

DECISION AND ORDER

Decision Issue Date Thursday, February 15, 2018

PROCEEDING COMMENCED UNDER subsection 45(12) and 53(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): RODION TARLO, LIUDMILA SIDOROVA

Applicant: ALEX BOROS DESIGN INC.

Property Address/Description: 40-42 TERRACE AVENUE

Committee of Adjustment Case File Number: 16 239466 NNY 23 CO (B0067/16NY)
16 239472 NNY 23 MV (A0888/16NY)
16 239481 NNY 23 MV (A0889/16NY)
16 239453 NNY 23 CO (B0066/16NY)
16 239488 NNY 23 MV (A0890/16NY)

TLAB Case File Number: 17 196248 S53 23 TLAB
17 196251 S45 23 TLAB
17 196254 S45 23 TLAB
17 196247 S53 23 TLAB
17 196256 S45 23 TLAB

Hearing date: Friday, December 08, 2017

DECISION DELIVERED BY S. Gopikrishna

INTRODUCTION AND BACKGROUND

Rodion Tarlon and Liudmila Sidorova (the "Appellants") applied for variances to the Committee of Adjustment (COA) to sever the existing lots at 40 and 42 Terrace Ave, located in Ward 23 of the City of Toronto to create 4 lots. The COA heard the applications on 6 July 2017 and refused the variances and the requests to sever the property at both addresses. The Appellants retained Davies Howe as their counsel and appealed to the Toronto Local Appeal Body (TLAB). The City of Toronto elected to be a Party to the Appeal. The hearing was scheduled for 8 December 2017 with a scheduled Witness Statement exchange date of 2 October, 2017.

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On 29 September 2017, Davies Howes LLP requested the TLAB to grant an extension until October 20, 2017 for submission of a revised Expert Witness Statement in order to attempt a settlement with the City of Toronto. Given that the requested was also supported by the City, I granted the request on 16 October, 2017 allowing time until the 20th of October to exchange witness statements and arrive at a Settlement.

MATTERS IN ISSUE

The proposal looks to sever the properties at 40 and 42 Terrace Avenue and create 4 Parts as described below

- Part 1-retained lands: 418.17 sq. m area, 10.97 m frontage
- Parts 2 and 3- conveyed and retained lands: 416.13 sq. m area and 10.97 m frontage.
- Part 4- Severed lands: 418.33 sq m area, 10.97 m frontage.

The Appellants plan to construct a two storey dwelling with an integral one car, at-grade garage on each part listed above and require variances for each part as described below. The variances are grouped under the corresponding By-Laws 569-2013 and 7625 respectively.

42 Terrace Avenue- Part 1

Variances under By-Law 569-2013

1. The proposed area of the first floor within 4 m of the front wall is 7.65 sq. m whereas an area of 10 sq. m of the first floor must be within 4m.
2. The proposed lot frontage is 10.975 m whereas the minimum required lot frontage is 12 m.
3. The proposed lot coverage is 32% of the lot area (133.8 sq. m) whereas the maximum permitted lot coverage is 30% of the lot area (125.4 sq. m).
4. The proposed height of the exterior main wall is 7.77 m, whereas the maximum permitted height of all side exterior main walls is 7.5 m.

Variances Under By-law 7625

5. The proposed lot frontage is 10.975 m, whereas the minimum lot frontage is 12 m.
6. The proposed finished first floor height is 1.8 m, whereas the maximum permitted finished first floor height is 1.5 m.
7. The proposed building height is 9.3 m, whereas the maximum permitted building height is 8.8 m.
8. The proposed building length is 15.9 m, whereas the maximum permitted building length is 15.3 m.
9. The proposed lot width is 10.975 m, whereas the minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The required lot frontage is 12 m.

