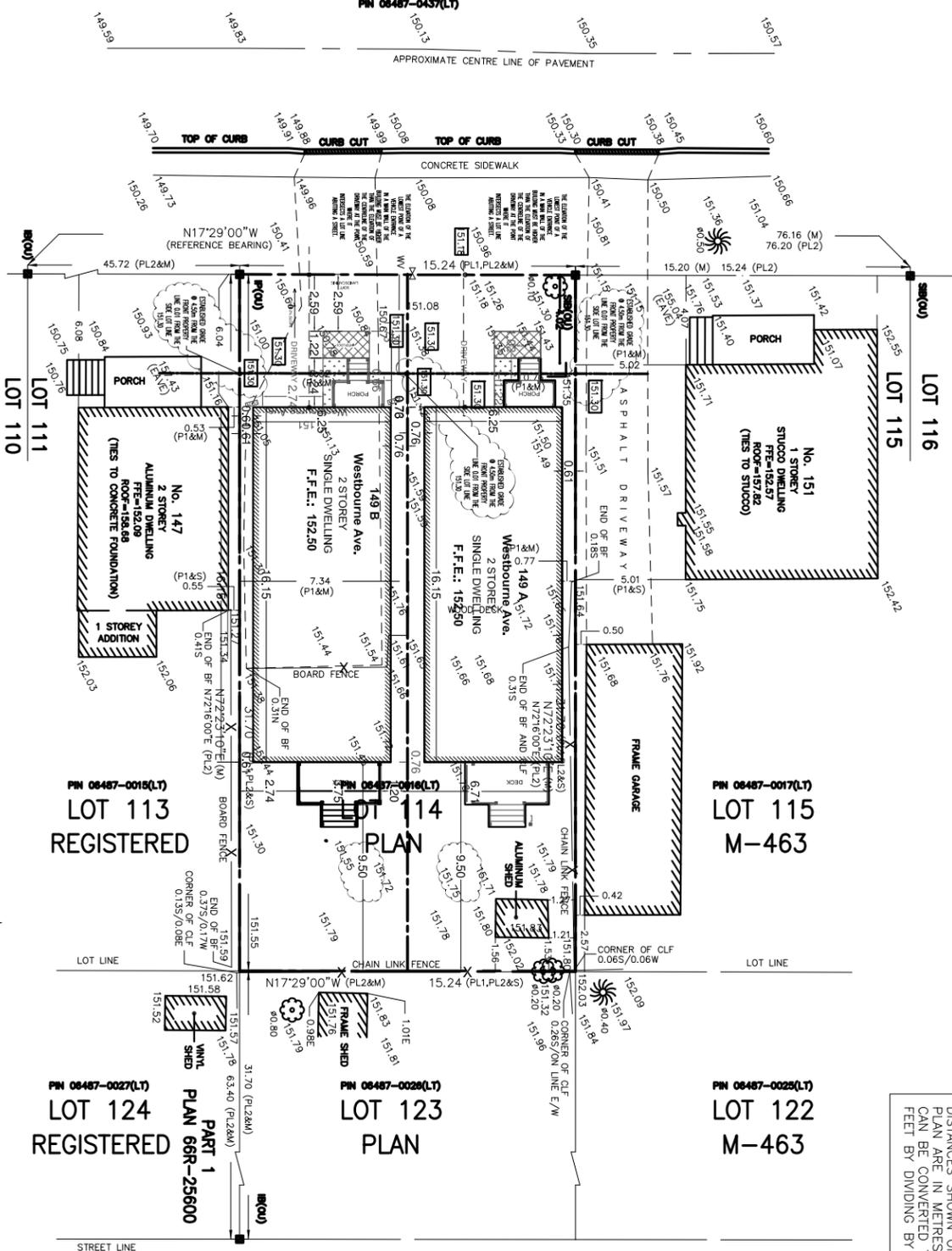
THIS REPORT WAS PREPARED FOR HABITAT FOR BETTER LIVING AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES

PART 2) SURVEY REPORT REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NO EASEMENTS OR RIGHT OF WAYS ARE REGISTERED. THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

- LEGEND
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - IP DENOTES IRON PIPE
 - OU DENOTES ORIGIN UNKNOWN
 - S DENOTES SET
 - M DENOTES MET
 - M DENOTES DIAMETER
 - PL1 DENOTES PLAN BY WILLIAM SELWYN WINSTERS DENOTES DATED OCTOBER 2, 1953
 - PL2 DENOTES REGISTERED PLAN M-463

- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- FFE DENOTES FINISHED FLOOR ELEVATION
- WW DENOTES WATER VALVE
- DENOTES CONTOUR TREE
- DENOTES DECIDUOUS TREE

WESTBOURNE AVENUE (BY REGISTERED PLAN 1914)



NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS SURVEY OR PART THEREOF WITHOUT THE WRITTEN PERMISSION OF VLADIMIR DOSEN, O.L.S.

BEARINGS ARE ASTROMOMIC AND ARE DERIVED FROM THE EASTERLY LIMIT OF WESTBOURNE AVENUE AS SHOWN ON REGISTERED PLAN M-463 HAVING A BEARING OF N17°29'00"W.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGULATIONS MADE UNDER THE ACT AND THE SURVEY WAS COMPLETED ON THE 22nd DAY OF APRIL 2016

JULY 8, 2016
 VLADIMIR DOSEN, B.Sc.
 ONTARIO LAND SURVEYOR

VLADIMIR DOSEN SURVEYING
 ONTARIO LAND SURVEYORS
 555 DAVISVILLE AVENUE
 TORONTO, ONTARIO M4S 1J2
 PHONE: (416) 466-0440 EMAIL: vlad@dosensurveying.com

FILED: KUMAR CAD FILE: 149 WESTBOURNE AVENUE
 DRAWN BY: CL FILE: 10-097
 CHECKED BY: VD JOB NO: 16114

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



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name : Danilo Marasigan
 BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code

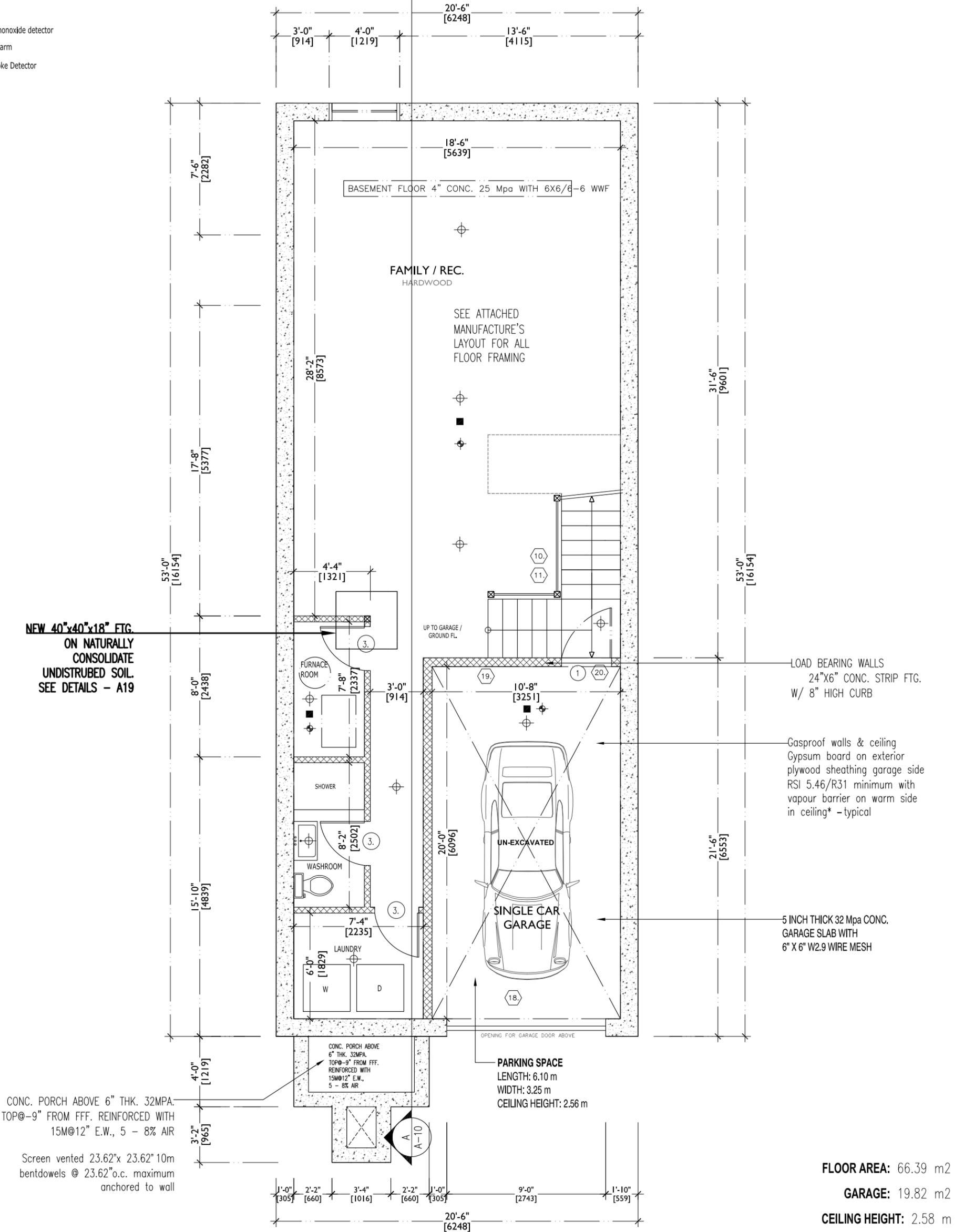
Firm Name: D2EM3 DRAFTING & DESIGN STUDIO
 Firm BCIN : [Signature]

Scale:	3/16" = 1'-0"	Date:	JULY .30, 2016
Project:	149 WESTBURNE AVENUE, TORONTO		
Sheet Title:	SITE PLAN		
Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.		DWG. NO. A1	

Comments
 1. Conform to 2012 Ontario Building Code (OBC) Ont. Reg. 332/12 & Amendments
 2. Refer to attachments
 3. Review for one single family dwelling only
 4. Comply with 9.14.6.1.[B]OBC for surface drainage
 Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
 See attached Energy Efficiency Design Summary

A second suite is not permitted

- Legend:
- ⊕ Carbon monoxide detector
 - Smoke alarm
 - Duct Smoke Detector
 - ⊕ Lighting



