

DECISION AND ORDER

Revised Decision Issue Date Wednesday, January 24, 2018

PROCEEDING COMMENCED UNDER subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): GIULIA FALBO AHMADI

Applicant: WESTON CONSULTING

Property Address/Description: 512 JARVIS ST

Committee of Adjustment Case File Number: 17 141837 STE 27 MV

TLAB Case File Number: **17 224461 S45 27 TLAB**

Hearing date: Friday, January 12, 2018

DECISION DELIVERED BY G. Burton

Parties

Giulia Falbo Ahmadi

City of Toronto

Counsel

Sean Gosnell

Jessica Braun

Participants

Kira Heineck, COTA Health

Mark Aston, Fred Victor Centre

Keith Hambly, Fife House Foundation

Paul Dowling, HomeComing

INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (“TLAB”) from the refusal by the Committee of Adjustment (“COA” or “Committee”) to authorize variances required by the appellant Ms. Ahmadi to utilize an existing large three-storey dwelling at 512 Jarvis Street in the downtown area of the City for a use not permitted by the applicable zoning by-laws. It would be a residential care facility for older homeless women. The proposal would also require variances to authorize non-compliant aspects of the existing building as well as other variances from the zoning standards.

The property is designated Residential Neighbourhood in the Official Plan (“OP”), and is zoned R (d1.0)(x644) under By-law No 569-2013 (the “New By-law”) and R3 Z1.0 under Zoning By-law 438-86. It has an approximate area of 638 square metres, with 12.7 metres of

frontage along Jarvis Street. There is an existing three-storey detached dwelling, now containing one dwelling unit on the second and third floor. The basement and ground floor of the building are currently being renovated to accommodate a 12-room rooming house use. The building height is 12.27 metres to the peak of the gabled roof, and the Gross Floor Area is 554.81 square metres.

The property abuts converted residential dwellings to the north and west. It is part of a row of five large historic detached dwellings on Jarvis between Cawthra Square and Gloucester Street. All have been converted to other uses, including an event space holding 150 persons, two 16-unit apartments buildings beside the subject, and a former bed and breakfast. The east side of Jarvis Street, facing the subject property, contains uses such as a vacant heritage building, a three-story residential condominium, and the Princess Margaret Cancer Centre Lodge, with about 55 rooms and 104 beds.

BACKGROUND

Four entities, including two neighbours, had elected to have Party status at the hearing. However just before the hearing, their counsel informed TLAB that the two neighbours who oppose the application were choosing not to appear. This left only those parties in favour of the application at the hearing, being the property owners and the City of Toronto. Four others elected to be Participants, also in favour. One of these, Mr. Keith Hambly, did not appear, but the others testified.

The TLAB heard the evidence of the applicant’s planner Mr. Guetter as to whether the variances requested met the tests in section 45 of the Planning Act. A significant portion of his evidence was set out in Exhibit 1, his Witness Statement.

MATTERS IN ISSUE

This proposed use of the property was characterized by the City Zoning Examiner as a “residential care home”, designed to house 24 persons. The main issue in the appeal is whether this is the appropriate location for such a use, given its OP designation as

Residential Neighbourhood as well as certain provisions in the applicable zoning by-laws.

JURISDICTION

On variance appeals the TLAB must ensure that each of the variances sought meets the tests in subsection 45(1) of the Planning Act (the “Act”). This involves a new consideration of the variances before the Committee in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

- is desirable for the appropriate development or use of the land, building or structure;
- maintains the general intent and purpose of the official plan;
- maintains the general intent and purpose of the zoning by-law; and
- is minor.

These are usually expressed as the “four tests”, and all must be satisfied for each variance.

The TLAB must also have regard to matters of provincial interest as set out in section 2 of the Act. Those in this section that have special application to this appeal are:....

- h.1) the accessibility of persons with disabilities to all facilities, services and matters to which this Act applies;
- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities; and
- j) the adequate provision of a full range of housing.

The variances must also be consistent with provincial policy statements and conform with provincial plans (s. 3 of the Act). A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (‘PPS’) and conform to (or not conflict with) the 2017 Growth Plan for the Greater Golden Horseshoe (‘Growth Plan’) for the subject area.

Under s. 2.1(1) of the Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body. I have carefully examined all of these materials.

To the extent that the variances requested differ from those before the COA, I accept that the Applicant’s proposed revisions (see the variances below) are reductions or very slight increases from the original application. As such, I find that no further notice is required pursuant to s. 45 (18.1.1) of the Act, and the revisions can be considered.

EVIDENCE

The appellant’s evidence was provided by Mr. Ryan Guetter, a well-qualified and very experienced professional planner, who has studied the property, the neighbourhood and

the proposed use closely. It was his testimony that, based on the response from both members of the public and the COA members at its meeting, it is clear that the primary concern of most of those opposed is the proposed use as a Residential Care Home ("RCH") as defined under the New By-law. He said in his Witness Statement (Exhibit 1, p. 7) that the Committee was concerned with the intensity of the proposed 24-room RCH relative to the surrounding area.

It is important to note that no variance for the proposed use of a RCH is required under By-law 438. The use is permitted as-of-right because it meets the condition in this By-law that it occupy the whole of a fully detached building (Exhibit 1, Expert Witness Statement, Tab 48, page 793, and Tab 52, page 902). Such a use is permitted in all zones under this By-law.