**42 Terrace Avenue- Parts 2 and 3
Variances under By-Law 569-2013**

1. The proposed area of the first floor within 4 m of the front wall is 7.65 sq. m whereas an area of 10 sq. m of the first floor must be within 4m.
2. The proposed lot frontage is 10.975 m whereas the minimum required lot frontage is 12 m.
3. The proposed lot coverage is 32% of the lot area (133.16 sq. m) whereas the maximum permitted lot coverage is 30% of the lot area (124.8 sq. m).
4. The proposed height of the exterior main wall is 7.62 m, whereas the maximum permitted height of all side exterior main walls is 7.5 m.

Variances Under By-law 7625

5. The proposed lot frontage is 10.975 m, whereas the minimum lot frontage is 12 m.
6. The proposed finished first floor height is 1.79 m, whereas the maximum permitted finished first floor height is 1.5 m.
7. The proposed building height of 9.25 m, whereas the maximum permitted building height is 8.8 m.
8. The proposed building length is 15.9 m whereas the maximum permitted building length is 15.3 m.
9. The proposed lot width is 10.975 m, whereas the minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The required lot frontage is 12 m.

40 Terrace Avenue- Part 4

Variances under By-Law 569-2013

1. The proposed area of the first floor within 4 m of the front wall is 7.65 sq. m whereas an area of 10 sq. m of the first floor must be within 4m.
2. The proposed lot frontage is 10.97 m whereas the minimum required lot frontage is 12 m.
3. The proposed lot coverage is 32% of the lot area (133.87 sq. m) whereas the maximum permitted lot coverage is 30% of the lot area (125.5 sq. m).
4. The proposed height of the exterior main wall is 7.62 m, whereas the maximum permitted height of all side exterior main walls is 7.5 m.

Variances Under By-law 7625

5. The proposed lot frontage is 10.97 m, whereas the minimum lot frontage is 12 m.
6. The proposed finished first floor height is 1.8 m, whereas the maximum permitted finished first floor height is 1.5 m.
7. The proposed building height of 9.29 m, whereas the maximum permitted building height is 8.8 m.

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8. The proposed building length is 15.9 m whereas the maximum permitted building length is 15.3 m.

9. The proposed lot width is 10.97 m, whereas the minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The required lot frontage is 12 m.

JURISDICTION

Provincial Policy – S. 3

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

Consent – S. 53

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

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;

(b) whether the proposed subdivision is premature or in the public interest;

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

(d) the suitability of the land for the purposes for which it is to be subdivided;

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

(f) the dimensions and shapes of the proposed lots;

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

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- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance – S. 45(1)

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

The hearing was held on 8 December, 2017. The Appellants and the City of Toronto were the only Parties in attendance; there were no Participants. The Appellants were represented by Mr. John Alati, Partner, and Ms. Melisa Keating, Associate of Davies Howe LLP. Ms. Janice Robinson of Goldberg Planning Group appeared as the Expert Witness. The City of Toronto was represented by Mr. Matt Schuman. The City of Toronto didn't call an Expert Witness.

The hearing started with Mr. Alati briefly describing the circumstances of the Appeal. He stated that they had reached a Settlement with the City of Toronto and would be presenting the details of the Settlement for Approval. He introduced Ms. Robinson as the Expert Witness and reviewed the details of her resume. Ms. Robinson is a Registered Professional Planner and has had considerable experience in the Governmental and Private sectors. After reviewing her track record and Acknowledgement of Duty, Mr. Alati asked that Ms. Robinson be recognized as an Expert Witness. I asked Mr. Schuman if he had any questions for Ms. Robinson. Mr. Schuman replied that he had no questions. I then recognized Ms. Robinson as an Expert Witness.

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Ms. Robinson began her testimony by describing the Study Area in which the subject property is located. It is located east of Bathurst Street and north of Eglinton Avenue in the former City of North York. It is designated “Neighbourhoods” under the City of Toronto’s Official Plan. The area is designated R6 under the City of North York By Law 7625 while it is designated RD under the City of Toronto’s By Law 569-2013. Ms. Robinson then proceeded to recite the requested variances and what is allowed under the 2 by-laws; this information appears under the “Matters in Issue” section.

