

DECISION AND ORDER

Decision Issue Date Tuesday, June 12, 2018

PROCEEDING COMMENCED UNDER section 53, subsection 53(19), section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): JOHN WEBBER

Applicant: JOHN WEBBER

Property Address/Description: 1322 VICTORIA PARK AVE

Committee of Adjustment Case File Number: 17 215292 STE 31 CO, 17 215293 STE 31 MV, 17 215294 STE 31 MV

TLAB Case File Number: **17 274040 S53 31 TLAB, 17 274042 S45 31 TLAB, 17 274048 S45 31 TLAB**

Hearing date: Monday, April 09, 2018

DECISION DELIVERED BY S. Gopikrishna

APPEARANCES

| Name | Role | Representative |
|---------------|---------------------|----------------|
| John Webber | Applicant/Appellant | Phil Pothén |
| Kevin Bechard | Expert Witness | |

INTRODUCTION AND BACKGROUND

John Webber is the owner of 1322 Victoria Park Ave, situated in Ward 31 of the City of Toronto. He applied to the Committee of Adjustment (COA) for a Consent to sever the property and variances to build houses on the severed lots. The COA heard the application on 6 December, 2017 and refused both the Consent and the Variances. Mr. Webber appealed to the Toronto Local Appeal Body (TLAB) on 11 December, 2017. The TLAB processed the application and scheduled the hearing on 14 May, 2018.

Mr. Webber requested for the hearing date to be brought forward by way of a Motion which was heard orally by Mr. Ian James Lord, Chair of the TLAB on 12 March, 2018. The relief requested by Mr. Webber was for an earlier hearing date; the underlying reasons canvassed orally on the hearing held on March 12, 2018 were pecuniary in nature and discussed how expediting the proposal could impact and improve Mr. Webber's situation

In his decision issued the same day, Mr. Lord approved the relief requested by M. Webber allowing for the proposal to be heard earlier than the scheduled date. Mr. Lord expressed concerns about Mr. Webber's focusing on financial matters and advised Mr. Webber to ensure that planning evidence would be provided at the next hearing to enhance the prospect of the appeal being successful.

This decision discusses the disposition of the rescheduled Appeal, which was heard on April 9, 2018.

MATTERS IN ISSUE

The existing house at 1322 Victoria Park Avenue will be demolished and the lot will be divided into two residential lots, which may be described as follows:

Conveyed - Part 1, Draft R-Plan

Address to be assigned

Part 1 has a frontage of 7.60m and an area of 232.1 sq. m.

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Retained - Part 2, Draft R-Plan

Address to be assigned

Part 2 has a frontage of 7.60m and an area of 231.92 sq. m.

A. Regarding the conveyed lot described as Part 1, above, which was the subject of Minor Variance Application A0881/17TEY, and which is depicted as Part 1 on the attached Draft plan:

i. Chapter 10.20.30.10(1)(B), By-law 569-2013

The minimum required lot area is 370 sq.m.

The area of the conveyed lot will be 232.10 sq.m..

ii. Chapter 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12m
The frontage of the conveyed lot will be 7.60m

iii. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (139.12 sq. m).
The new detached dwelling will have floor space index equal to 0.63 times the area of the lot (145.99 sq. m).

iv. Chapter 10.20.40.70.(3), By-law 569-2013

The minimum required side yard setback is 1.2 m.
The new detached dwelling will be located 0.9 m from the south side lot line.

v. Chapter 10.20.40.70.(6), By-law 569-2013

The minimum required side yard setback from a side lot line abutting a street for a corner lot is 3.0m
The new detached dwelling will be located 1.8m from the north side lot line which abuts Galbraith Avenue.

vi. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12m
The frontage of the conveyed lot will be 7.60m

vii. Section 7.3.3, By-law 6752

The minimum required lot area is 370 sq. m.
The area of the conveyed lot will be 232.10 sq. m

viii. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (139.12 sq. m).
The new detached dwelling will have floor space index equal to 0.63 times the area of the lot (145.99 sq. m).

ix. Section 4.2.3, By-law 6752

The minimum required dimensions of a parking space are 3.2m in width and 5.6m in length. The parking space will measure 3.2 m in width and 5.59m in length.

B. Regarding the retained lot described as Part 2, above, which was the subject of Minor Variance Application A0882/17TEY, and which is depicted as Part 2 on the attached Draft plan:

i. Chapter 10.20.30.10(1)(B), By-law 569-2013

The minimum required lot area is 370 sq. m.
The area of the retained lot will be 231.92 sq. m.

ii. Chapter 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12m

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The frontage of the retained lot will be 7.60m

iii. Chapter 10.20.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (139.12 sq. m).

The new detached dwelling on the retained lot will have floor space index equal to 0.61 times the area of the lot.

iv. Chapter 10.20.40.70.(3), By-law 569-2013

The minimum required side yard setback is 1.2 m.

The new detached dwelling on the retained lot will be located 1.2m from the south side lot line and 0.9m from the proposed north side lot line.

v. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12m

The frontage of the retained lot will be 7.60m

vi. Section 7.3.3, By-law 6752

The minimum required lot area is 370 sq. m .

The area of the retained lot will be 231.92 sq. m.

vii. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (139.12 sq. m.).

The new detached dwelling will have floor space index equal to 0.61 times the area of the lot.

JURISDICTION

Provincial Policy – S. 3

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

Consent – S. 53

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

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

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

- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots; (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; (
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

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 Appellant, Mr. Webber, was represented by Mr. Phil Pothen, a lawyer specializing in land use matters and Mr. Kevin Bechard, a land use planner.. A few days before the hearing, Mr. Phil Pothen, put forward a Motion to request relief from the TLAB's Rules of Practice and Procedure (the Rules) to introduce an Expert Witness Statement and other Disclosure Documents and most importantly, extend the time for service of a motion and hearing to accommodate the present motion. The motion is stated below:

MOTION

(1) That the time for filing of the Applicant's Disclosure (Form 3) prescribed in Rule 11 of the Toronto Local Appeal Body (the TLAB) Rules of Practice and Procedure be extended to accommodate all Applicant's Disclosure documents filed with the TLAB in this matter.

(2) That the time for filing of the Witness Statement of Expert prescribed in Rule 16 of the Toronto Local Appeal Body Rules of Practice and Procedure be extended to accommodate the most recent Witness Statement of Expert filed with the TLAB in this matter.

(3) That the time for service of a motion and hearing of a motion set out in Rule 17 of the Toronto Local Appeal Body Rules of Practice and Procedure be extended to accommodate the present motion.