Mr. Guetter stated that the existing building, an imposing home built as a single family dwelling in the late 1800s, is listed as a heritage structure by the City. However, Heritage staff had no objection to the proposed use as a transitional residence for senior women with 24 units. There would be no exterior alterations to the building, except those required to meet Fire Code and Accessibility requirements.

It would be operated under a long-term lease by Fred Victor Centre, and called Mary Sheffield House after the founder of the Fred Victor Mission. The Centre is a registered charity with many sites throughout the city, operating successful programs for the homeless and disadvantaged.

He further described the proposed use of a RCH in his Witness Statement as designed to help women transition from poverty into stable, long-term housing or care. Length of stays will generally be from several months to one year. There will not be frequent turnover. The program includes case management, social programming and skills training as well. There would be house rules, reinforcing the limited intensity of the proposed use and the "docile" nature of the proposed facility. The specific house rules to reduce external impacts include the following: no guests; mutual respect for other house residents and for neighbours; and house responsibilities.

There would be staff on site at all times, and few if any vehicles using the existing two spaces at the rear because of the status of the residents. Deliveries would be made in the rear using the existing easement over the 514 Jarvis St property, for access to Gloucester St. to the north.

Over the years the building has been used in various approved ways, with different degrees of intensity. It has been a bed and breakfast with multiple rooms (almost a commercial use) as well as containing a recording studio.

To illustrate that the proposal met the test of maintaining the general intent and purpose of the Official Plan, Mr. Guetter chose a Study Area and Geographic Neighbourhood illustrated in Exhibit H of Exhibit 1, and with existing uses in Exhibit J. Although the subject property is designated Neighbourhoods under the Plan, it is clear that there is a great variety in the intensity of the surrounding uses in this downtown area. The immediate area consists of large converted dwellings, many with commercial uses. On

the east side of Jarvis (a major arterial) are institutional or apartment structures. Even within the Neighbourhoods designation here, then, there are many non-compliant structures and uses – he termed it “a much higher order” of uses (Ex. 1, p. 21 et seq.) He pointed out especially that within the same Neighbourhood designation there is an eleven-storey apartment building on the northwest corner of Jarvis and Gloucester, at 100 Gloucester (although the permitted density there is 2.5 times the lot area, versus 1.0x south of Gloucester.) It is nonetheless very close to 512 Jarvis, and within the same neighbourhood context. Similarly, at 100 Wellesley Street to the south there is a 28-storey apartment building.

Both these structures and the subject property are within the same Residential zone, although, as stated, there is great variability in the intensity of the uses nearby. The New By-law applied different exceptions and densities to zones in this area, but retained the Residential category (Exhibit G of Ex. 1). Mr. Guetter stated that the proposed use is similar in intensity to what had been authorized on the site in the past – a bed and breakfast, recording studio, and office uses. There is also the building immediately to the south at 510, with 16 dwelling units and greater lot coverage.

The requested variances for this proposed use (shown in table form in Exhibit 1 at pp. 44, 45) are:

By-law 438-86:

1. Front Lot Line

Section 6 (3) Part II (2) (ii)

The required setback is 8.15 metres.

The existing setback to the edge of the second floor balcony is 6.90 metres.

2. Side Yard Setbacks

Section 6 (3) Part II 3 F (I) 2

The side walls of the adjacent buildings at 510 Jarvis to the south and 514 Jarvis to the north both contain openings. Therefore, a 1.2 metre setback is required.

The existing north side yard setback is 0.96 metres. The existing south side yard setback is 1.07 metres.

3. Density

Section 6 (3) Part I (1)

The maximum permitted density is 1.0 times the lot area.

The existing heritage building has a density of 1.345 times the area of the lot.

By-law 569-2013

4. Permitted Uses

Chapter 10.10.20.10(1)

The proposed use, dwelling units within a Residential Care Home, is not a permitted use.

The proposed Residential Care Home shall be permitted.

5. Permitted Building Types

Chapter 10.10.20.40(1)

The proposed building type is undefined, and is not a permitted residential building type in the R zone.

The proposed Residential Care Home shall be permitted.

6. Permitted Encroachments – Access Ramps

Chapter 10.5.40.60(3)(B)(i)

An uncovered ramp is permitted, if the ramp is no longer than 15 horizontal units for each 1.0 vertical unit above-ground at the point where the ramp meets the building or structure.

The proposed ramps have a slope of 12 horizontal units for each 1.0 vertical unit.

7. Floor Space Index

Chapter 10.10.40.40(1)(A)

The permitted maximum Floor Space Index is 1.0.

The existing heritage building has a density of 1.309 times the area of the lot.

It can be seen that the use variances, numbers 4 and 5, are the most significant for the project, the others flowing from the application of newer development standards to the existing building. Authorizations are required for the existing density (3 and 7), setbacks (1 and 2), and one is required to accommodate the slope of the necessary access ramps (6).