Ms. Robinson then reviewed the Study Area used for this proposal, which is bounded by Hounslow Avenue to the North, Cobden Street in the East, the lots on the south side of Eglinton Street in the South and Bathurst Street to the West. This area consists primarily of detached dwellings with a townhouse development on the northeast corner of Bathurst and Eglinton. This area is a well maintained suburban neighbourhood and is served well by community facilities, schools and transportation.

The neighbourhood consists of original vintage dwellings, one and two storeys in height and modest in size. The area is stable and has experienced re-investment because new dwellings have replaced the original vintage dwellings.. Based on an analysis of the frontages, Ms. Robinson demonstrated that 11% of the houses in the neighbourhood have frontages between 10- 12 m, smaller than the by-law requirement of 12 m. New constructions (additions and/or replacements) of dwellings in this neighbourhood typically request variances for increased coverage, as illustrated in the review of prior COA and Ontario Municipal Board (OMB) decisions, presented in Tab 29 of Exhibit 1. According to Ms. Robinson, this analysis demonstrated that there exist many approvals of the kinds of variances requested at the subject property. Through the COA analysis, Ms. Robinson demonstrated that the Appellants’ request for 33% average coverage matched the average coverage of the 33% as granted by the COA and OMB. Ms. Robinson pointed out that there are no variances for overall height under 569-2013. The finished first floor height is 1.8 m, similar to other first floor height variances approved in the community. Ms. Robinson concluded her Area Context Summary by stating that the type, style, scale of dwellings and size of lots proposed is not unusual for the area and is consistent with the built form and lot fabric of the neighbourhood. She also emphasized that the proposal fit into the envelope of what had been approved in the area from the perspective of lot coverage, finished first floor and exterior height.

Ms. Robinson then described the proposal, which looked to sever two properties into three residential lots with the frontages and areas as described below:

- Part 1-retained lands: 418.17 sq. m area, 10.97 m frontage
- Parts 2 and 3- conveyed and retained lands: 416.13 sq. m area and 10.97 m frontage.
- Part 4- Severed lands: 418.33 sq m area, 10.97 m frontage.

Ms. Robinson reiterated that Appellants plan to construct a two storey dwelling with an integral one car, at-grade garage on each part listed above, triggering variances on all the lots.

Ms. Robinson then stated that the proposal submitted to TLAB had been revised from what had been submitted to the COA as a result of the settlement in principle

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reached with the City of Toronto. These revisions include eliminating side yard variances, reducing the overall height of each dwelling under By-Law 7625 to 9.3 m and reducing the finished first floor height under By-Law 7625 to 1.8 m. The elimination of the side yard variances resulted in an increase to the length of the dwellings in order to maintain 32% coverage. There were previously no variances for building length but now there are variances for length, but only under By Law 7625. The requested length of 15.9 m complied with By-Law 569-2013 which permits building length of 17 m but needed relief under By Law 7625 which restricts length to 15.3 m. The resulting GFA is 269 sq. m, the front setback is 6.5 m, rear setback is 15.7 m to the rear lot line and side setbacks are 1.2 m on both sides. The heights of each of the dwellings are a little different under the two by-laws because the new City wide By-law (By-Law 569-2013) measures height from finished grade to the top of the roof while the former North York by-law (By Law 7625) measures it from the road to the mid-line of the roof. Variances are also requested for the rear elevation side exterior wall for 7.62 m because it is slightly higher than the 7.5 m required by By-Law 569-2013. Ms. Robinson pointed out that the variances requested above had been identified through a Zoning Review Notice.. The Zoning Review is how the need for a variance for the vestibule with an area of 7.65 sq m was identified because it is within 10 m of the road. Mr. Alati then asked if the Planning Staff had commented on the application when it was submitted to the COA. Ms. Robinson replied that the City recommended refusal because the frontages were not consistent with the community. Both Development Engineering and Urban Forestry had recommended conditions to be imposed without any objections.