(4) That, in the event that the TLAB refuses the relief set out in paragraphs (1), (2) and (3) in relation to the present April 9th hearing date, that the Local Appeal Body fix a new hearing date and issue a new Notice of Hearing that establishes new timelines for filing and service

Reasons given by Mr. Pothen for the Motion were:

(1) The requested relief will enable the Local Appeal Body to effectively adjudicate matters before it in a just, expeditious and cost-effective manner.

(2) Refusal to extend the time for filing of Applicant's Disclosure and for filing and any service of the Witness Statement of the Expert Witness, would effectively deprive the Applicant of any opportunity to make its case in these matters.

(3) Granting the requested relief would not cause prejudice to any other party in these matters because there are no other parties to these Appeal.

(4) Granting the requested relief would not cause prejudice to anyone, including any Party in this matter, because the revisions merely eliminate and reduce the magnitude of variances being requested, reduce the absolute extent of adverse impact, and eliminate any adverse impact relative to what would be permitted as of right. There is no additional variance and no expansion of any variance requested. As indicated in the Witness Statement of Expert, no new variances are triggered and no existing variances need be expanded to accommodate the proposed revisions.

However, based on the date of the Notice of Hearing being March 12th, 2018, Mr. Pothen also argued that that the time of service of the Witness Statement had not passed because the 45 day period would elapse well after the April 4, 2018 filing of the Witness Statement. Likewise, the Applicant Disclosure Form was filed on March 27th, 2018, which fulfills the 15 day time limit imposed from the 12th of March, 2018. According to Mr. Pothen, the Appellant only secured the services of a planner on or about March 23rd, and was not able to retain legal counsel until March 27th, or thereabouts.

The motion relief requested in Paragraphs (1)- (3) was allowed enabling the TLAB to proceed to the oral hearing of the case. It wasn't necessary to address the relief requested in Paragraph (4) of the Motion. The reasons behind the approval of the motion are discussed in the Analysis section.

After a brief introduction by Mr. Pothen, he introduced the Expert Witness, Mr. Kevin Bechard. Before reviewing his professional qualifications, experience and education, Mr. Bechard was sworn in as an Expert Witness.

Mr. Bechard began by describing the property and the neighbourhood through a photo tour interspersed with commentary. He said that the subject property is municipally addressed as 1322 Victoria Park Ave, Toronto in the former Borough of East York. The Property is situated on the periphery of a residential neighbourhood located on the west side of Victoria Park Avenue, south of O'Connor Drive, and at the south west intersection of Victoria Park Avenue and Galbraith Ave. There is currently a 1 storey dwelling, with a concrete slab driveway and a shed which is located in the rear yard of the subject property. The perimeter of the property is lined with large shrubs and hedges which provide for privacy and screening from both the roadways and south and west adjacent dwellings.

Mr. Bechard continued the description of the property as being a corner lot with a rectangular shape. The subject property is approximately 445.15 square metres (4,791.59 square feet) in area with an approximate frontage of 15.20 m. on Victoria Park Avenue and an additional frontage of 30.44 m. on Galbraith Avenue. The existing side yard setbacks of the dwelling are 4.53 m. on the north yard and 3.96 m. on the south yard. Mr. Bechard said that he used a 500 metre radius to describe the immediate neighbourhood, which consisted of lots fronting onto the east and west side of Victoria Park Avenue, Holland Avenue to the North, Westview Boulevard to the west and Tiago Avenue to the south. . The active Zoning By-laws applying to the subject property are:

1. City-wide Zoning 569-2013 – Residential Detached (RD); and,
2. Former East York Zoning By-law 6752 – Low Density Residential (R1B)

The predominant land use in each of the applicable zoning by-laws is single family residential development.

Mr. Bechard then discussed the Provincial Policy Statement (PPS) followed by the proposal's compatibility with the PPS. According to Mr. Bechard, the proposed development provides for renewal and gentle intensification of housing stock which is consistent with Section 1.1.3.3 and 1.4.3 of the PPS document. He then reviewed and provided reasons about the proposal's complying with the Greater Golden Horseshoe Growth Plan (Growth Plan). According to Mr. Bechard, the proposal provides efficiency through intensification and a mix of housing options as listed in Policies 2.2.1.2 and 2.2.1.4 (C) of the Growth Plan document.

He then reviewed the City of Toronto's Official Plan (OP) followed by the compatibility between the proposal and the OP. Mr. Bechard opined that the proposed applications are consistent with the application of Section 4.1.5 of the OP. The proposed lotting Pattern, is consistent with the physical character of the neighbourhood, where frontages range from frontages of 7.6 m to 15.2 m. Further, the proposed 2- storey single family dwellings are consistent with the predominant built form of the area. Several similar minor variance and applications have been considered and approved within the immediate and broader neighborhood context. Mr. Bechard went on to state that the predominant building form in the area is 'single family, low rise residential'. The proposed consent and variances are in keeping with the neighbourhood character and predominant building form,

Mr. Bechard also stated that the proposed minor variance and consent applications are subject to setbacks from Victoria Park Ave. and Galbraith Ave. The application for minor variance maintain the prevailing Victoria Park Ave. front yard street set back of approximately 7.6 m. (exceeding the required front yard setback from Victoria Park Avenue of 6.0 m.) The Part A application for minor variance proposes a 1.8 m. rather than the required 3.0 m. setback for a corner lot condition. The proposed 1.8 m. setback is supplemented by a 4.57 m. boulevard extending from the property line to the street line. Combined, the proposed 1.8 m. setback and 4.57 m. boulevard provide a 6.37 m. setback from the proposed building to the street edge.

Based on the above, Mr. Bechard concluded that the proposal was consistent with the City of Toronto's Official Plan.

After demonstrating compliance with the hierarchy of planning policies, Mr. Bechard then discussed the compatibility between the severance and Section 51(24) of the Planning Act. He said that the proposed development will maintain the current residential use of the property, and thereby, not propose incompatible land uses. Reiterating that the range of lot sizes and similar lot dimensions have been previously approved in the immediate vicinity, Mr. Bechard asserted that the proposed application does not adversely impact the corner lot condition at Victoria Park Avenue and Galbraith Avenue.

Mr. Bechard then stated that the property was not located within a floodplain boundary. He said that the applicant had discussions with the City of Toronto's Urban Forestry

Department to discuss the injury, removal or protection of a protected tree on site. He also stated that his client would obtain all required permits prior to site alteration and was prepared to accept this as a Condition of Approval.