Mr. Guetter said in his Statement (Ex. 1, p. 39):

“The Zoning By-laws contemplate a varied residential built form, given the range of building types that are permitted by both by-laws. However, the by-law standards do not reflect the density or intensity of use that exists in the area today.....(the 11-storey apartment building on the north side of Gloucester is zoned for a density of 2.5 but has an actual density of 5.05; the infill tower proposed for 100 Wellesley Street would result in an overall site density of 6.33.)..... It can be argued that, while a diversity of building types is contemplated by the R3 Zone under By-law 438, the density standards in the Zoning By-law are out of date and do not reflect the current density in the area.”

Mr. Guetter explained that the enactment of the New Bylaw was not intended to update the zoning for the whole City. It was simply an exercise of merging the standards from the By-laws of the former constituent municipalities into one document. Hence the new density values are similar, notwithstanding that individual sites often exceed the maximum density permissions.

Furthermore, a number of the existing uses within the geographic Neighbourhood he chose are not permitted in the R3 Zone. This mix of uses reflects the context of an evolving downtown neighbourhood, which is not contemplated by the as-of-right permissions in the Zoning By-law, but is considered appropriate in its context.

The subject property is zoned Residential R (d1.0)(x664) according to Zoning By-law 569-2013. All of the properties within the Study Area and the Geographic

Neighbourhood he chose are similarly zoned (Exhibit G). He also points out that the Zoning By-laws permit a wide range of residential uses, including supportive housing, and permits other uses that would be of a higher intensity than that proposed for this dwelling.

It is because the New By-law does not specifically include the proposed use, a Residential Care Home, as a permitted use in the R zone that the above variances 4 and 5 are required. It did not fit neatly into any category under the New By-law. The argument is convoluted, but is approximately the following:

512 Jarvis Street was initially constructed as a 'Detached House', defined in the New By-law as "A building that has one dwelling unit occupying the entire building" (Tab 50, page 880). Although constructed as a detached dwelling, based on a strict interpretation of the definitions in the zoning by-law the structure cannot be considered as such for the purposes of the determining the Building Type, necessitating Variance 5 above.

The proposed RCH would contain 24 occupants in rooms with common food preparation and sanitary facilities. A dwelling unit is defined as:

"living accommodation for a person or persons living together as a single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit" (Tab 50, page 880).

However, each room in the proposed RCH is defined as a dwelling unit because they contain two sinks. The Zoning Notice of August 3, 2017, stated that "The proposed use, dwelling units in a residential care home, is not permitted in the Residential Zone." Nor is it an apartment building as defined (Tab 50, page 878), because the definition of Residential Care Home in the New By-law precludes this. By sub-clause (D) "an apartment building used for the purpose of supportive housing or social housing is not a residential care home" (Tab 50, page 887).

Under the New By-law, a "residential care home" is defined as:

"Supervised living accommodation that may include associated support services, and:
(i) is licensed or funded under Province of Ontario or Government of Canada legislation;
(ii) is for persons requiring semi-independent or supervised group living arrangements;
and
(iii) is for more than ten persons, exclusive of staff.
(iv) an apartment building used for the purpose of supportive housing or social housing is not a residential care home,
but does not include a use otherwise classified or defined in this by-law." (Ex. 1, Tab 50, page 887.)

However, as mentioned, the proposed use is not allowed in this zone. Based on the definitions contained in the New By-law and the proposed plans, the Zoning Examiner identified the need for Variance 5. Nor did the proposal fall within other definitions, a rooming house, a municipal shelter or a group home (Ex 1, pp. 52 – 53). (The older By-

law 438 does not restrict its use permissions according to building type. Use as a Residential Care Facility is permitted as-of-right.)

Because of the definitions of dwelling unit, detached dwelling, and apartment dwelling, Mr. Guetter concludes that there are in all likelihood a lot of converted residential buildings across the City that would have an “undefined” building type.

He was of the opinion that the building is the same as when it was originally constructed as a detached dwelling, and therefore it remains a detached dwelling type. His conclusion on the use variances is therefore that the RCH use is similar in appearance and function to other communal and supportive housing arrangements which are permitted under the New By-law. Thus the proposed use is supported by, and meets the intent and purpose of both Zoning By-laws as a residential use within an existing single detached dwelling.

Respecting the other variances, Variances 2, 3 and 7 are required to rectify deficiencies of the existing heritage building. These included density and side yard setbacks. The building was constructed before either By-law was enacted. These variances are required in order to bring the existing building into full compliance with both Zoning By-laws.

Variance 1 rectifies an existing condition at the front. Variance 6 is required to permit the proposed access ramps at the front and rear. A slope of 12 horizontal units for each 1.0 vertical unit is proposed. The variance for slope is only required from the New By-law.

As mentioned, a RCH is a defined term in the New By-law (see p. 7 above.) While it would seem to include the proposed use, it is not permitted for this site. However, Mr. Guetter testified, Variances 4 and 5 maintain the general intent and purpose of the New By-law when one considers that the use is similar in appearance, intensity and function of other uses which are permitted under it, being a Seniors Community House, Rooming House, Municipal Shelter, and Group Home.

Respecting the OP policies, Mr. Guetter outlined applicable sections in his Statement. Its directions for determining the physical character of the Neighbourhood include Policy 4.1.5, which addresses built form types. It states:

“The prevailing building type will be the predominant form of development in the neighbourhood. Some Neighbourhoods will have more than one prevailing building type. In such cases, a prevailing building type in one neighbourhood will not be considered when determining the prevailing building type in another neighbourhood.” Although a subsequent amendment to the OP, OPA 320, has altered this description, and would be more favourable to this application, it is not yet in force (see below.) There is really no prevailing type in this eclectic neighbourhood.