Ms. Robinson then discussed the Provincial Policy Context in light of the Provincial Policy Statement (2014), Growth Plan for the Greater Golden Horseshoe (2017), both of which refer to intensification and infill. The proposal in question is a modest type of intensification because it adds an extra dwelling and increases efficiency in its use of land resources and infrastructure. Ms. Robinson then discussed the Growth Plan with a specific discussion of how it prioritizes intensification and higher densities to make efficient use of land and infrastructure. According to Ms. Robinson, the proposal complied with the PPS and Growth Plans by virtue of exemplifying modest intensification and not adding any significant burden from the perspectives of transportation and infrastructure in the community of interest. Based on these discussions, Ms. Robinson concluded that the proposal complied with the PPS and Growth Plan.

Ms. Robinson then discussed how the proposal satisfied all four tests under Section 45(1) of the Planning Act beginning with compliance with the Official Plan. Ms. Robinson reviewed the proposal and its relationship to various sections of the OP – She began with Policy 2.3 which emphasizes thae “stable but not static” nature of neighbourhoods. According to Ms. Robinson, the proposal accomplished this goal through a slight increase in the numbers of dwellings and reconfiguration of existing lots. She stated that the proposal complies with Policy 3.1.2 because the proposed dwellings are consistent with the existing built form. Based on this discussion, Ms. Robinson concluded that the proposal was consistent with the Official Plan.

The relationship between the General Intent and Purpose of the Zoning By-Law was taken up next. Ms. Robinson stated that the general intent and purpose of the Zoning By-Law is to identify permitted uses, which together with performance standards, will

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result in a development compatible with neighbourhood developments. Further, the development must not have any adverse planning impacts on the immediate or broader neighbourhood, nor should it be unsuitable for the subject land. Ms. Robinson stated the variances requested in the revised proposal, individually and collectively, satisfy the general intent and purpose of both Zoning By-Laws.

Reiterating some of the earlier discussions, Ms. Robinson pointed out that the requested frontage is compatible given the lot fabric of the neighborhood. The variance for the Side Wall height has no impact on the neighbouring dwellings as demonstrated by the fact that there were no neighbours in opposition. The variances for the First Floor Are and Finished First Floor Height are merely to have a doorway at the street level and have no impact on the neighbours, nor can one tell the difference from the street. The variance related to the vestibule of 7.65 sq. m. will not be required in the future because it is being changed under By-Law 569-2013. There is a minor increase in height which is a consequence of how it is measured from the road; a lower elevation at the road level adds to the height measurement. The increase in Building Length is a minor increase only under By-Law 7625 and is well below the restriction in By-Law 569-2013. Ms. Robinson then discussed some of the changes being brought about as a result of appeals to By-Law 569-2013.

Ms. Robinson then discussed the “minor” nature of the variances. She pointed out each of the variances was minor when analyzed from the perspective of magnitude. She reiterated that the increased coverage was typical of what had been granted in the area. From the perspective of impact, the variances are “minor” because they did not result in adverse impacts, individually or cumulatively. Specifically, the increased heights of the side walls, overall height, building lengths and finished first floor height didn’t impact the neighbouring properties. The lot frontages and widths are a minor reduction from the zoning by law requirement and are similar to lots on the west of the subject property. Based on magnitude and impact, Ms Robinson’s conclusion was that the variances are individually and cumulatively minor.

Lastly, Ms. Robinson discussed if the proposal was desirable for the appropriate development of the land. She stated that the revised proposal represented reinvestment on the property with three new single detached dwellings, adding one additional dwelling to a neighbourhood which has experienced a fair amount of redevelopment and ongoing reinvestment. The size, scale and standards applied to the revised proposal are appropriate and compatible with the neighbourhood. Given these reasons, Ms. Robinson concluded that the development is appropriate for the neighbourhood.