Mr. Bechard then stated that the proposed development was located in an established community with existing school sites, readily accessible community services, facilities and amenities. He stated on the basis of his research and enquiries, it had been established that there was no need for any conveyance of land to any government body. Lastly, the proposed development optimizes the efficient-use and conservation of energy by proposing to construct 2 new single detached dwellings that incorporate a number of current energy efficient design features and designs.

Mr. Bechard concluded this discussion by stating that in his opinion, the proposed application for consent met the requirements of Section 51(24) of the Planning Act.

Addressing the four tests, Mr. Bechard recited the variances interspersing the same with relevant commentary. Discussing the reduction in minimum lot area, Mr. Bechard said that variances relating to minimum lot area were considered minor in nature because they are consistent with already exists in the community. According to Mr. Bechard, they are required to establish a 'split lot' built form, which is both an accepted form of low rise development and is compatible in the broader neighbourhood context.

Addressing the variances related to the minimum side yard setbacks, he said that the side yard could be reduced because the building maintenance can be provided through the resulting 1.8 m shared easement, which meant that there would be no impact if the variances were granted. He then stated that the Minimum Side Lot of the corner at Galbraith Ave and Victoria Park Ave being reduced to 1.8 m did not create any significant impact because the separation between the neighbours would be effectively 6.37 m when the side lot of 1.8 m was combined with the 4.57 length of the adjacent boulevard.

Commenting on the two variances for Maximum Permitted Floor Space Index, Mr. Bechard opined that the request for an increase in the maximum permitted floor space index is minor in nature because the relief sought represents very small increases relative to the scale and mass of the buildings proposed. Based on these arguments, Mr. Bechard concluded that the requested variances are minor in nature.

Moving onto the issue of desirable and appropriate variances, Mr. Bechard said that the test was to consider potential adverse effects on the immediate neighbourhood or facilities. The absence of a report from Community Planning and the lack of public comments was seen by Mr. Bechard as constituting proof to support his conclusion that the variance was desirable and appropriate.

On the matter of meeting the general purpose and intent of the Zoning By-Law, Mr. Bechard reiterated that the 2 active Zoning By-laws applying to the subject property are:

1. City-wide Zoning 569-2013 – Residential Detached (RD); and,
2. Former East York Zoning By-law 6752 – Low Density Residential (R1B)

He explained that the predominant land use in each of the applicable zoning by-laws is single family residential development. In particular, City-wide Zoning 569-2013 precludes any other form of low rise residential development. The minor variance (and consent) applications propose single family residential development, thereby demonstrating that the applications are consistent with the general purpose and intent of the zoning bylaws.

Based on these observations and conclusions, Mr. Bechard said that he was satisfied that the requirements for severance of the property and the variances for the two properties were met adequately based on which he could confidently request approval by the TLAB.

Mr. Pothen then discussed the conditions of Approval, many of which are standard conditions primarily related to planting trees where trees were being lost, payment in lieu of planting trees and payment of taxes. These conditions of approval are standard and address issues brought up by the Urban Forestry department.t which objected to the approval before the COA..

ANALYSIS, FINDINGS, REASONS

I would like to begin by commending Mr. Webber on his meaningful response to the “admonishments” discussed in the Motion Decision issued by my esteemed colleague, Mr. Lord, dated 12 March, 2018. Notwithstanding his situation, as canvassed in the hearing of 12 March, 2018, he followed through and retained both Counsel and an Expert Planner, whose help in understanding the planning issues, has been valuable.

The Motion requesting relief from the Rules to disclose Documents and the Expert Witness was necessary to be able to have a meaningful discussion, consistent with the direction provided in Mr. Lord’s decision of 12 March, 2018. The Notice of Hearing posted 12 March, 2018, lists only a hearing date without changing any of the other dates, including document disclosure. I therefore overlooked that part of Mr. Pothen’s argument in the Motion where he uses the 12th of March, 2018 as the base for determination of other dates.

The Motion was granted for 2 reasons beginning with necessity for introducing cogent planning evidence, consistent with the direction of the decision dated 12 March, 2018, as well as the lack of prejudice to other Parties. The interesting part of the Motion is Part (3), where the Motion requests for relief from the Rules governing Motions to make a

Motion i.e. it requests relief from its very own self as opposed to the convention of relying on one Rule (as a vehicle) to request relief from a different Rule (target). However, this relief is granted because of the lack of prejudice to other Parties and need to fulfill the conditions of the previous decision.

Mr. Bechard's expert evidence is accepted. It is uncontradicted and is fulsome, cogent and coherent in its discussion of Sections 51(24) and 45(1). On the matter of the desirability of the requested variances, Mr. Bechard relies on the lack of objections from the City and other community members as constituting a primary proof of fulfilling the test. While I don't object to the argument, I would have preferred reasoning grounded in planning principles. I also commend Mr. Bechard for the clarity with which he demonstrated the lack of impact of the front yard setback by depicting the wide adjacent boulevard as an extension of the setback; while this may be a condition found in other proposals, I have never heard the argument stated with the clarity with which Mr. Bechard made his point at the time of the hearing.

I am satisfied that the Appellant has worked hard to satisfy the concerns of Urban Forestry since this was major objection to the application before the COA.

In addition to the standard conditions that the Appellants recommended, I have also added a standard condition related to the variances, which require that the new dwellings be built in substantial accordance with the site plans as submitted to the TLAB. Lastly, there is no order about costs, as suggested by Appellants, since there is no request for costs.

DECISION AND ORDER

The Toronto Local Appeal Body orders that:

1. The Decision of the Committee of Adjustment dated 6 December, 2017, is set aside.
2. Pursuant to subsection 53(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended, consent to sever the property with the legal description Plan 1826 Lot 357, and presently municipally known as 1322 Victoria Park Avenue into two residential lots is granted as depicted in the attached schedule marked as Attachment 1, and as may be described as follows:

Conveyed - Part 1, Draft R-Plan

Address to be assigned

Part 1 has a frontage of 7.60m and an area of 232.1 sq. m.

.

Retained - Part 2, Draft R-Plan

Address to be assigned

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Part 2 has a frontage of 7.60m and an area of 231.92 sq. m.

3. The consent to sever referred to above, in paragraph 2 of this decision, is conditional upon the following:

a. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department

b. 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.

c. 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.

d. Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.

e. 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.