In addition there are the policies applicable to the Downtown area where the subject property is located.

The property is in the Downtown Area (Ex. 1, Exhibit D). By Policy 2.2.2 growth is directed to the Downtown (as well as other areas). This is the primary centre for jobs and commercial activities, with a variety of arts and cultural venues, commercial activities and entertainment destinations, as well as major universities and hospitals. It is identified as an area that is to accommodate the widest range and intensity of uses in the Ccity.

Policy 2.2.1.1(c) calls for the provision of a full range of housing opportunities in the Downtown. Policy 2.2.1.4 states:

“A full range of housing opportunities will be encouraged through:

- a) Residential intensification in the Mixed-Use Areas and Regeneration Areas of Downtown;
- b) Sensitive infill within Downtown Neighbourhoods and Downtown Apartment Neighbourhoods.”

It is Mr. Guetter’s opinion that the project well reflects these policies.

Other policies are also satisfied, in his opinion. The introductory text to Section 2.3.1 states:

“By focusing most new residential development in the Centres, along the Avenues, and in other strategic locations, we can preserve the shape and feel of our neighbourhoods. However, these neighbourhoods will not stay frozen in time.....

Some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites. 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.”

The OP contemplates new development within and adjacent to Neighbourhoods, so long as development is sensitive to and compatible with surrounding uses, and that impacts to light, privacy, traffic, and parking are carefully mitigated (Policies 2.3.1.2 and 2.3.1.3).

The Heritage policies of Section 3.1.5 of the OP are also applicable as they provide guidance for the adaptive re-use of heritage buildings. The property is a listed (but not designated) property. OP Policy 3.1.5.6 states:

“The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.”

Section 4.1 contains the land use policies for lands within the Neighbourhoods designation. Neighbourhoods are physically stable areas which contain a full range of residential uses within lower-scale buildings, and should be stable, but not static. Section 4.1 states:

“Physical changes to established Neighbourhoods must be sensitive, gradual, and generally “fit” the existing physical character. A key objective of this Plan is that new

development respect and reinforce the general physical patterns in a Neighbourhood.”

These policies were modified by Amendment 320 to the Official Plan, not yet in force. However this provides some indication of the direction the City would take respecting development in Neighbourhoods. OPA 320 includes changes to the Sections 2.3.1, 3.2.1, 4.1, and 4.2 to clarify and refine the existing policies as they apply to residential lands. The amendment divides Toronto’s residential areas into two distinct categories based, to a large extent, on height, scale and massing of development - ‘Neighbourhoods’ and ‘Apartment Neighbourhoods’. Infill is encouraged for the latter.

In Mr. Guetter’s opinion OPA 320 provides planning context for the proposed RCH at 512 Jarvis Street and represents emerging thinking on the evolution of Neighbourhoods.

Mr. Guetter concluded that the Downtown policies in Section 2.2.1 of the OP support the introduction of an RCH on the property located at 512 Jarvis, as it will contribute to the full range of housing opportunities. In addition the proposal meets the definition of “sensitive infill” that respects the existing physical character of the area, because no significant exterior changes are proposed. It makes more efficient use of existing housing stock, and adds to the services located in the downtown area. The heritage home at 512 Jarvis Street represents the prevailing building type in the immediate neighbourhood. The adaptive re-use of the building will reinforce the stability of the neighbourhood. Finally, the proposal facilitates the achievement of the guiding principles to create a “city of diversity and opportunity” for all. Thus in his opinion the proposed RCH conforms to the policies of the OP.

Similarly, as outlined above, in his opinion the variances meet the test of maintaining the general intent and purpose of the zoning by-laws. Because they have little or no impact on neighbouring properties, and are numerically small, they also meet the tests of being minor. They are similar to previously authorized uses, and involve no changes to the existing building mass, bulk or height. They are desirable for the appropriate development or use of the land and building, as it retains its nature as a residential use, with the reuse of an existing older home for a repurposed function.

THE PARTICIPANTS

Three persons gave evidence as to their organizations and the reasons for supporting the application.

Mr. Mark Aston of Fred Victor Homes testified as to the proposed use and management of the property by his non-profit organization which has provided 123 years’ service to the City’s disadvantaged and homeless. It manages 2000 clients daily at 20 sites, dealing especially with services to the homeless and aiming to find supportive housing. This would be among the smaller sites for this type of service. In light of the current crisis in shelter beds, he welcomes this initiative by the property owners to assist the target population of older homeless women with a transitional home. Twenty-four units means that persons have a safe home for a year and will not be on mats or concrete in shelters.

The management would be up to Fred Victor's usual standards, with full-time staff on site, providing stability not only for the residents but for the surrounding community. The organization has had no complaints from neighbours of such facilities in 10 years. It would provide special geriatric case management in partnership with LOFT (LOFT Community Services), and social and recreational services. Possible residents would be identified at shelters, interviewed and if accepted, informed as to their rights and responsibilities. Property management services would be excellent so as to maintain the "lovely old building". The goal, given the "transitional" nature of the home, would be to transfer the clients to permanent homes or to long term care.