Ms. Robinson then moved onto the issue of the Consent Application to sever the plots. She discussed how the proposal corresponded to various issues discussed in Section 51(24) of the Planning Act, as summarized in the next few paragraphs,

With respect to effect of development on Matters of Provincial Interest, Ms. Robinson stated that the proposal demonstrated conformity with the PPS and the Growth Plan based on the discussion around the variances and their satisfying Section 45(1). The Consent is in the Public Interest by virtue of the lots substantively meeting the zoning standards for the lot area, meeting local and provincial policies and being comparable to other dwellings in the area; the proposal is not premature

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The proposal satisfies the Official Plan because the proposed lots reflect the existing built form, lot sizes in the area and fit in with the character of the neighbourhood. The proposal contemplates detached dwellings compatible with other dwellings in the study area; and the lots created are suitable for accommodating the proposed homes. Ms. Robinson opined that the lot sizes were large enough to accommodate the proposed dwellings and therefore met the condition for Suitable Development.

With respect to the condition around Adequacy of Roads, Ms. Robinson stated that new roads or laneways were not required because the existing roads can accommodate the proposed development. Moving on to the issue of the Dimensions and Shapes of Proposed Lots, Ms. Robinson opined that the depths and areas of the proposed lots are rectangular and comparable in size to what exists on the ground; and therefore comply with the applicable zoning by-law standards. Likewise, the Lot Frontages are within the range of lot frontages both in the immediate area and the overall Study Area.

According to Ms. Robinson, the condition around “Restrictions on the Land to be Subdivided” is a reference to zoning standards. Ms. Robinson said that she had demonstrated that there were no zoning restrictions in her discussion on Section 45(1.) As far as Conservation of Natural Resources and Flood Control are concerned, the City’s Engineering Departments did not identify any issues with respect to natural resources or flood control.

Coming to the issue of Access to Municipal Services, Ms. Robinson stated that the residents of the proposed homes can access utilities currently available on the street because it is already well served by municipal services. Likewise, the future residents of the proposed homes can access schools currently serving this area. Thus, the conveyance of the sites meets the tests of Adequacy of Municipal services as well as school sites.

Since the City had not identified specific requirements for conveying lands or dedication for public purposes, the tests for Conveying lands for Public Purposes is satisfied. Coming to the test of whether the plan’s design optimizes the Efficient Use and Conservation of Energy, Ms. Robinson pointed out that the new homes will be constructed in accordance with the current Ontario Building Code, which requires significantly increased energy conservation measures within dwellings when compared to older dwellings. The requirement about appropriate interrelationship between design of plan of subdivision and site plan control does not apply since the sites are not subject to site plan control.

Given the above, Ms. Robinson concluded that the Consent Applications met the requirements of the Planning Act and that a Plan of Subdivision was not necessary. Ms. Robinson then presented her conclusions about this proposal. The conclusions are listed below in point form.

- The proposed lots are compatible size wise with the lot fabric of the neighbourhood. The proposed dwellings are appropriate in scale to other developments in the area.

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- The proposed variances for lot frontage, coverage, building heights, building length, wall height and finished first floor height satisfy the four tests of Section 45(1) of the Planning Act.
- The proposed consent met the statutory requirements for consents under Section 51(24) of the Planning Act.

Ms. Robinson concluded by stating that the TLAB should allow the appeal, authorize the minor variance and grant provisional consent subject to the recommended conditions of consent. In response to a question from Mr. Alati about the Conditions of Approval (appearing in Tabs 41 and 42 of Exhibit 1) recommended by the City, Ms. Robinson stated that she had reviewed the Standard Consent conditions, Minor Variance Conditions and Applicable Law Notice conditions and that she recommended that they be included in the decision.

Mr. Schuman said he had a couple of questions of clarification for Ms. Robinson. After confirming that 569-2013 was still under appeal, Mr. Schuman asked if the variance related to the Area of the Vestibule (vestibule) was still being sought and if it showed in the Site Plan? Ms. Robinson replied in the affirmative. Mr. Schuman then wanted confirmation that the vestibule would be built in substantial confirmation with the Floor Plans? Ms. Robinson confirmed the same. Lastly, she also confirmed that the Length Variance was being sought under By-Law 7625.

Mr. Alati then commented on the conditions and pointed out that it was common to tie them to Site Plans and not the Floor Plans. It was then agreed that the conditions refer to site plan and not the floor plans.