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer
 Name Danilo Marasigan
 BCIN : 22377
 Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
 Firm Name **DEM3**
 DRAFTING & DESIGN STUDIO
 Firm BCIN Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016
 Project: 149 WESTBOURNE AVENUE, TORONTO
 Sheet Title: BASEMENT FLOOR PLAN

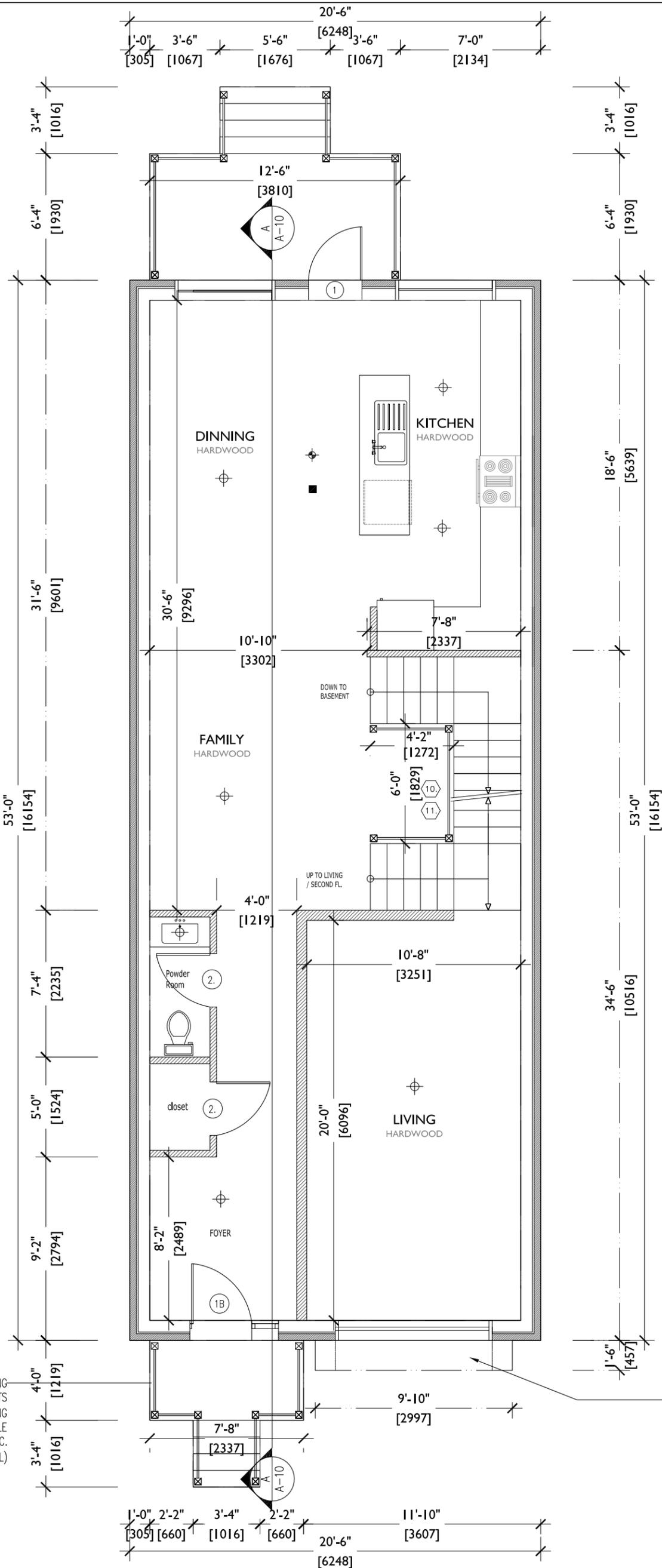
Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. **A2**



Comments
 1. Conform to 2012 Ontario Building Code (OBC) Ont. Reg. 332/12 & Amendments
 2. Refer to attachments
 3. Review for one single family dwelling only
 4. Comply with 9.14.6.1.[B]OBC for surface drainage
 Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
 See attached Energy Efficiency Design Summary

- Legend:
- ◆ Carbon monoxide detector
 - Smoke alarm
 - ☐ Duct Smoke Detector
 - ⊕ Lighting



3' - 6" HIGH METAL RAILING
 VERTICAL METAL PICKETS
 AT 4" MAX. SPACING
 ALL GUARDS SHALL BE NON-CLIMBABLE
 WITH THE REQUIREMENTS IN THE O.B.C.
 TABLE 9.8.8.2. - SEE DETAIL (TYPICAL)

ARCHITECTURAL FEATURE

FLOOR AREA: 87.65 m2
DECK: 9.06 m2
PORCH: 3.88 m2
CEILING HEIGHT: 3.78 m



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer
 Name Danilo Marasigan
 BCIN : 22377
 Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
 Firm Name D3EM3 DRAFTING & DESIGN STUDIO
 Firm BCIN [Signature] Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016
 Project: 149A WESTBURNE AVENUE, TORONTO
 Sheet Title: GROUND FLOOR PLAN

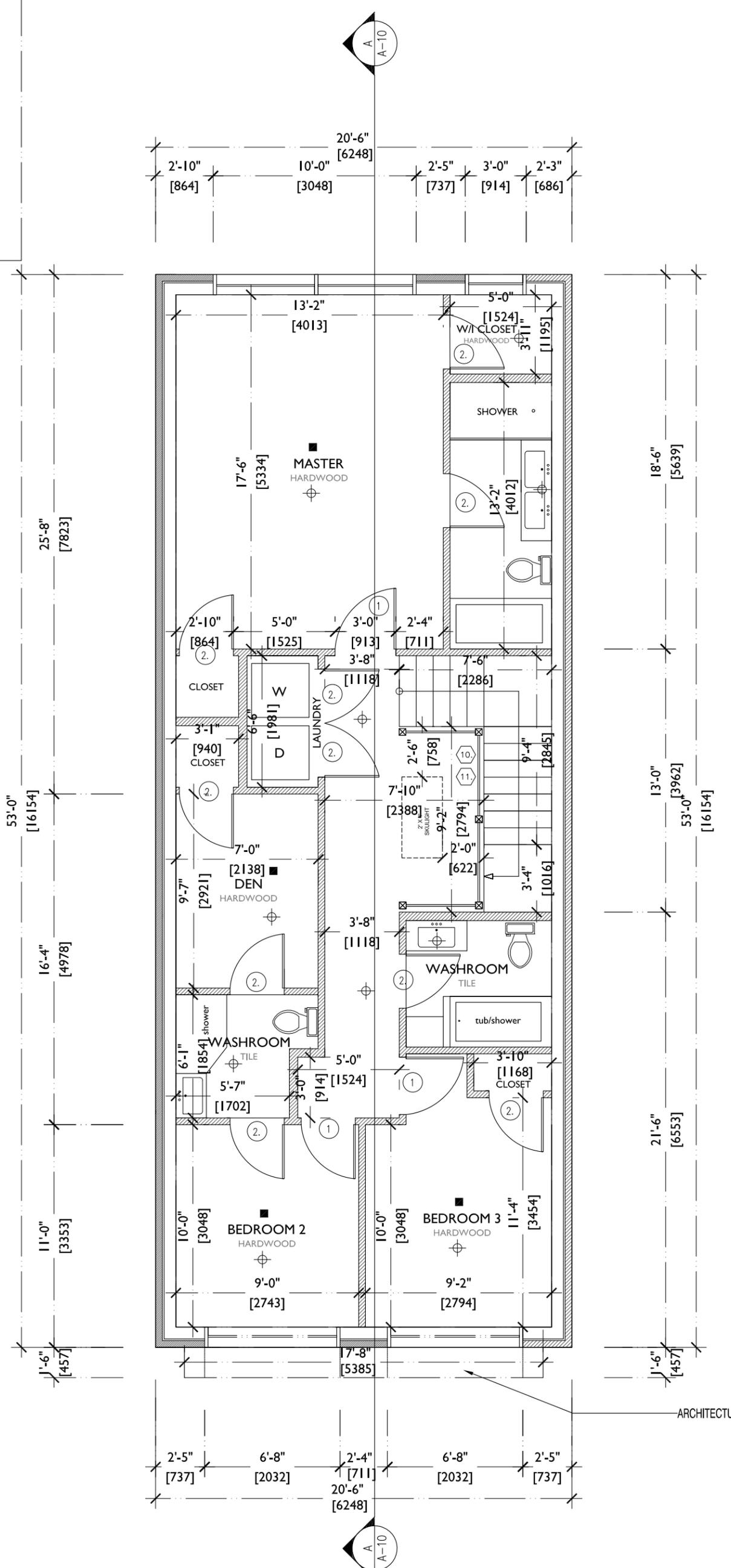
Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A3

Comments
 1. Conform to 2012 Ontario Building Code (OBC) Ont. Reg. 332/12 & Amendments
 2. Refer to attachments
 3. Review for one single family dwelling only
 4. Comply with 9.14.6.1.[B]OBC for surface drainage
 Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
 See attached Energy Efficiency Design Summary

Legend:

- Carbon monoxide detector
- Smoke alarm
- Duct Smoke Detector
- Lighting



FLOOR AREA: 87.65 m²
 CEILING HEIGHT: 2.58 m

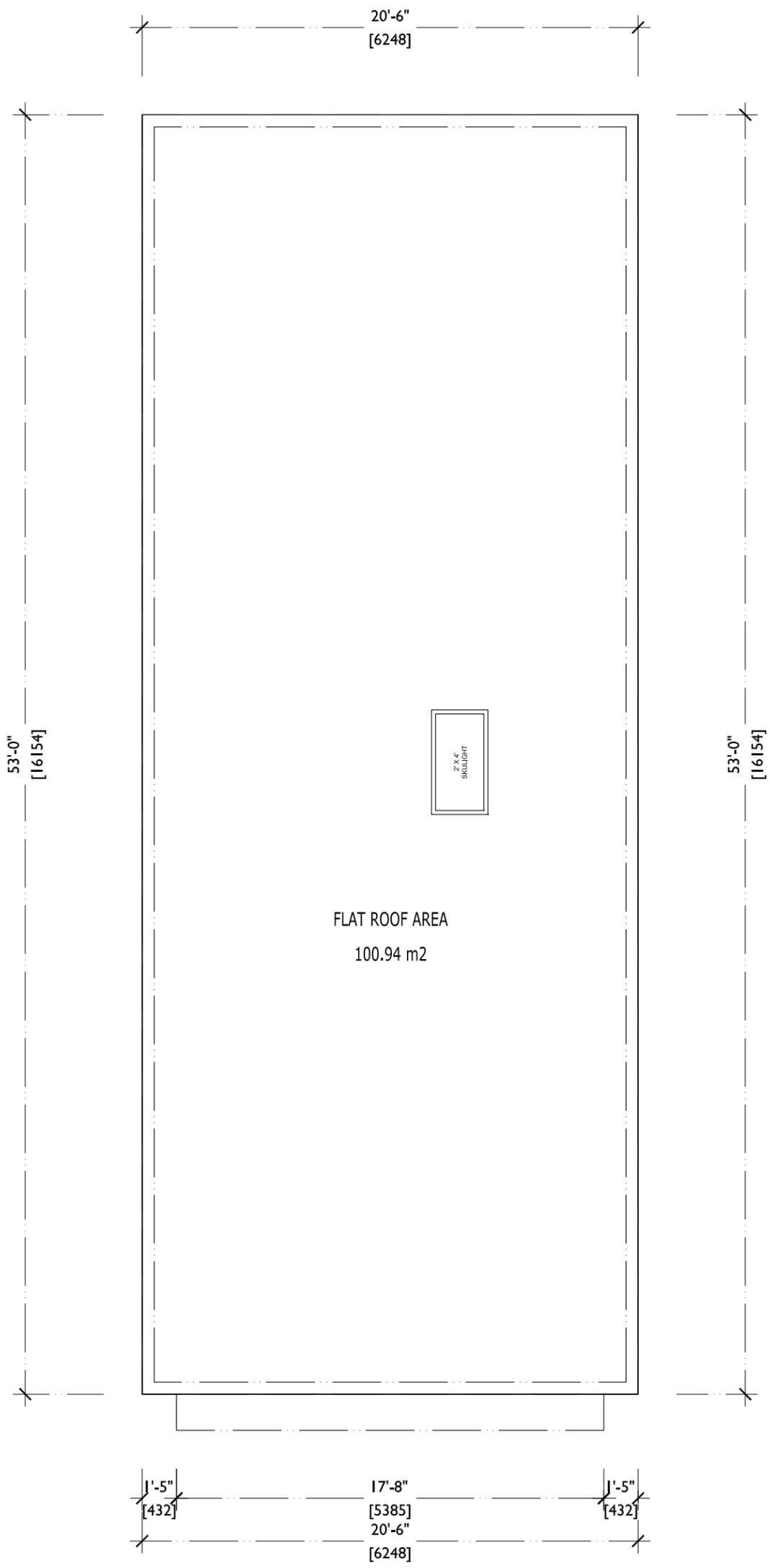


The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer
 Name Danilo Marasigan
 BCIN : 22377
 Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code
 Firm Name D2EM3 DRAFTING & DESIGN STUDIO
 Firm BCIN Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016
 Project: 149A WESTBURNE AVENUE, TORONTO
 Sheet Title: SECOND FLOOR PLAN

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A4

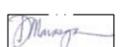


The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name Danilo Marasigan
BCIN : 22377

Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code

Firm Name DZEM3
DRAFTING & DESIGN STUDIO

Firm BCIN 
Signature

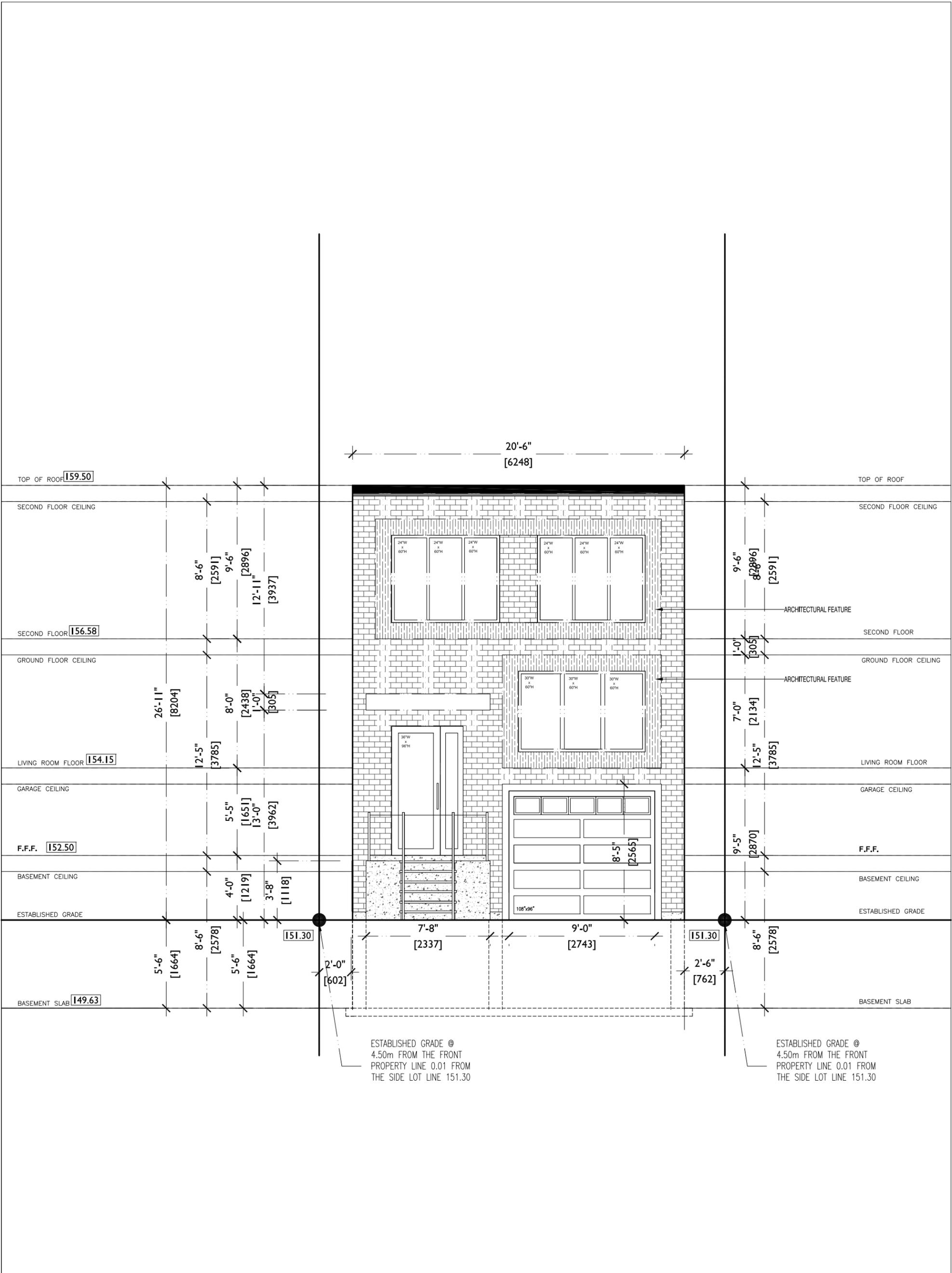
Scale: 3/16" = 1'-0" Date: JULY .30, 2016

Project:
149A WESTBURNE AVENUE, TORONTO

Sheet Title:
ROOF PLAN

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A5



ESTABLISHED GRADE @
4.50m FROM THE FRONT
PROPERTY LINE 0.01 FROM
THE SIDE LOT LINE 151.30

ESTABLISHED GRADE @
4.50m FROM THE FRONT
PROPERTY LINE 0.01 FROM
THE SIDE LOT LINE 151.30

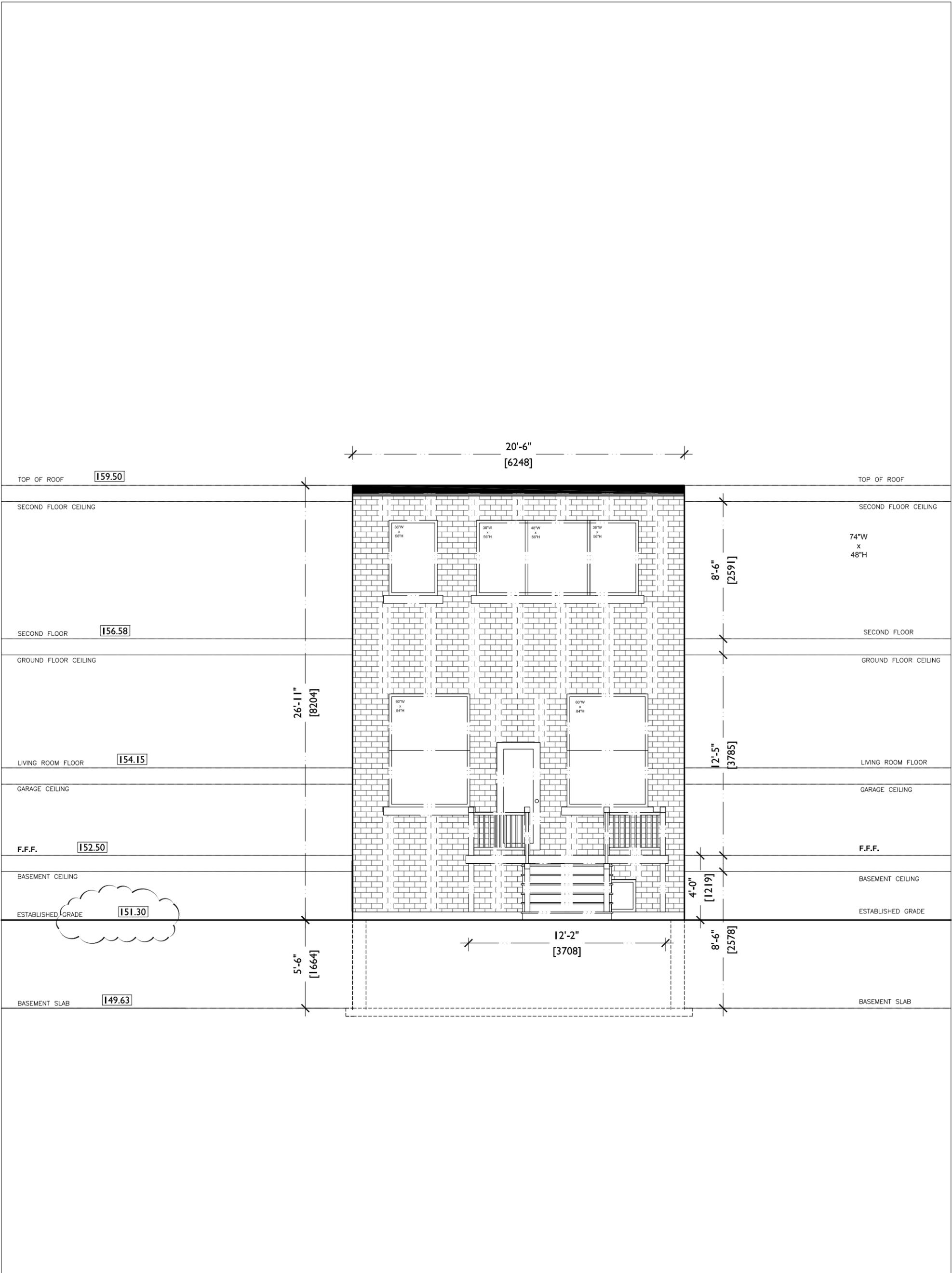


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Name Danilo Marasigan
BCIN : 22377
Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name DZEM3
DRAFTING & DESIGN STUDIO
Firm BCIN [Signature]
Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016
Project: 149A WESTBURNE AVENUE, TORONTO
Sheet Title: FRONT (WEST) ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A6