He assured any neighbours with concerns about property maintenance that garbage would be properly stored at the rear. Access for food deliveries would be via the easement to the rear, except perhaps for small deliveries and taxis. Resident intake would occur perhaps twice a month, via taxis, as clients will have few possessions.

Ms. Kira Heineck, of COTA Health, is the Executive Director of the Toronto Alliance to End Homelessness, which has over 100 organizations as members. She herself has had over 20 years' experience as a leader in housing and homelessness in Toronto. She is aware of the vital role housing plays in contributing to both individual and community health and well-being.

She testified that the initiative at 512 Jarvis Street will provide immediate shelter and safety to women who may otherwise not find any, due to lack of capacity in the City of Toronto's shelter system. As of November 2017, women's shelters throughout the City of Toronto were operating at 99% capacity, a great deal higher than the 90% capacity that is the city-approved maximum. This degree of shelter occupancy is to ensure safe shelter and adequate resources to help people move from the streets to housing.

The percentage of homeless seniors doubled between 2009 and 2013, and is only expected to increase as the general population ages. Seniors form currently 29% of Toronto's overall homeless population, its fastest growing segment.

Her conclusion is that the current shelter system is overloaded at the same time that more senior women require shelter and supports to end their homelessness.

Beyond shelter, more permanent housing such as this project would work toward bringing many more sustained benefits such as :

- a. Senior women experiencing or at risk of homelessness would have better health and other outcomes when they settle into housing with and appropriate supports.
- b. Communities generally experience higher well-being and prosperity as everyone in their community is supported.
- c. Public dollars see better return on investments – care facilities are cheaper to operate than emergency rooms or jails.
- d. Fears of dropping property values or rising crime when people from vulnerable or marginalized communities arrive are unfounded – instead the evidence shows some

benefits can accrue to communities welcoming shelters and housing such as 512 Jarvis Street.

Ms. Heineck testified that Fred Victor Centre is amongst Toronto's most experienced and best providers of housing, shelter and other supports for homeless people in Toronto, including women and seniors. There are many such examples, including 389 Church St. She explained that LOFT coordinates the care of the seniors by providing Case Managers and Personal Support Workers to residents, while Fred Victor finds housing, manages the day-to-day operation of the shelter and its social and recreational activities.

She concluded that housing such as the residential care home for older women planned for 512 Jarvis Street is necessary to assist in ending homelessness. This is the main work of the Toronto Alliance to End Homelessness. As a tool in their toolbox, she suggested that 512 Jarvis Street is critically needed. It is a desirable choice to name the site after Mary Sheffield, founder of Fred Victor Mission, and a fitting tribute to their work.

Mr. Paul Dowling of Home Coming Community Choice Coalition ('Homecoming') testified as well in favour of the application. He is a consultant with 38 years' experience with those marginalized by poverty or disability. Affordable housing close to necessary services is critical for these groups, but this is often impeded by neighbours. Some complaints are legitimate, but others are based on prohibited grounds of discrimination. He cited in his statement many of the studies against such discrimination, and the resultant legislative response by the City. It outlawed discrimination based on disability, and separation distances between supportive housing locations. He pointed out that residential care homes are already permitted in zones with higher densities, and that this proposal should definitely be approved. There would be little or no impact on the neighbourhood.

Mr. Keith Hambly of Fife House Foundation, a designated Participant, did not appear.

In his summation, Mr. Gosnell indicated that the participants' evidence provided depth and context to the urgent need for the proposed use. The location is appropriate and necessary, central to transportation and other services, and the planning policy regime provides support for meeting this need for relief from poverty and homelessness. There are so many varied uses nearby that there would be no disruption to the community fabric.

Ms. Braun stated that the City supported this use in this location, citing Exhibit J of Ex. 1 as proof of the variety nearby. It "fits right in", she argued. The City's conditions should be imposed if it is approved.

ANALYSIS, FINDINGS, REASONS

As pointed out by Mr. Guetter in his witness statement, (Ex. 1, p. 26 to 30.) the application meets many of the policies in both the PPS and the Growth Plan for increases in housing for a vulnerable population most in need. I agree with his opinions

that these plans are satisfied, in that the proposal will enhance the growth of housing and services for the disadvantaged. This will occur even with this relatively small scale proposal.

Respecting satisfaction of the test of maintain the general intent and purpose of the OP, I find that the proposal presents little challenge to this already extremely diverse neighbourhood, no matter how narrowly this is drawn. The surrounding residential neighbourhood contains a diversity of housing stock, building types, uses, and built forms, ranging from historic mansions and townhouses to older apartment buildings and new condominiums (see Ex. 1, Exhibits I and J). It is in the downtown area, where the needs of the targeted population appear to cry out for such assistance. There will be no alterations to the mass or bulk of the existing structure. As Mr. Guetter stated, this area is a unique geographic neighborhood in that it is surrounded to the north, west, and south by land use designations that are of a significantly greater height and intensity than the subject Neighbourhood designation (Exhibit I). When assessing the existing and planned context of the Neighbourhood as required by Section 4.1.5 of the OP, one can see an unusually large range and intensity of uses, and variability in street composition, in spite of the Neighbourhoods designation in the OP. Multiple occupancy buildings predominate, although there is no prevailing or predominant building form.