In closing arguments, Mr. Alati stated there was uncontested evidence from Ms. Robinson which demonstrated that the proposals satisfied the requirements of Sections 45(1) and 51(24). The concerns expressed by the City of Toronto at the time of the COA hearing had been satisfied as a result of the redesign of the proposal before the Settlement, as presented at the Hearing, was reached. There were no Parties or Participants in opposition to the proposal. Mr. Alati concluded by requesting for an Approval of both the Variances and the Consent Application with Standard Conditions as requested by the City. In his concluding statement, Mr. Schuman commended Robinson's evidence and agreed with the request for the Approvals of both the Variances and the Consent Application. Mr. Schuman also asked that TLAB exercise caution when considering statements about changes to By-Law 569-2013 because of ongoing appeals.

ANALYSIS, FINDINGS, REASONS

I accept the uncontested and uncontradicted evidence presented by the Appellants to demonstrate that the Proposal has satisfied Sections 51(24) and 45 of the Planning Act. Therefore, both the Consent Application to sever the properties into 3 lots and the requested variances for all 4 Parts are approved, subject to Standard Conditions relating to Consent, Variances and Applicable Law conditions, all of which are listed in this decision. I agree with Mr. Alati's comments about the standard conditions of

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approval being tied to Site Plans as opposed to the Floor Plans- therefore, the word “Site” has consequently been added before “Plans” in the list of variance conditions proposed by the City.

I also agree with Mr. Schuman’s comments about exercising caution about coming to conclusions about possible changes to By-Law 569-2013 since it is still under appeal. I would urge Parties and Participants not to indulge in speculation, but to wait for a Final Decision to be issued about By-Law 569-2013.

To the extent that the revisions made to identified performance standards, above, resulted from the settlement discussions, I find them to be minor and not require further notice, all as provided in Section 45(18.1.1) of the Planning Act.

Lastly, I would like to express my satisfaction at how both Parties demonstrated their willingness to negotiate and arrive at a Settlement. Such attempts are to be encouraged for optimal use of TLAB’s resources and satisfaction of the Parties and the Participants.

DECISION AND ORDER

1. The Appeal to set aside the decision of the COA respecting 40 and 42 Terrace Avenue is allowed.
2. The Consent Application to sever the 2 properties into 3 Lots and the following variances respecting each of the 4 Plots are approved subject to the Conditions listed below. The Plots created through the severance process and conveyance are listed below:
 - 42 Terrace Avenue- Part 1-retained lands: 418.17 sq. m area, 10.97 m frontage
 - 42 Terrace Avenue- Parts 2 and 3- conveyed and retained lands: 416.13 sq. m area and 10.97 m frontage.
 - 40 Terrace Avenue- Part 4- Severed lands: 418.33 sq m area, 10.97 m frontage

LIST OF APPROVED VARIANCES

Variations below described as “proposed” are permitted.

42 Terrace Avenue- Part 1 Variations under By-Law 569-2013

1. The proposed area of the first floor within 4 m of the front wall is 7.65 sq. m whereas an area of 10 sq. m of the first floor must be within 4m.
2. The proposed lot frontage is 10.975 m whereas the minimum required lot frontage is 12 m.

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3. The proposed lot coverage is 32% of the lot area (133.8 sq. m) whereas the maximum permitted lot coverage is 30% of the lot area (125.4 sq. m).
4. The proposed height of the exterior main wall is 7.77 m, whereas the maximum permitted height of all side exterior main walls is 7.5 m.

Variances Under By-law 7625

5. The proposed lot frontage is 10.975 m, whereas the minimum lot frontage is 12 m.
6. The proposed finished first floor height is 1.8 m, whereas the maximum permitted finished first floor height is 1.5 m.
7. The proposed building height of 9.3 m, whereas the maximum permitted building height is 8.8 m.
8. The proposed building length is 15.9 m whereas the maximum permitted building length is 15.3 m.
9. The proposed lot width is 10.975 m, whereas the minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The required lot frontage is 12 m.