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name Danilo Marasigan
BCIN : 22377

Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code

Firm Name D2EM3
DRAFTING & DESIGN STUDIO

Firm BCIN [Signature]
Signature

Scale: 3/16" = 1'-0" Date: JULY.30, 2016

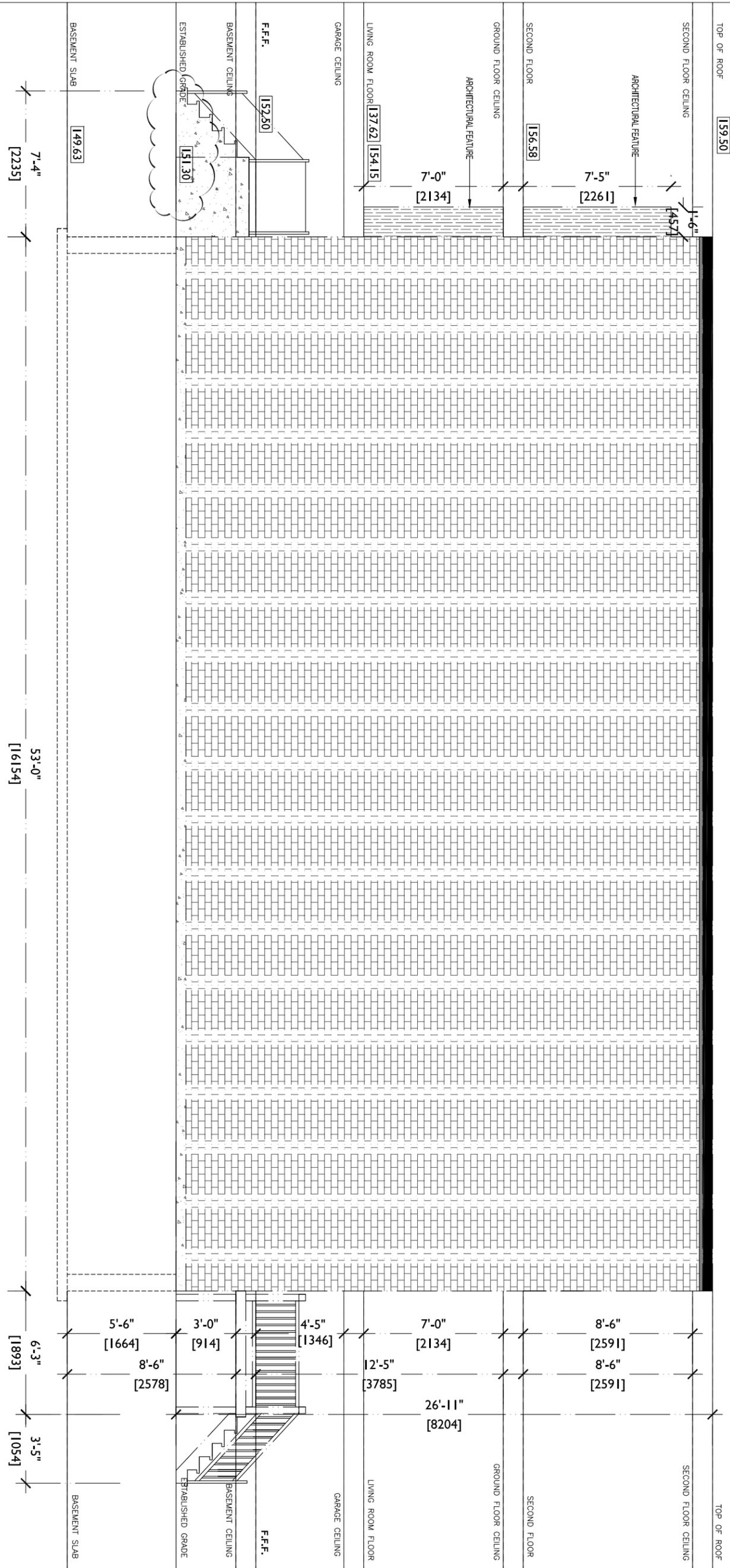
Project: 149A WESTBURNE AVENUE, TORONTO

Sheet Title: REAR (EAST) ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A7

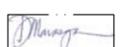


The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name Danilo Marasigan
 BCIN : 22377

Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code

Firm Name D E M 3
 DRAFTING & DESIGN STUDIO

Firm BCIN 
 Signature

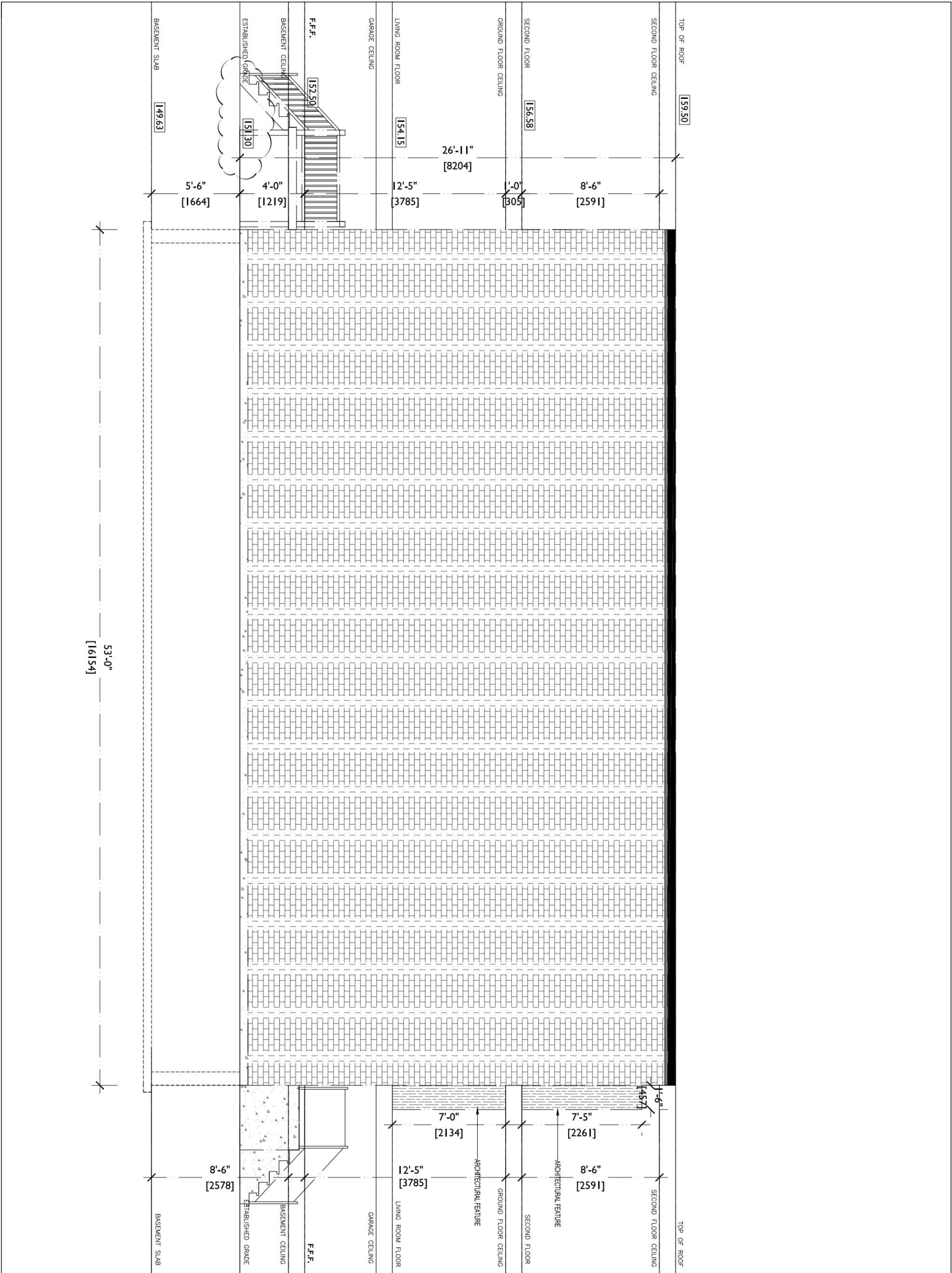
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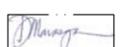
Project: 149A WESTBURNE AVENUE, TORONTO