4. Pursuant to subsection 45(18) of the Planning Act, R.S.O. 1990, c. P.13, as amended, the following minor variances from City of Toronto Zoning By-law(s) relating to the property with the legal description plan 1826 Lot 357, and presently municipally known as 1322 Victoria Park Avenue in the City of Toronto are hereby approved (the "Minor Variances"):

A) . Regarding the conveyed lot described in Paragraph 2, above, which was the subject of Minor Variance Application A0881/17TEY, and which is depicted as Part 1 on the attached Draft plan:

i. Chapter 10.20.30.10(1)(B), By-law 569-2013
The minimum required lot area is 370 sq. m.
The area of the conveyed lot will be 232.10 sq. m.

ii. Chapter 10.20.30.20.(1)(A), By-law 569-2013
The minimum required lot frontage is 12m
The frontage of the conveyed lot will be 7.60m

iii. Chapter 10.20.40.40.(1)(A), By-law 569-2013
The maximum permitted floor space index of a detached dwelling is 0.6

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times the area of the lot (139.12 m²).

The new detached dwelling will have floor space index equal to 0.63 times the area of the lot (145.99 m²)

iv. Chapter 10.20.40.70.(3), By-law 569-2013

The minimum required side yard setback is 1.2 m.

The new detached dwelling will be located 0.9 m from the south side lot line.

v. Chapter 10.20.40.70.(6), By-law 569-2013

The minimum required side yard setback from a side lot line abutting a street for a corner lot is 3.0m

The new detached dwelling will be located 1.8m from the north side lot line which abuts Galbraith Avenue.

vi. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12m

The frontage of the conveyed lot will be 7.60m

vii. Section 7.3.3, By-law 6752

The minimum required lot area is 370 m² .

The area of the conveyed lot will be 232.10

viii. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (139.12 m²).

The new detached dwelling will have floor space index equal to 0.63 times the area of the lot (145.99 m²)

ix. Section 4.2.3, By-law 6752

The minimum required dimensions of a parking space are 3.2m in width and 5.6m in length. The parking space will measure 3.2 m in width and 5.59m in length.

B) . Regarding the **retained** lot described in Paragraph 2, above, which was the subject of Minor Variance Application A0882/17TEY, and which is depicted as Part 2 on the attached Draft plan:

i. Chapter 10.20.30.10(1)(B), By-law 569-2013

The minimum required lot area is 370 sq. m.

The area of the retained lot will be 231.92 sq. m.

ii. Chapter 10.20.30.20.(1)(A), By-law 569-2013

The minimum required lot frontage is 12m

The frontage of the retained lot will be 7.60m

iii. Chapter 10.20.40.40.(1)(A), By-law 569-2013

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The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (139.12 m²).

The new detached dwelling on the retained lot will have floor space index equal to 0.61 times the area of the lot.

iv. Chapter 10.20.40.70.(3), By-law 569-2013

The minimum required side yard setback is 1.2 m.

The new detached dwelling on the retained lot will be located 1.2m from the south side lot line and 0.9m from the proposed north side lot line.

v. Section 7.3.3, By-law 6752

The minimum required lot frontage is 12m

The frontage of the retained lot will be 7.60m

vi. Section 7.3.3, By-law 6752

The minimum required lot area is 370 m² .

The area of the retained lot will be 231.92 m² .

vii. Section 7.3.3, By-law 6752

The maximum permitted floor space index of a detached dwelling is 0.6 times the area of the lot (139.12 m²).

The new detached dwelling will have floor space index equal to 0.61 times the area of the lot.

5. This decision regarding the **minor variances pertaining to the conveyed lot, referred to above in Paragraph 4 (A) is subject to the following conditions:**

a. Submission of complete application for permit to injure or remove privately owned trees under Municipal Chapter 813 Article III, Private trees, including a proposed landscape and planting plan.

b. Where there are no existing street trees, the owner shall submit a payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application or elsewhere in the community if there is no space, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The current cost of planting a tree is \$583.00, subject to changes.

c. Approval of the variances listed in the subject application does not preclude the applicant from requiring additional approvals from Urban Forestry.

d. 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.

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e. The building shall be constructed substantially in conformance with the depiction of residence "A" in following drawings:

- 1) Drawing A & B 101-SP "SITE PLAN", with the most recent revision date of April 02, 2018.
- 2) Drawing A301-EL "EAST (FRONT) ELEVATION - BLDG 'A '", with the most recent revision date of April 02, 2018.
- 3) Drawing A303-EL "NORTH ELEVATION - BLDG 'A'", with the most recent revision date of April 02, 2018.
- 4) Drawing A302-EL "WEST (REAR) ELEVATION - BLDG 'A'", with the most recent revision date of April 02, 2018.
- 5) Drawing A304-EL "SOUTH ELEVATION - BLDG 'A'", with the most recent revision date of April 02, 2018.

f. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

6. This decision regarding the **minor variances pertaining to the retained lot**, referred to above in Paragraph 4(B) is subject to the following conditions:

- a. Where there are no existing street trees, the owner shall submit a payment in lieu of planting one street tree on the City road allowance abutting each of the sites involved in the application or elsewhere in the community if there is no space, to the satisfaction of the General Manager, Parks, Forestry and Recreation. The current cost of planting a tree is \$583.00, subject to changes.
- b. 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.
- c. The building shall be constructed substantially in conformance with the depiction of residence "B" in following drawings:
 - 1) Drawing A & B 101-SP, SITE PLAN with the most recent revision date of April 02, 2018.
 - 2) Drawing B301-EL "EAST (FRONT) ELEVATION BLDG 'B'", with the most recent revision date of April 02, 2018.

Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 17 274040 S53 31 TLAB, 17 274042 S45 31 TLAB, 17 274048
S45 31 TLAB

3) Drawing B303-EL NORTH ELEVATION - BLDG 'B', with the most recent revision date of April 02, 2018.

4) Drawing B304-EL "SOUTH ELEVATION BLDG - 'B'", with the most recent revision date of April 02, 2018.

5) Drawing B302-EL "WEST (REAR) ELEVATION - BLDG 'B'", with the most recent revision date of April 02, 2018.

d. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.