**42 Terrace Avenue- Parts 2 and 3
Variances under By-Law 569-2013**

1. The proposed area of the first floor within 4 m of the front wall is 7.65 sq. m whereas an area of 10 sq. m of the first floor must be within 4m.
2. The proposed lot frontage is 10.975 m whereas the minimum required lot frontage is 12 m.
3. The proposed lot coverage is 32% of the lot area (133.16 sq. m) whereas the maximum permitted lot coverage is 30% of the lot area (124.8 sq. m).
4. The proposed height of the exterior main wall is 7.62 m, whereas the maximum permitted height of all side exterior main walls is 7.5 m.

Variances Under By-law 7625

5. The proposed lot frontage is 10.975 m, whereas the minimum lot frontage is 12 m.
6. The proposed finished first floor height is 1.79 m, whereas the maximum permitted finished first floor height is 1.5 m.
7. The proposed building height of 9.25 m, whereas the maximum permitted building height is 8.8 m.
8. The proposed building length is 15.9 m whereas the maximum permitted building length is 15.3 m.

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9. The proposed lot width is 10.975 m, whereas the minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The required lot frontage is 12 m.

40 Terrace Avenue- Part 4

Variances under By-Law 569-2013

1. The proposed area of the first floor within 4 m of the front wall is 7.65 sq. m whereas an area of 10 sq. m of the first floor must be within 4m.
2. The proposed lot frontage is 10.97 m whereas the minimum required lot frontage is 12 m.
3. The proposed lot coverage is 32% of the lot area (133.87 sq. m) whereas the maximum permitted lot coverage is 30% of the lot area (125.5 sq. m).
4. The proposed height of the exterior main wall is 7.62 m, whereas the maximum permitted height of all side exterior main walls is 7.5 m.

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8. The proposed building length is 15.9 m whereas the maximum permitted building length is 15.3 m.
9. The proposed lot width is 10.97 m, whereas the minimum lot width is not to be less than the lot frontage for the zone in which the building is to be constructed. The required lot frontage is 12 m.

3. The Conditions of Approval are divided into Consent Conditions, Minor Variance

and Applicable Law Notice Conditions, and are as follows:

CONSENT CONDITIONS:

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

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

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

(4) 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, shall be filed with the Committee of Adjustment.

(5) Within ONE YEAR of the date of 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.

MINOR VARIANCE CONDITIONS:

(1). The proposed development shall be constructed in substantial conformity with the Site plans and elevations dated September 25, 2017.

(2). 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 and Recreation, Urban Forestry Services.

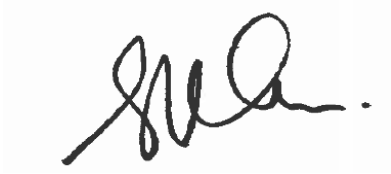
(3) The applicant shall be required to comply with all of the Engineering and Construction Services Conditions and all of the Engineering and Construction Advisory Comments outlined in the Staff Memorandum Report from Alick Wong, Acting Manager, Development Engineering- North York, dated January 25, 2017.

APPLICABLE LAW NOTICE CONDITIONS:

(1) Prior to the issuance of a Building Permit, the owner/applicant shall pay the associated Development Charges that will be calculated at the time of processing the Building Permit as authorized under Sections 28 and 53 of the Development Charges Act, 1997, as amended, and satisfaction of payment made to Toronto Building.

(2) Prior to the issuance of a Building Permit, the owner/applicant shall pay the associated Education Development Charges that will be calculated at the time of processing the Building Permit as authorized under Sections 257.83 and 257.93 of the Education Act, 1990, as amended and the satisfaction of payment made to Toronto Building.

(3) Prior to the issuance of a Building Permit, where payment is required under Section 42(6) of the Planning Act for Parkland Dedication or Park Levy to the satisfaction of the City of Toronto, the owner/applicant shall be responsible for said payment to Toronto Building and accompany said payment with an Appraisal Letter to the satisfaction of Toronto Building.



X

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body