Sheet Title: NORTH ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

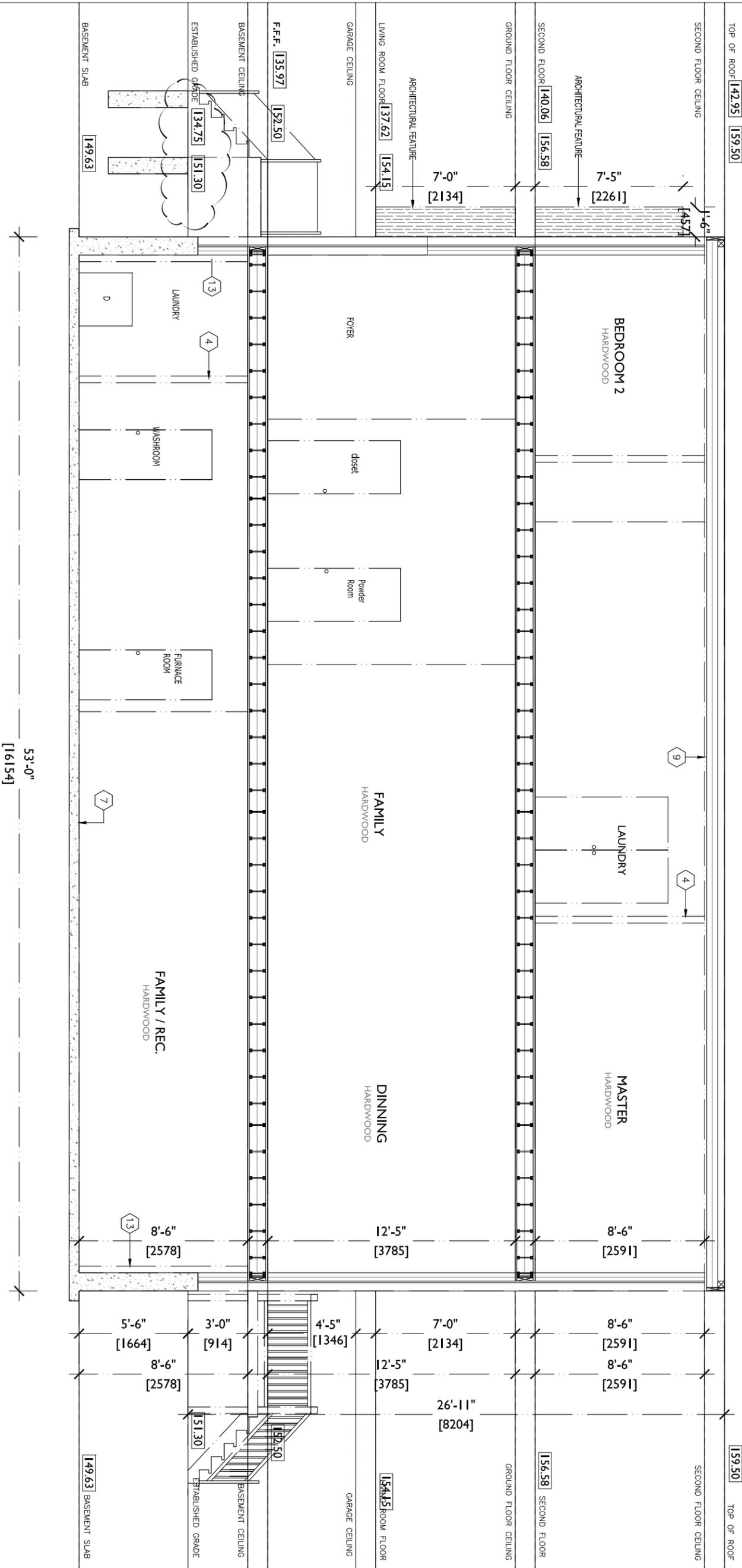
DWG. NO. A8



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer
 Name Danilo Marasigan
 BCIN : 22377
 Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code
 Firm Name DME3 DRAFTING & DESIGN STUDIO
 Firm BCIN 
 Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016
 Project: 149A WESTBURNE AVENUE, TORONTO
 Sheet Title: SOUTH ELEVATION
 Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A9



53'-0"
[16154]



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name Danilo Marasigan
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code

Firm Name DRAFTING & DESIGN STUDIO

Firm BCIN Signature

Scale: 3/16" = 1'-0" Date: JULY 30, 2016

Project: 149A WESTBURNE AVENUE, TORONTO

Sheet Title: SECTION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A10

Case File Number: 17 181780 S53 TLAB
 Property Address: 149 Westbourne Ave
 Date Marked: October 16, 2017

SURVEYOR'S REAL PROPERTY REPORT
 PART 1) PLAN AND TOPOGRAPHIC DETAIL OF
 LOT 114, REGISTERED PLAN M-463
 CITY OF TORONTO
 (FORMERLY CITY OF SCARBOROUGH)
 SCALE 1:200
 VLADIMIR DOSEN SURVEYING, O.L.S.

10.0metres
 2.0m 0 2.0

Property Type Residential
 Property Code & Description 301-Single-Family-detached

Legal Description
 PCL 114-1, SEC M463 : LT 114, PL M463 : SCARBOROUGH,
 CITY OF TORONTO

SITE DATA	
ZONING	R222
LOT AREA	241.55 m ²
LOT FRONTAGE	7.62 m
LOT DEPTH	31.70 m
LOT COVERAGE	41.79 %
G.F.A.	175.30 m ²
NO. OF STOREYS	2
BUILDING HEIGHT	8.20 m
BUILDING LENGTH	16.15 m
BUILDING DEPTH	22.20 m
PARKING	2

FRONT YARD LANDSCAPING AREA: 46.06 m²
 HARD LANDSCAPING AREA: 23.03 m²
 DRIVEWAY: 16.58 m²
 PORCH: 3.88 m²

REAR YARD LANDSCAPING AREA: 72.39 m²
 SOFT LANDSCAPING AREA: 63.33 m²
 DECK: 9.06 m²



THIS PLAN IS NOT VALID UNLESS IT IS MEMBERSHIP ORIGINAL COPY ISSUED BY THE SURVEYOR In accordance with Regulation 1026, Section 29(3).

THIS REPORT WAS PREPARED FOR HABITAT FOR BETTER LIVING AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES

PART 2) SURVEY REPORT REGISTERED EASEMENTS AND/OR RIGHT OF WAYS: NO EASEMENTS OR RIGHT OF WAYS ARE REGISTERED. COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS: THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - ▣ DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - IP DENOTES IRON PIPE
 - OU DENOTES ORIGIN UNKNOWN
 - S DENOTES SET
 - M DENOTES MEASURED
 - W DENOTES WATER
 - PL1 DENOTES PLAN BY WILLIAM SELWYN WINSTERS DENOTES DATED OCTOBER 2, 1953
 - PL2 DENOTES REGISTERED PLAN M-463

- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- FFE DENOTES FINISHED FLOOR ELEVATION
- WW DENOTES WATER VALVE
- DENOTES CONTOUR TREE
- DENOTES DECIDUOUS TREE

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS SURVEY WITHOUT THE WRITTEN PERMISSION OF VLADIMIR DOSEN, O.L.S.

BEARINGS ARE ASTROMOMIC AND ARE DERIVED FROM THE EASTERLY LIMIT OF WESTBOURNE AVENUE AS SHOWN ON REGISTERED PLAN M-463 HAVING A BEARING OF N17°29'00"W.

SURVEYOR'S CERTIFICATE

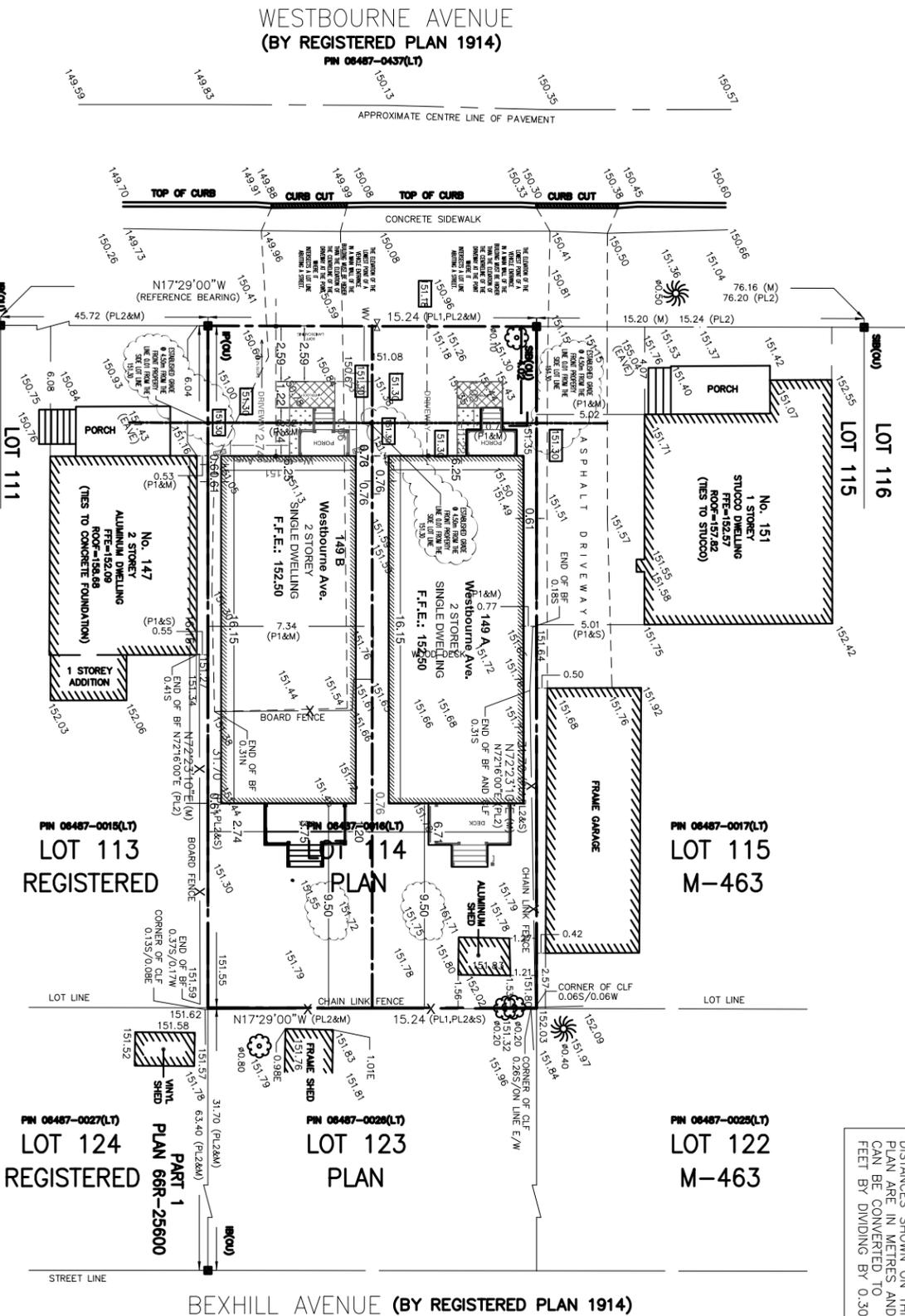
I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE REGULATIONS MADE UNDER THE ACT AND THE SURVEY WAS COMPLETED ON THE 22nd DAY OF APRIL 2016

JULY 8, 2016
 VLADIMIR DOSEN, B.Sc.
 ONTARIO LAND SURVEYOR

VLADIMIR DOSEN SURVEYING
 ONTARIO LAND SURVEYORS
 555 DAVISVILLE AVENUE
 TORONTO, ONTARIO M4S 1J2
 PHONE: (416) 466-0440 EMAIL: vlad@dosensurveying.com

DRAWN BY: CL FILE: 10-097
 CHECKED BY: VD JOB NO: 161144



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



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name : Danilo Marasigan
 BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code