7. The dwellings on both lots need to be constructed in substantial compliance with the Plans and Elevations date stamped 2 April, 2018, a copy of which is attached to this decision as an Attachment

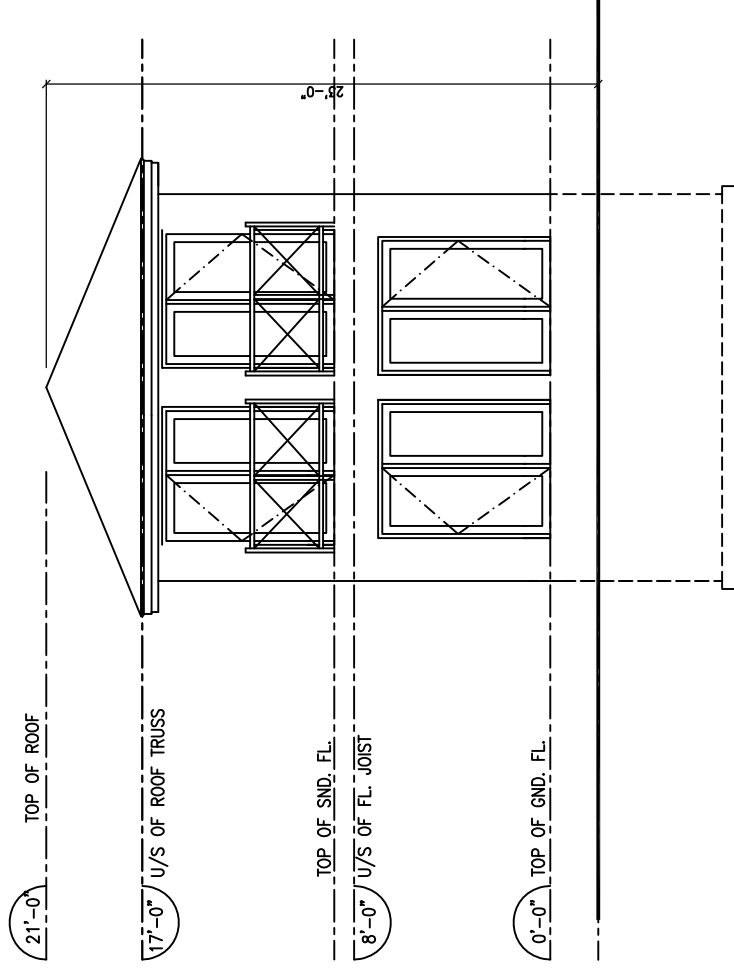
8. No variances that are not explicitly listed in this decision, are considered to be approved.

If there are difficulties experienced in the implementation of this decision, the TLAB may be spoken to.