I conclude that the proposal meets the tests of “fit” and compatibility as the OP requires.

Respecting the zoning by-laws’ general intent and purpose, I find the conclusion that this test is satisfied to be even clearer. There is a great variety of intensity of uses even within the Residential zones nearby. I find no merit in the neighbours’ original concerns about such a use (loss of property value, increased traffic, garbage, etc.) Their planner Mr. Theodore had expressed it in this way:

“Contextually the impact from the operations of a 24-unit residential care facility, a use that is neither planned or contemplated in this zone, will result in a major change to this area. Residential care facilities are institutional in nature, having a more intense function and operation, both in terms of staff, utilization of the property and general activity on and around the site. As such, this use will introduce an intensity that will be intrusive to the permitted uses on abutting lands, particularly the dwellings that abut and surround the Subject Property, making it undesirable for the current context.” (letter from Eldon C. Theodore to Committee of Adjustment, dated August 10, 2017.)

For the reasons expressed in the testimony of Mr. Guetter and others, I reject this submission, and it was not pressed before me. I accept that because the last authorized use of the property (as a bed and breakfast with twelve rooms that operated with a similar intensity to the proposed RCH, and existed harmoniously with its neighbours), the proposed would not be more disruptive. As Mr. Dowling pointed out, it is a residential use for older persons, without vehicles, rather than a commercial one, and is more in keeping with the intended function of the zone. There would be less of a street presence as well as less parking demand.

Therefore I find that the proposed use of a Residential Care Home is desirable for the appropriate development and use of the building at 512 Jarvis Street, and that the

general intent and purpose of the By-laws and the Official Plan are maintained. The variances are minor in both numbers and impact.

NOTE: On January 19, 2018, after the issuance of the Decision and Order of Wednesday January 17, 2018, the applicant Mr. Mike Ahmadi informed the TLAB of an error in the plans as submitted and attached as per condition 3 of the January 17th decision. The revised plans are current, satisfactory and appropriately reflect the considerations above described. This decision replaces the decision dated January 17, 2018. Condition 3 is amended as set out below:

DECISION AND ORDER – AS REVISED:

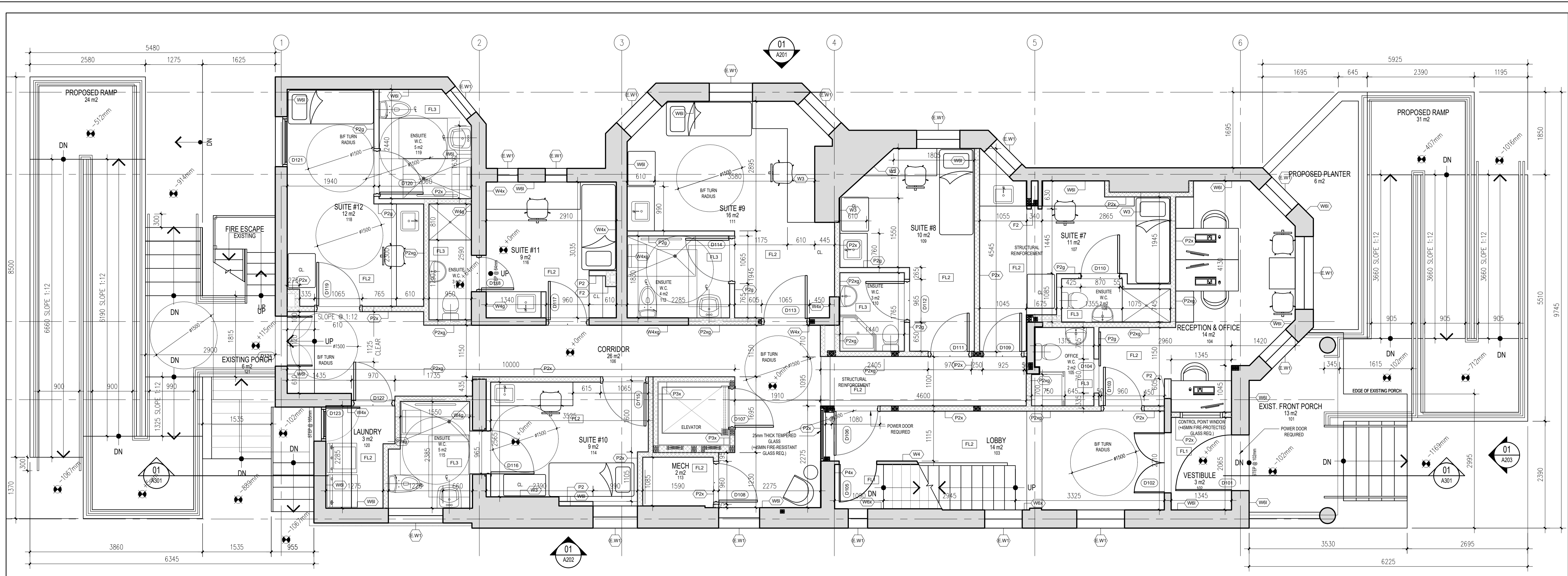
The TLAB orders that:

1. The appeal is allowed and the variances to Zoning By-law 438-86, as listed from 1 through 3 above, are authorized, subject to the conditions below.
2. The variances to Zoning By-law No. 569-2013 as listed 4 through 7 above are authorized, contingent upon the relevant provisions of this By-law coming into force and effect, and subject to the conditions below.
3. **The residential care home shall be constructed substantially in accordance with the Revised Plans dated 18-01-19, and attached hereto. These plans shall form part of this order. Any other variances that may appear as required on these plans and that are not listed in this decision are not authorized.**
4. This approval is subject to the following conditions:
 - (a) Prior to the issuance of any building permit, all building permit drawings shall be to the satisfaction of the Senior Manager, Heritage Preservation Services;
 - (b) Prior to the issuance of a building permit, the Owner shall submit a Functional Servicing Report for review and acceptance to the Chief Engineer and Executive Director, Engineering & Construction Services. The report must be prepared, signed and sealed by a Professional Engineer and must confirm that there is sufficient capacity in the municipal infrastructure to support the proposed development.
 - (c) Prior to the issuance of a building permit, the Owner shall submit a site servicing plan for review and acceptance to the Chief Engineer and Executive Director, Engineering & Construction Services, to show the existing water, storm and sanitary services (all of which must be clearly labelled); and
 - (d) Prior to the issuance of a building permit, the Owner shall provide confirmation from a Professional Engineer whether the existing site services have sufficient capacity to service the proposed development. In the event that there is insufficient capacity, the Owner must submit an application to the General Manager, Toronto Water for the installation of any services within the City's public right-of-way for review and approval.

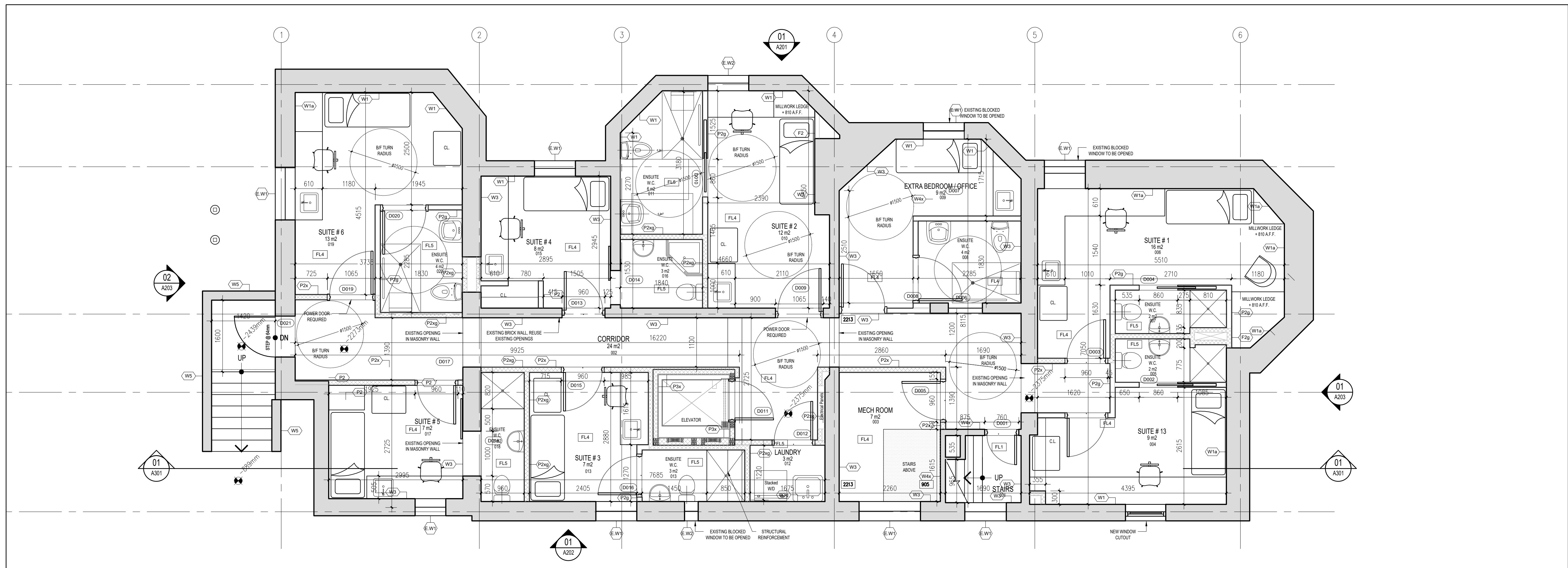
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G. Burton

Panel Chair, Toronto Local Appeal Body



02 PROPOSED GROUND FLOOR PLAN
A120



01 PROPOSED BASEMENT FLOOR PLAN
A120

EXISTING CONSTRUCTION

NEW CONSTRUCTION

WALL TYPE TAG. SEE WALL ASSEMBLIES ON A002

FLOOR TAG. SEE FLOOR ASSEMBLIES ON A002

WINDOW TAG. NO CHANGES TO EXTERIOR WINDOWS

DOOR TAG. SEE DOOR SCHEDULE ON A000

WINDOWS REQUIREMENTS

ALL SUITES PROVIDED WITH AN EXTERIOR WINDOW WHICH AREA IS GREATER THAN 5% OF AREA SERVED. AS REQUIRED BY OBC TABLE 9.7.2.3. REFER TO WINDOW SCHEDULE (A000).