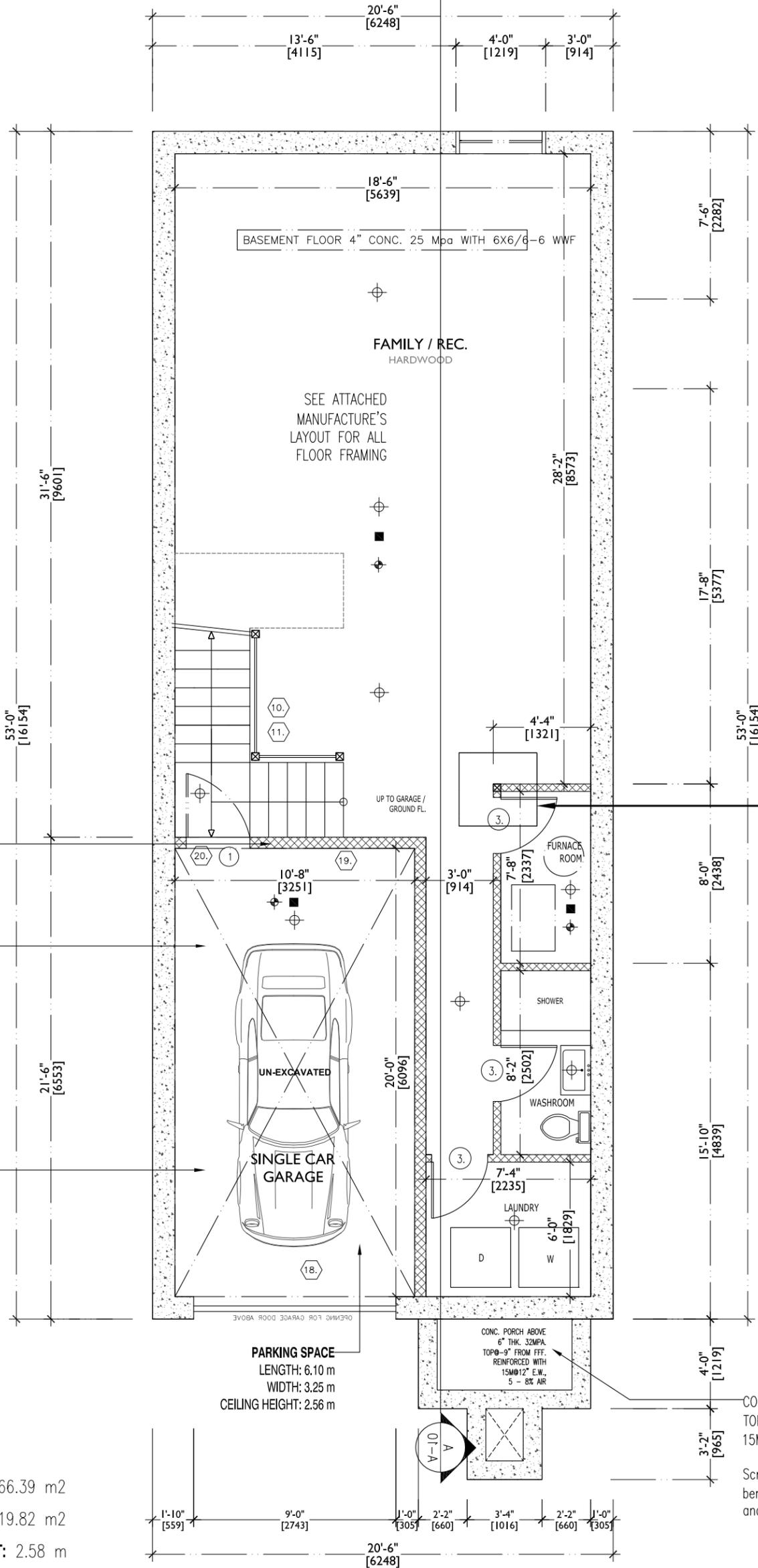
Firm Name: D2EM3 DRAFTING & DESIGN STUDIO
 Firm BCIN : [Signature]

Scale:	3/16" = 1'-0"	Date:	JULY .30, 2016
Project:	149 WESTBURNE AVENUE, TORONTO		
Sheet Title:	SITE PLAN		
Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.		DWG. NO. A1	

A second suite is not permitted

- Comments
1. Conform to 2012 Ontario Building Code (OBC) Ont. Reg. 332/12 & Amendments
 2. Refer to attachments
 3. Review for one single family dwelling only
 4. Comply with 9.14.6.1.[B]OBC for surface drainage
Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
See attached Energy Efficiency Design Summary

- Legend:
- Carbon monoxide detector
 - Smoke alarm
 - Duct Smoke Detector
 - Lighting



FLOOR AREA: 66.39 m²
GARAGE: 19.82 m²
CEILING HEIGHT: 2.58 m



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name Danilo Marasigan
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code

Firm Name D E M
DRAFTING & DESIGN STUDIO

Firm BCIN [Signature]
Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016

Project: 149B WESTBURNE AVENUE, TORONTO

Sheet Title: BASEMENT FLOOR PLAN

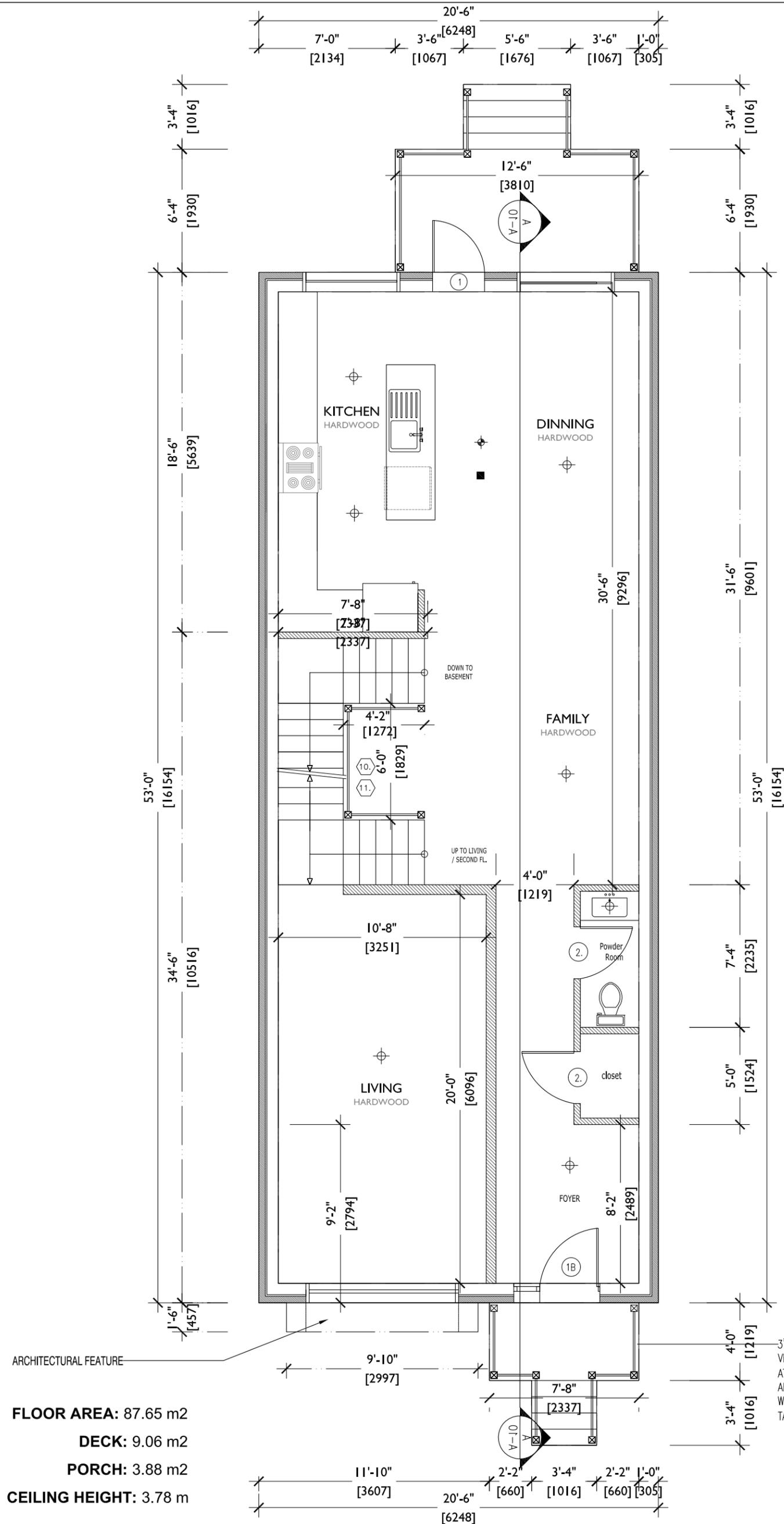
DWG. NO.

A2

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

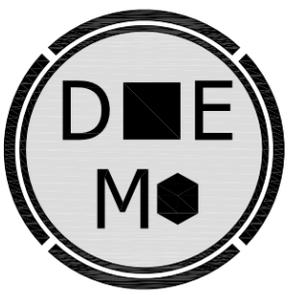
- Comments
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 2. Refer to attachments
 3. Review for one single family dwelling only
 4. Comply with 9.14.6.1.[B]OBC for surface drainage
Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
See attached Energy Efficiency Design Summary

- Legend:
- Carbon monoxide detector
 - Smoke alarm
 - Duct Smoke Detector
 - Lighting



FLOOR AREA: 87.65 m²
DECK: 9.06 m²
PORCH: 3.88 m²
CEILING HEIGHT: 3.78 m

3' - 6" HIGH METAL RAILING
 VERTICAL METAL PICKETS
 AT 4" MAX. SPACING
 ALL GUARDS SHALL BE NON-CLIMBABLE
 WITH THE REQUIREMENTS IN THE O.B.C.
 TABLE 9.8.8.2. - SEE DETAIL (TYPICAL)



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name Danilo Marasigan
 BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code