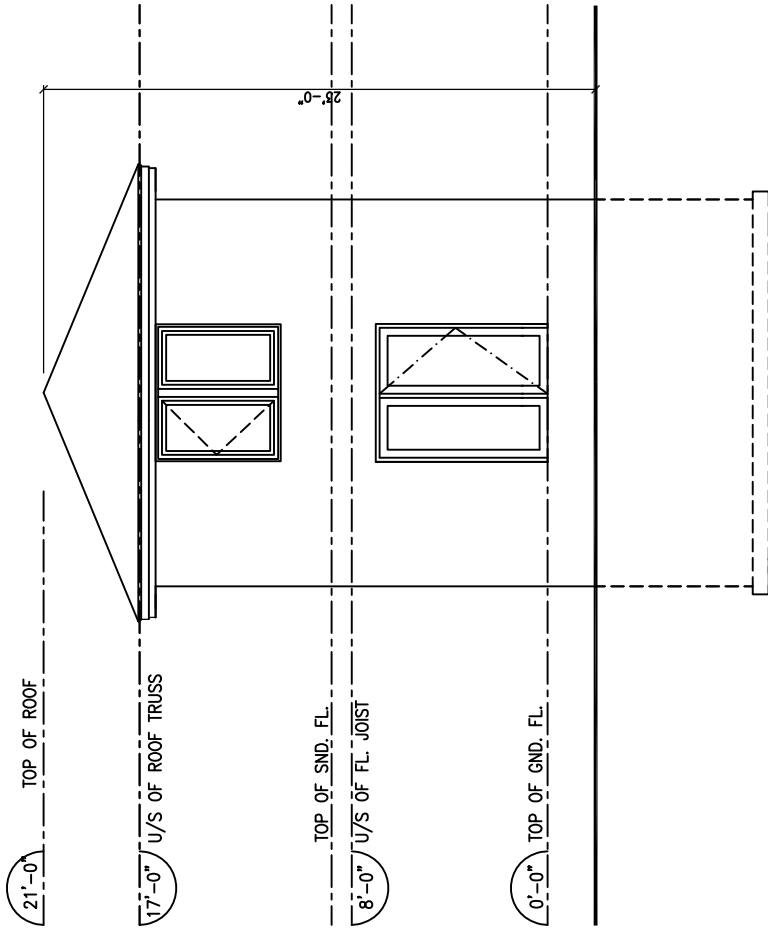
X

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body



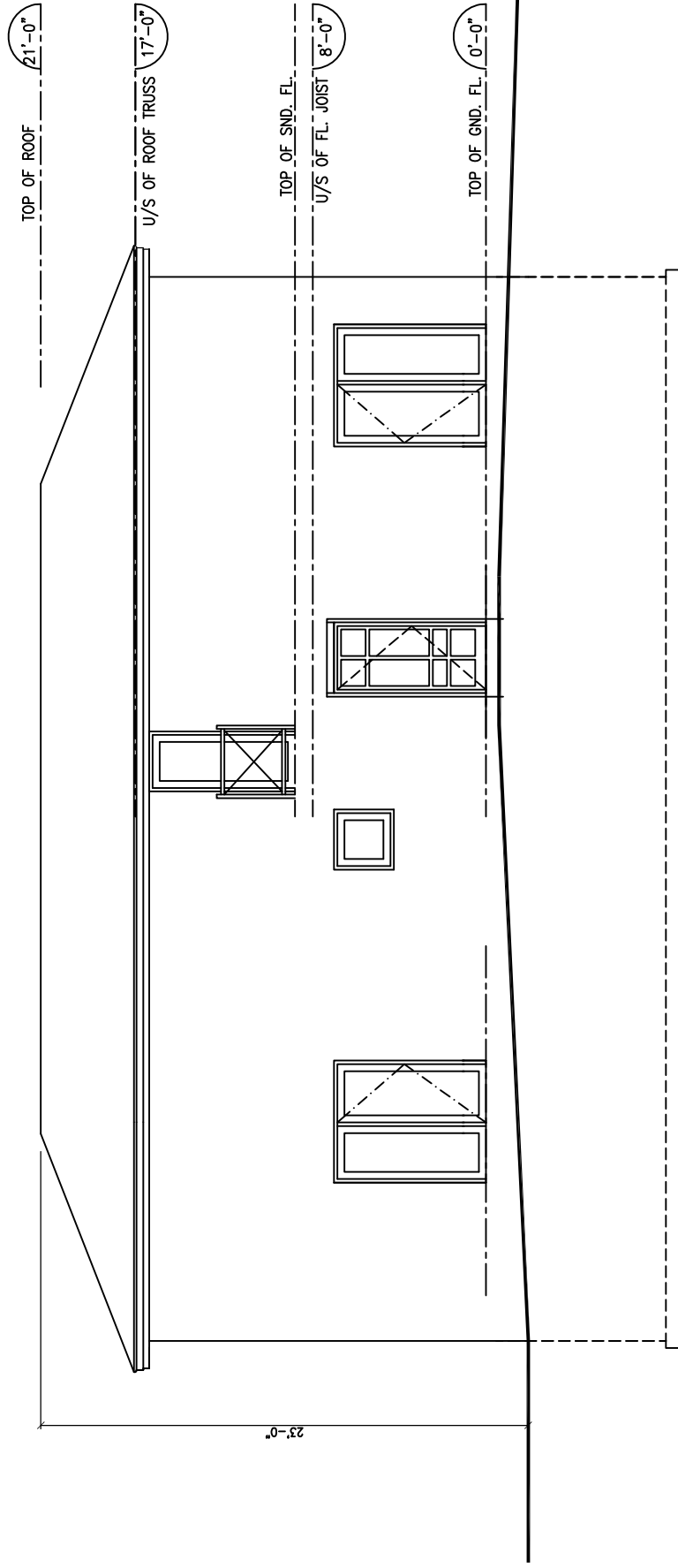
EAST (FRONT) ELEVATION

| | | | | | |
|---|-------------|--------------|----------|----------|--------------|
| DRAWING TITLE: EAST (FRONT) ELEVATION - BLDG 'A' | | APRIL 2 2017 | DATE | 05/17/17 | DRAWING |
| PROJECT NAME / OWNER: 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | | AUG 01 2017 | DRAWN BY | CC | A301 |
| | | MAY 29 2017 | BY | | - EL |
| 3 | REVISION | DATE | BY | SCALE | 1/8" = 1'-0" |
| 2 | REVISION | | | | |
| 0 | REVISION | | | | |
| REV | DESCRIPTION | | | | |



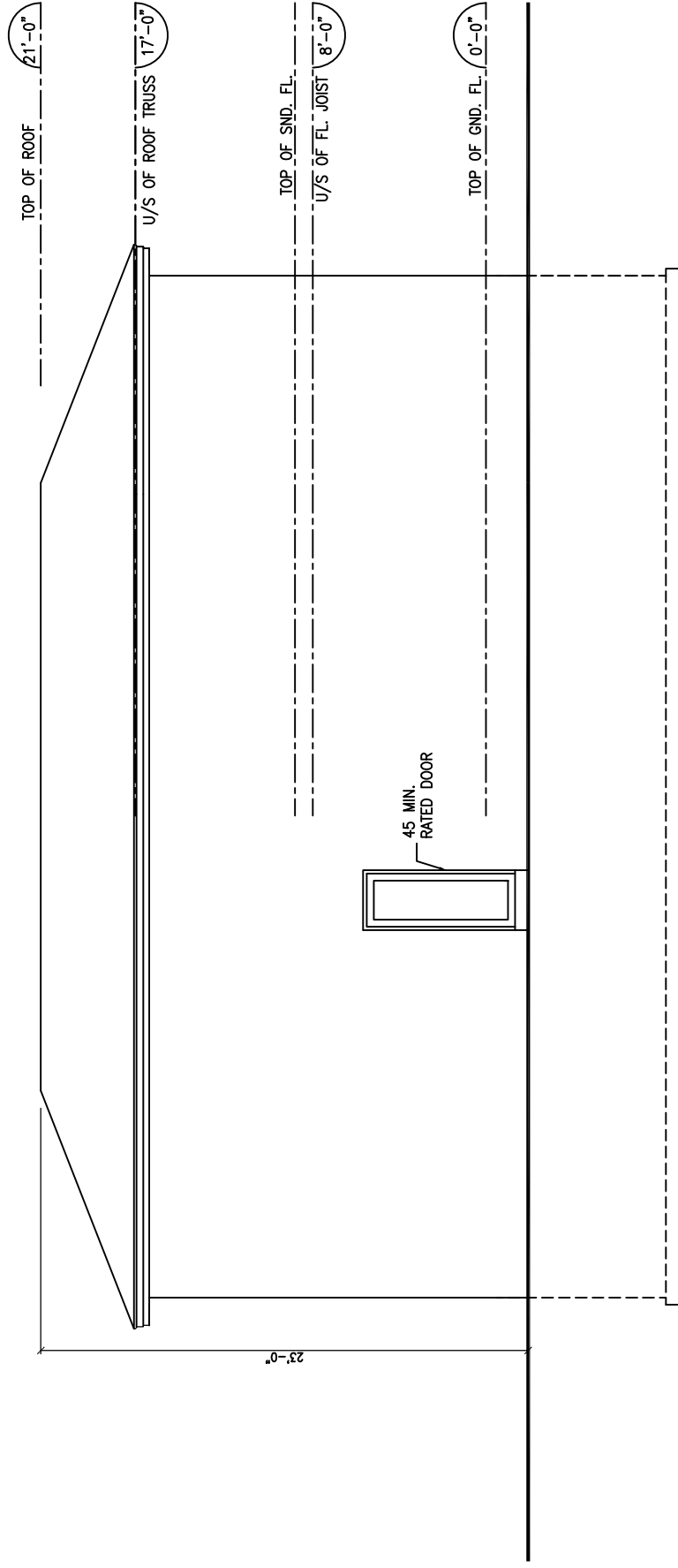
WEST (REAR) ELEVATION

| | | | | | |
|---|-------------|--------------|----------|----------|--------------|
| DRAWING TITLE: WEST (REAR) ELEVATION - BLDG 'A' | | APRIL 2 2017 | DATE | 05/17/17 | DRAWING |
| PROJECT NAME / OWNER: 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | | AUG 01 2017 | DRAWN BY | CC | A302 |
| | | MAY 29 2017 | BY | | - EL |
| 3 | REVISION | DATE | BY | SCALE | 1/8" = 1'-0" |
| 2 | REVISION | | | | |
| 0 | REVISION | | | | |
| REV | DESCRIPTION | | | | |