MINIMUM DIMENSIONS AND MINIMUM AREA NOT REQUIRED PER OBC ARTICLE 9.9.10.1, AS ACCESS TO EXTERIOR IS PROVIDED IN EVERY FLOOR.

BARRIER FREE REQUIREMENTS

1. SUITES

BASEMENT: 3 BARRIER-FREE SUITES AND ENSUITE WASHROOMS PROVIDED.

GROUND FLOOR: 3 BARRIER-FREE SUITES AND ENSUITE WASHROOMS PROVIDED.

TOTAL: 6 BARRIER-FREE SUITES

BF WASHROOMS TO CONFORM TO OBC ARTICLES 3.8.3.9, 3.8.3.11 AND 3.8.3.13.

2. ENTRANCE

RAMP PROVIDED AT FRONT FOR ENTRANCE FROM SIDEWALK AS REQUIRED PER TABLE 3.8.1.2.

3. PATH OF TRAVEL

ALL CORRIDOR TO BE 1100mm CLEAR. A PASSENGER ELEVATOR PROVIDED FOR VERTICAL TRAVEL.

PART 11 COMPLIANCE

TO COMPLY TO PART 11, THE PERFORMANCE LEVEL IS EVALUATED AS FOLLOWING:

CONSTRUCTION INDEX

OBC Table 11.2.1.1.A, Construction Index = 1, based on combustible construction and existing 0 hr fire ratings for floors and the roof.

OBC Table 11.2.1.1.1, Hazard Index = 3, based on small building (3 storey and building area less than 600m²) and Group C occupancy.

OCCUPANCY LOAD

Article 11.4.2.2, occupancy load decreases so reduction in performance level does not occur.

CHANGE OF MAJOR OCCUPANCY

Performance level is reduced due to Change of a suite of Group C to more than one suite of Group C.

Early warning and evacuation system is required. REFER TO ELECTRICAL.

SPRINKLER AND STANDPIPE

Building is less than 3 storey, sprinklers and standpipe system are not required.

BARRIER-FREE

Per OBC 11.3.3.2 the building is not required to be Barrier-Free since the difference in elevation between adjacent floor and the ground floor is more than 200mm.

Barrier-free entrance and rear ramps, indoor elevator and suites with their ensuite washrooms are provided.

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LEGEND

17009

project number

JULY 21ST, 2017

date

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scale

MG_LR

drawn by

sheet

1. Copyright of this drawing is reserved to the Architect. The drawing and all associated documents are instruments of service provided by the Architect. The drawing, design and information contained herein, are not to be reproduced or used in any way without the prior written permission of the Architect. The Architect does not accept responsibility for the interpretation of these documents by the Contractor. Upon review and approval of the drawing and design, the Contractor shall be responsible for the interpretation of these documents by the Contractor. Upon review and approval of the drawing and design, the Contractor shall be responsible for the interpretation of these documents by the Contractor. Upon review and approval of the drawing and design, the Contractor shall be responsible for the interpretation of these documents by the Contractor.

2. These Contract Documents are the property of the Architect. The Architect does not accept responsibility for the interpretation of these documents by the Contractor. Upon review and approval of the drawing and design, the Contractor shall be responsible for the interpretation of these documents by the Contractor. Upon review and approval of the drawing and design, the Contractor shall be responsible for the interpretation of these documents by the Contractor. Upon review and approval of the drawing and design, the Contractor shall be responsible for the interpretation of these documents by the Contractor.

3. Drawings are not to be used for construction. The Contractor is to verify all existing conditions and dimensions before construction. The Contractor is to verify all existing conditions and dimensions before construction. The Contractor is to verify all existing conditions and dimensions before construction. The Contractor is to verify all existing conditions and dimensions before construction.

4. Make the appropriate notes, including dimensions, electrical, mechanical, etc. consistent drawings before proceeding with the work.

5. The Contractor shall verify and accept responsibility for all dimensions and conditions on site and verify the accuracy of the dimensions and conditions on site. The Contractor shall verify and accept responsibility for all dimensions and conditions on site. The Contractor shall verify and accept responsibility for all dimensions and conditions on site.

6. The Architect of these plans and specifications gives no warranty or representation to any party about the construction of the building represented by them. All contractors or subcontractors shall verify the accuracy of the dimensions and conditions on site and verify the accuracy of the dimensions and conditions on site. All contractors or subcontractors shall verify the accuracy of the dimensions and conditions on site and verify the accuracy of the dimensions and conditions on site.

No. Revision Date

1 ISSUED FOR CLIENT REVIEW 12-11-16

2 ISSUED FOR LAB REVIEW 16-01-18

AXIA

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Toronto, ON CANADA M6P 3V6

TEL: +1 647 345 4301

stamp

ONTARIO ASSOCIATION OF ARCHITECTS

TAYMOR R. BAUM

6862

project north

true north

project

PROPOSED RENOVATIONS TO 512 JARVIS STREET

client

MR. MIKE AHMADI

512 JARVIS STREET

TORONTO, ONTARIO

MAY 2016

BASEMENT AND GROUND FLOOR PLANS

17009

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