Firm Name D2EM3
 DRAFTING & DESIGN STUDIO

Firm BCIN

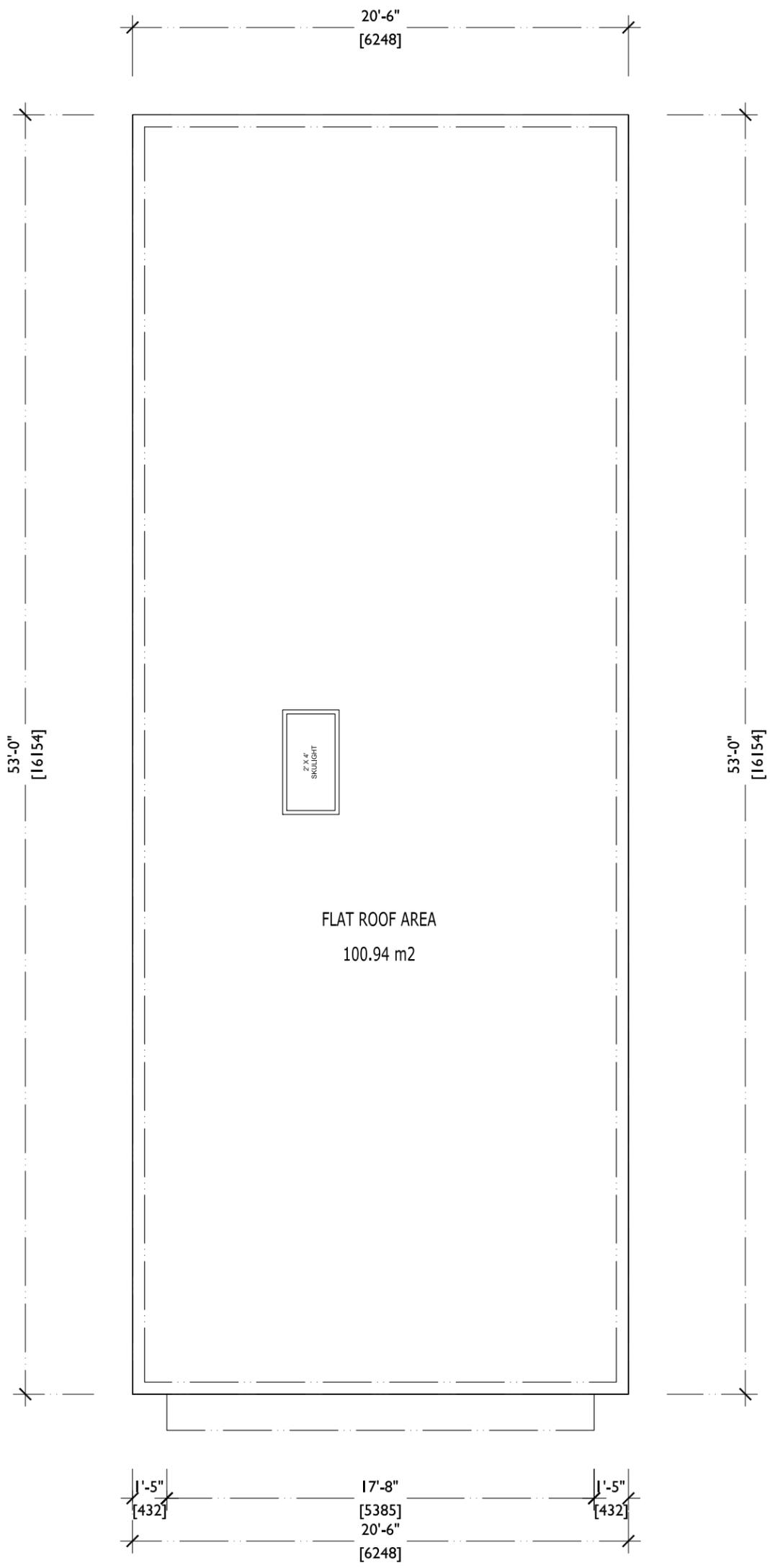
Scale: 3/16" = 1'-0" Date: JULY .30, 2016

Project: 149B WESTBURNE AVENUE, TORONTO

Sheet Title: GROUND FLOOR PLAN

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A3

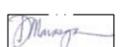


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Name Danilo Marasigan
BCIN : 22377

Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code

Firm Name **DEEM3**
DRAFTING & DESIGN STUDIO

Firm BCIN 
Signature

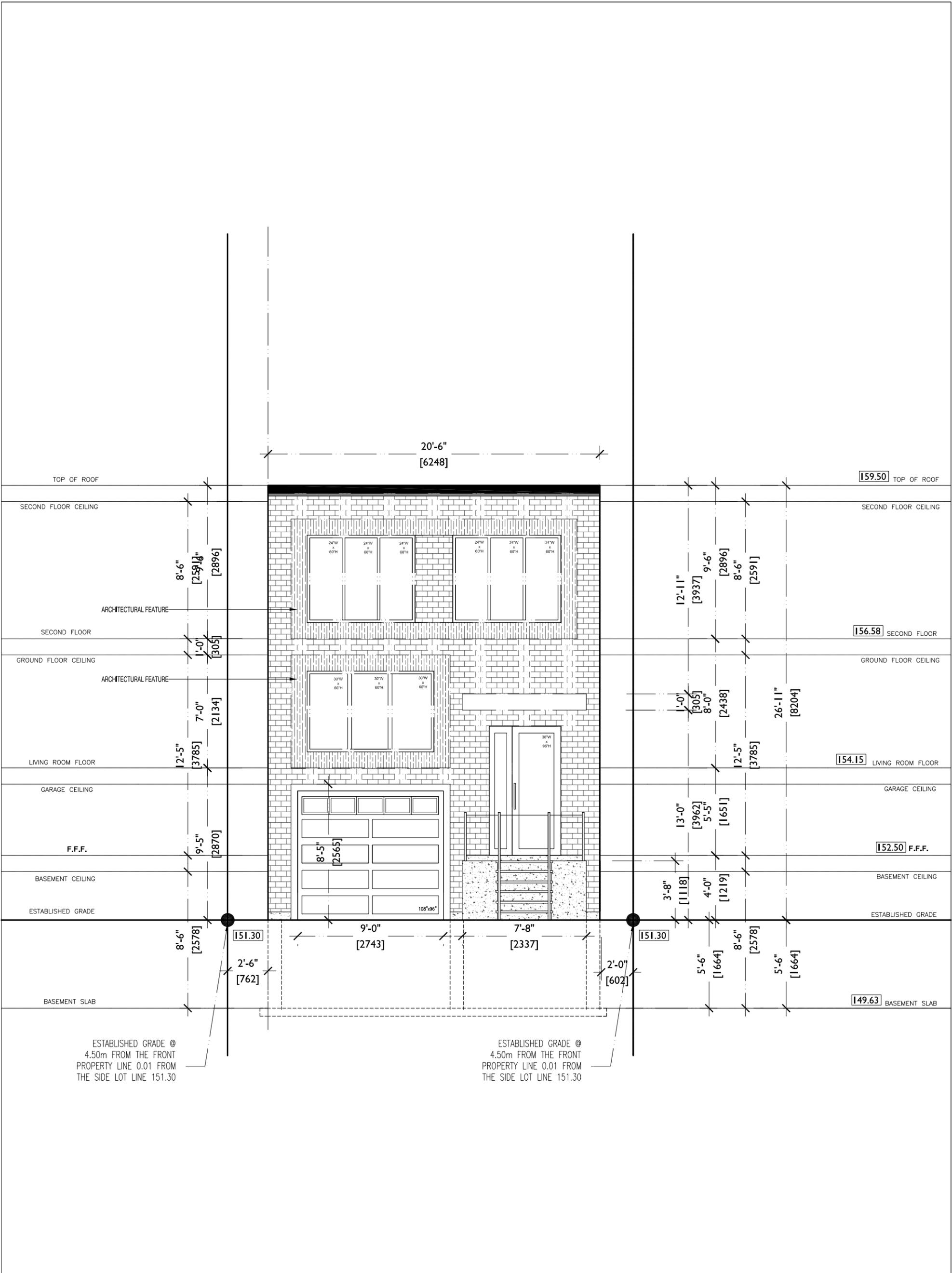
Scale: 3/16" = 1'-0" Date: JULY .30, 2016

Project:
149B WESTBURNE AVENUE, TORONTO

Sheet Title:
ROOF PLAN

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A5



ESTABLISHED GRADE @
4.50m FROM THE FRONT
PROPERTY LINE 0.01 FROM
THE SIDE LOT LINE 151.30

ESTABLISHED GRADE @
4.50m FROM THE FRONT
PROPERTY LINE 0.01 FROM
THE SIDE LOT LINE 151.30

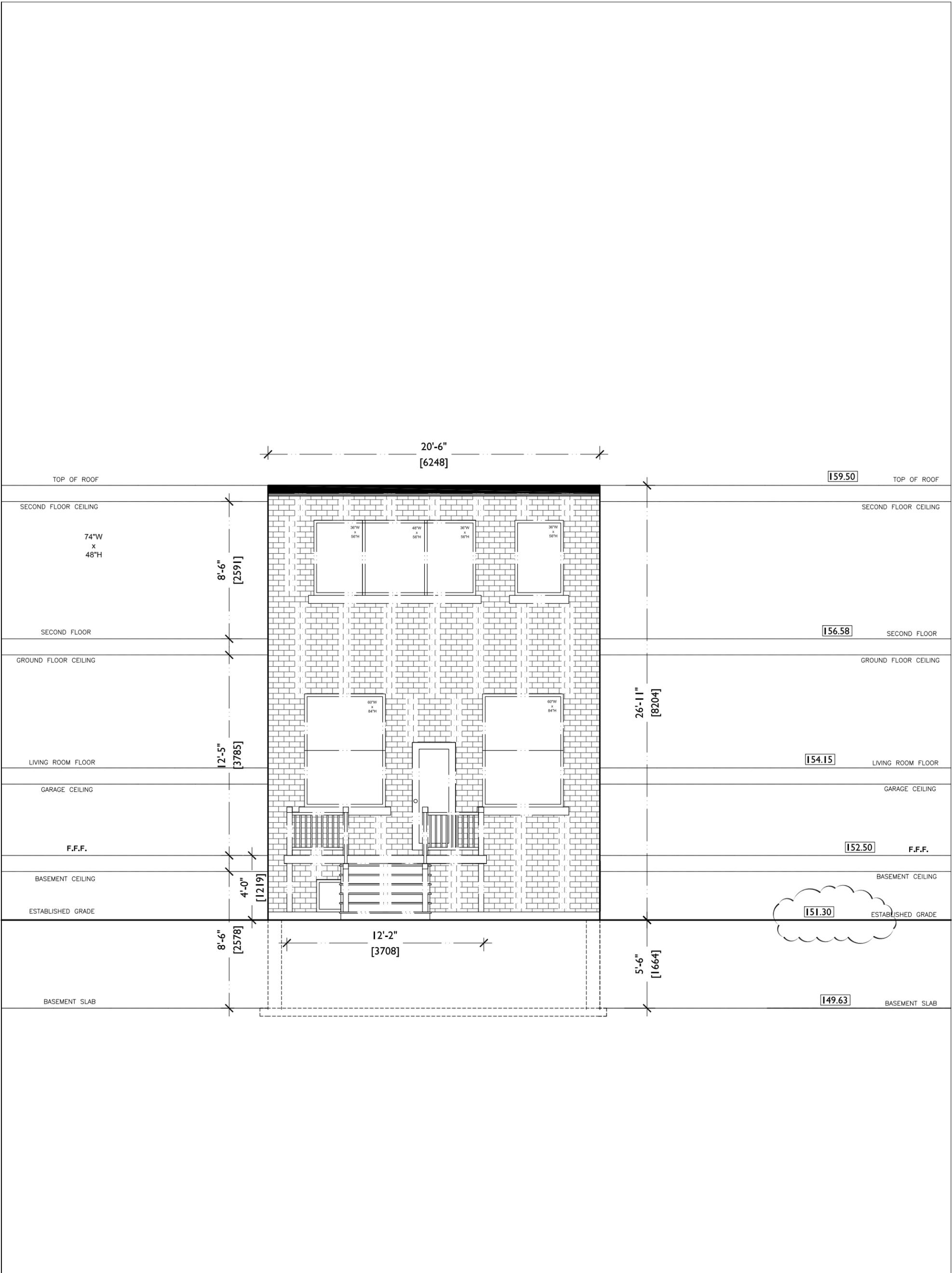


The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer
 Name Danilo Marasigan
 BCIN : 22377
 Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
 Firm Name DZEM3 DRAFTING & DESIGN STUDIO
 Firm BCIN [Signature] Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016
 Project: 149B WESTBURNE AVENUE, TORONTO
 Sheet Title: FRONT (WEST) ELEVATION