NORTH ELEVATION

| | | | | | | | |
|-----------------------|-------------|---|--|----------|----------|---------|--------------|
| DRAWING TITLE: | | NORTH ELEVATION - BLDG 'A' | | DATE | 05/17/17 | DRAWING | A303 |
| PROJECT NAME / OWNER: | | 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | | DRAWN BY | CC | - EL | |
| 3 | REVISION | APRIL 2 2017 | | DATE | | SCALE | 1/8" = 1'-0" |
| 2 | REVISION | AUG 01 2017 | | BY | | | |
| 1 | REVISION | JUL 07 2017 | | DATE | | | |
| REV | DESCRIPTION | | | BY | | | |

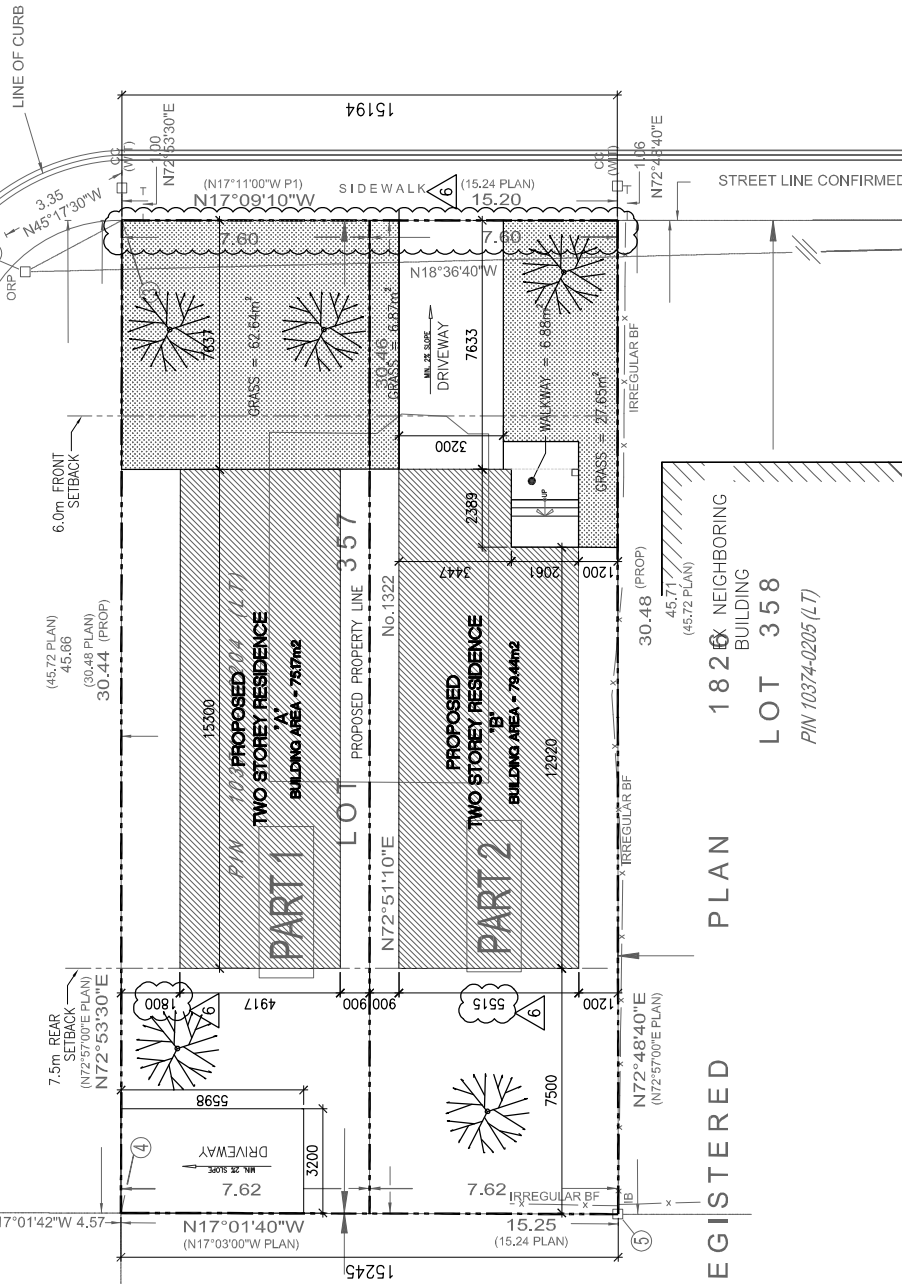


SOUTH ELEVATION

| | | | | | | | | | | | |
|-----------------------|-------------|---|----|----------|----------|--------------|--|---------|----------|--------------|--|
| DRAWING TITLE: | | SOUTH ELEVATION - BLDG 'A' | | DATE | | 05/17/17 | | DRAWING | | A304 | |
| PROJECT NAME / OWNER: | | 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | | DRAWN BY | | CC | | SCALE | | 1/8" = 1'-0" | |
| REV | DESCRIPTION | DATE | BY | 3 | REVISION | APRIL 2 2017 | | 2 | REVISION | AUG 01 2017 | |
| 0 | | MAY 29 2017 | | 0 | REVISION | | | | | | |

GALBRAITH AVENUE
 FORMERLY HERMAN AVENUE
 BY REGISTERED PLAN 1826
 PIN 10374-0372 (LT)

SIDEWALK



KEY PLAN

REFERENCE DRAWINGS

INFORMATION ON THIS DRAWING TAKEN FROM:
 PLAN SURVEY OF LOT 357,
 REGISTERED PLAN 1826,
 CITY OF TORONTO,
 16-20-10923-00
 DATED: MARCH 13, 2017
 PREPARED BY: AKSAN PILLER CORPORATION LIMITED
 ONTARIO LAND SURVEYORS
 943 MT PLEASANT RD, TORONTO, ON
 MAP 2L7

ZONING

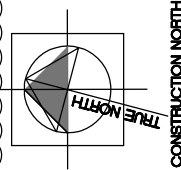
RESIDENTIAL DETACHED (RD -R1B)

MUNICIPAL ADDRESS

1322 VICTORIA PARK AVE TORONTO, ON

ZONING TABLE

| | PROPOSED | LOT 'A' | LOT 'B' |
|------------------------------|-----------------------|-----------------------|-----------------------|
| LOT AREA | 232.10 m ² | 231.92 m ² | 231.92 m ² |
| LOT FRONTAGE | 7.60 m | 7.60 m | 7.60 m |
| FRONT YARD SETBACK | 7.65 m | 7.65 m | 7.65 m |
| SIDE YARD SETBACK (NORTH) | 0.90 m | 0.90 m | 0.90 m |
| SIDE YARD SETBACK (SOUTH) | 0.90 m | 0.90 m | 0.90 m |
| REAR YARD SETBACK | 7.50 m | 7.50 m | 7.50 m |
| LOT COVERAGE ALLOWABLE (35%) | 81.24 m ² | 81.17 m ² | 81.17 m ² |
| BUILDING AREA | 75.17 m ² | 75.17 m ² | 79.44 m ² |
| GROSS FLOOR AREA | 146.15 m ² | 146.15 m ² | 142.10 m ² |
| FLOOR SPACE INDEX | 63% | 63% | 61% |