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DWG. NO. A6

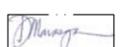


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Name Danilo Marasigan
BCIN : 22377

Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code

Firm Name D2EM3
DRAFTING & DESIGN STUDIO

Firm BCIN 
Signature

Scale: 3/16" = 1'-0" Date: JULY.30, 2016

Project: 149B WESTBURNE AVENUE, TORONTO

Sheet Title: REAR (EAST) ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A7



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Name Danilo Marasigan
 BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the Ontario Building Code

Firm Name DME3
 DRAFTING & DESIGN STUDIO

Firm BCIN 
 Signature

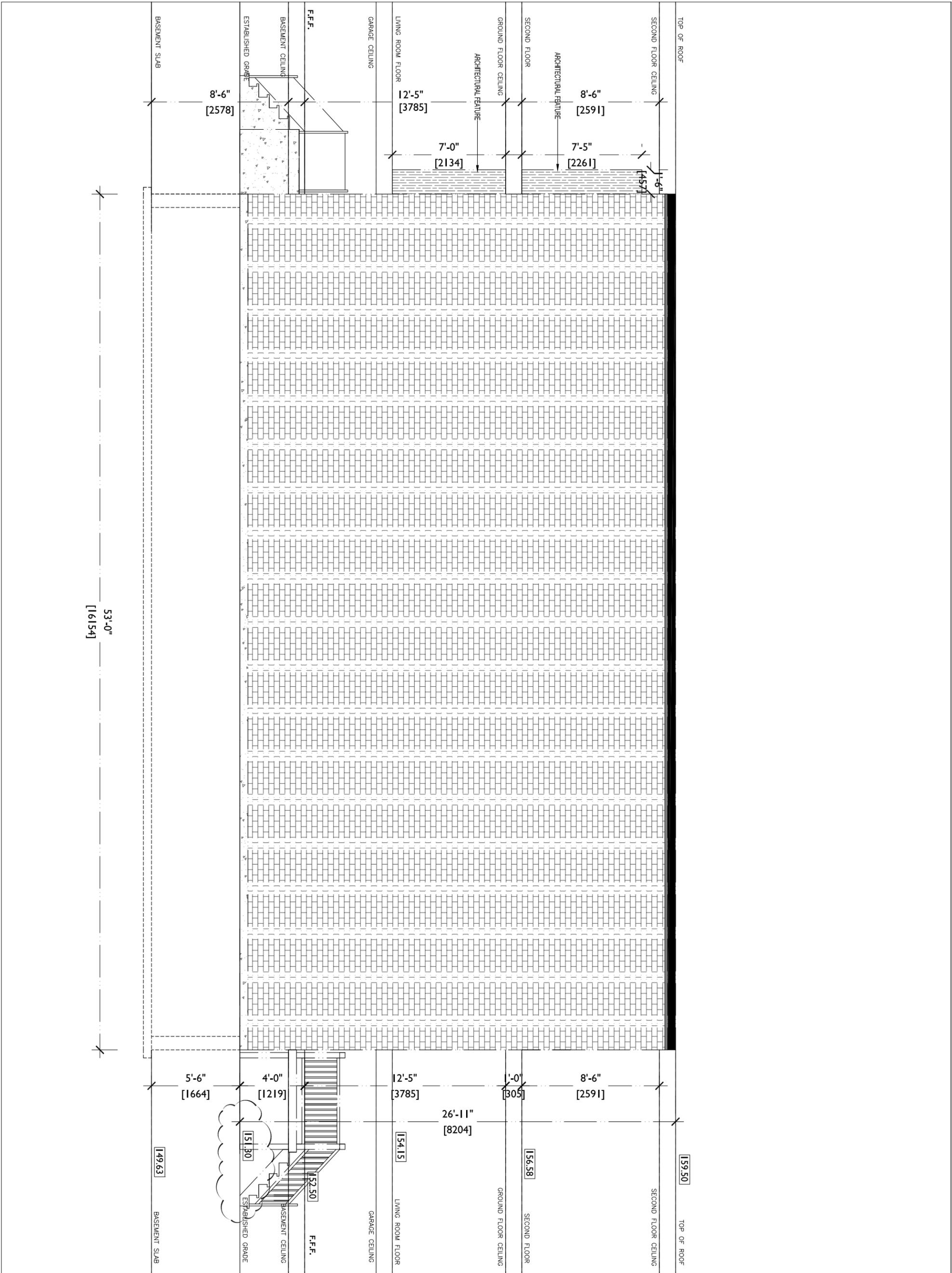
Scale: 3/16" = 1'-0" Date: JULY .30, 2016

Project: 149B WESTBURNE AVENUE, TORONTO

Sheet Title: NORTH ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

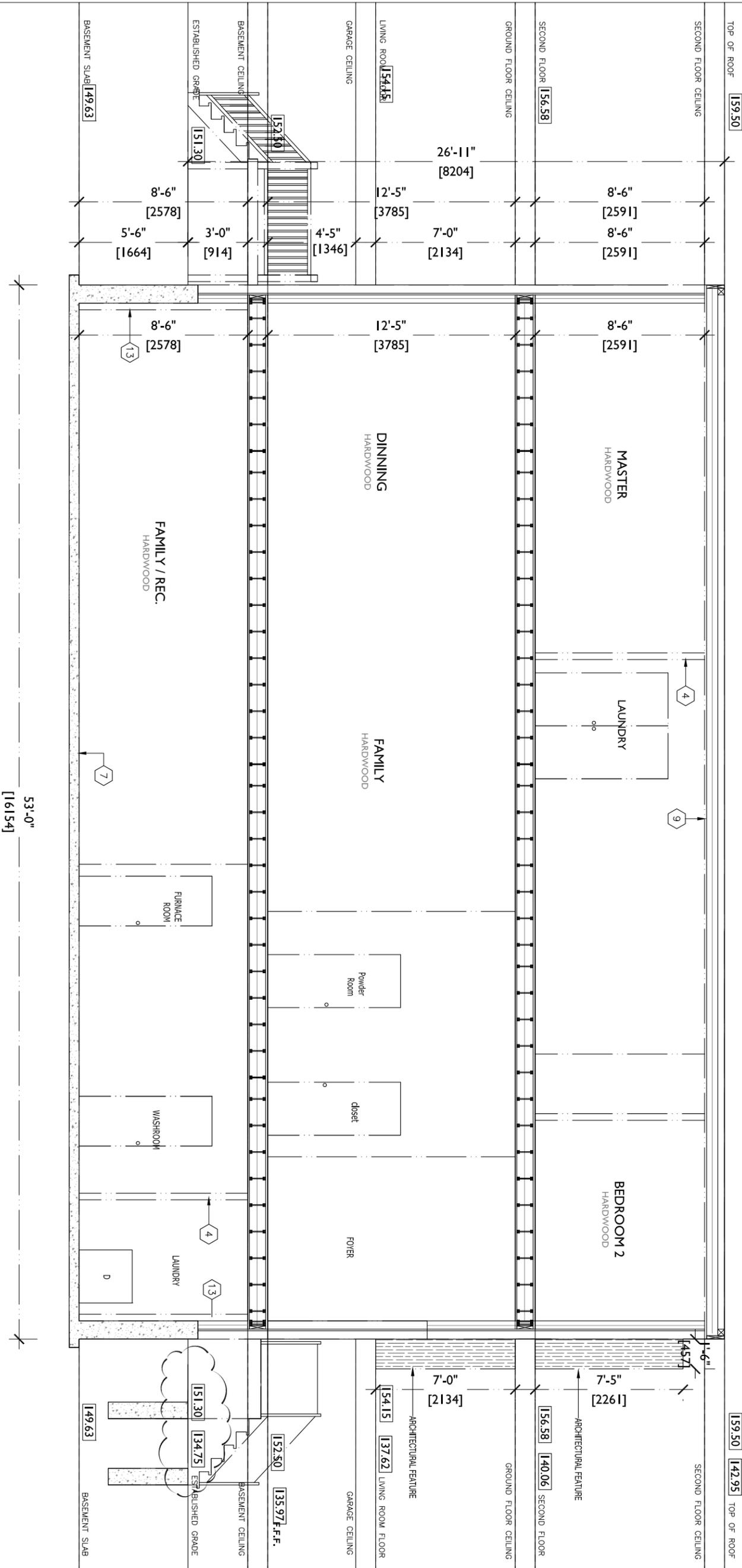
DWG. NO. A8



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer
 Name Danilo Marasigan
 BCIN : 22377
 Required unless design is exempt under Division C – 3.2.5.1. of the 2006 Ontario Building Code
 Firm Name DZEM3 DRAFTING & DESIGN STUDIO
 Firm BCIN [Signature]
 Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016
 Project: 149B WESTBURNE AVENUE, TORONTO
 Sheet Title: SOUTH ELEVATION
 Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A9



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Name Danilo Marasigan
 BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code

Firm Name DME3
 DRAFTING & DESIGN STUDIO

Firm BCIN 
 Signature

Scale: 3/16" = 1'-0" Date: JULY .30, 2016

Project: 149B WESTBURNE AVENUE, TORONTO

Sheet Title: SECTION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO. A10