CONSTRUCTION NORTH

VICTORIA PARK AVENUE

FORMERLY DAWES ROAD

ROAD ALLOWANCE BETWEEN TOWNSHIP OF YORK AND SCARBOROUGH

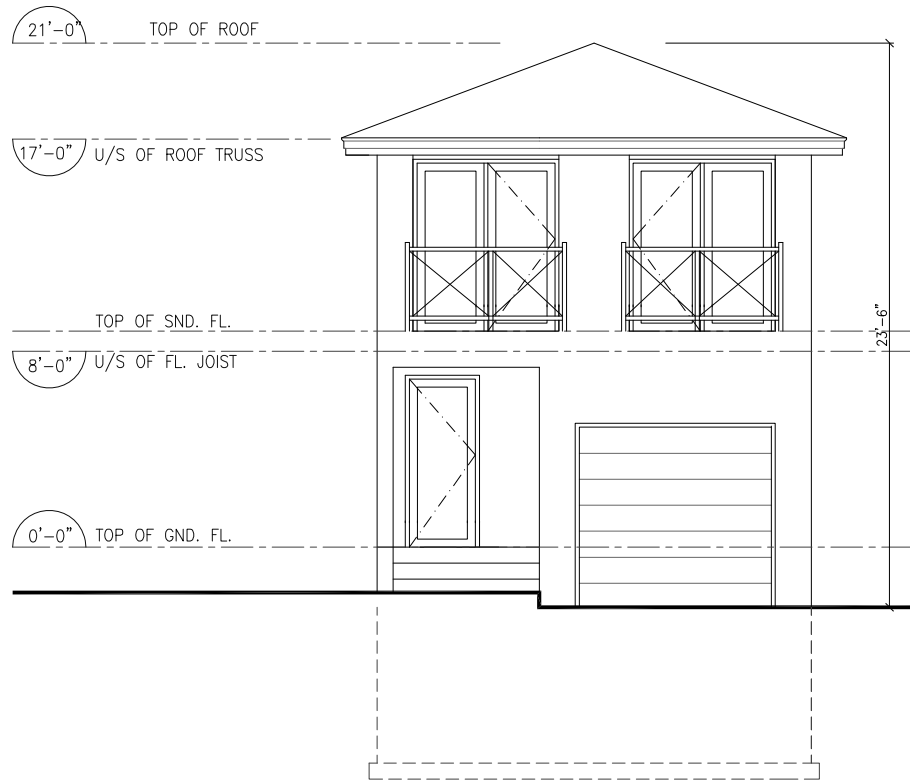
PIN 06454-0001 (LT)

| DATE | BY | SCALE | DESCRIPTION |
|--------------|----|-------|-------------|
| APR 02, 2018 | | | 6 REVISION |
| MAR 26, 2018 | | | 5 REVISION |
| JUL 07, 2017 | | | 1 REVISION |

| DATE | BY | SCALE | DESCRIPTION |
|----------|----|-------|---------------|
| 05/17/17 | CC | 1:150 | A&B 101-SP |

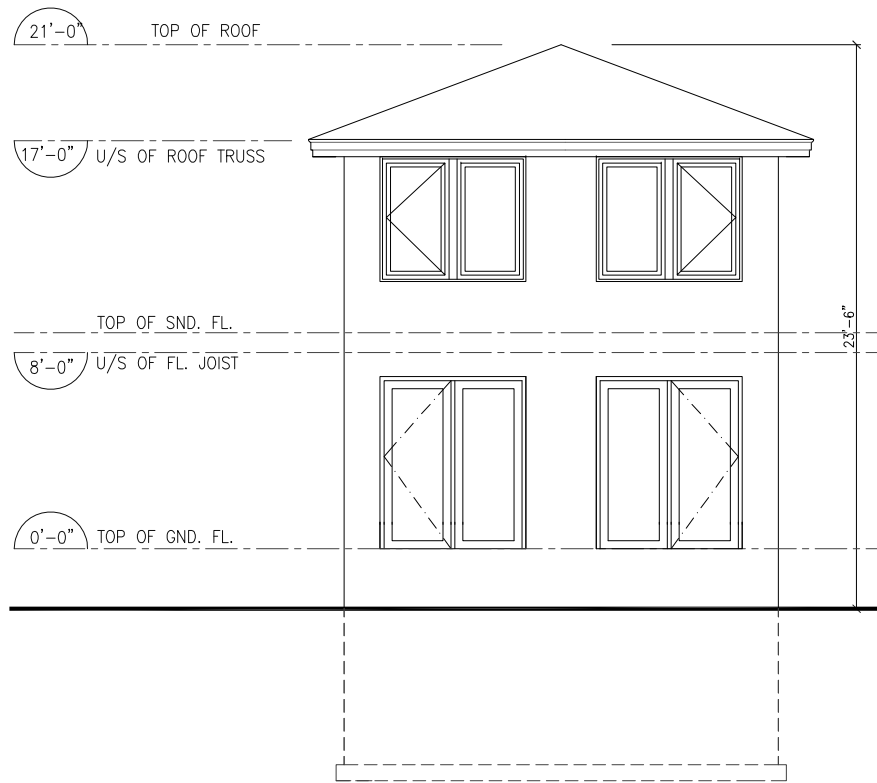
DRAWING TITLE: **SITE PLAN**

PROJECT NAME / OWNER:
1322 VICTORIA PARK AVE
 TORONTO, ONTARIO



EAST (FRONT) ELEVATION

| | | | | | | |
|---|-----|-------------|-------------|----------|--------------|---------------------------------------|
| DRAWING TITLE: EAST (FRONT) ELEVATION - BLDG 'B' | 3 | REVISION | APR 02 2018 | DATE | 05/17/17 | DRAWING B301 - EL |
| | 2 | REVISION | AUG 01 2017 | DRAWN BY | Chris Cabral | |
| | 0 | REVISION | MAY 29 2017 | SCALE | 1/8" = 1'-0" | |
| | REV | DESCRIPTION | DATE | BY | SCALE | |
| PROJECT NAME / OWNER: 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | | | | | | |



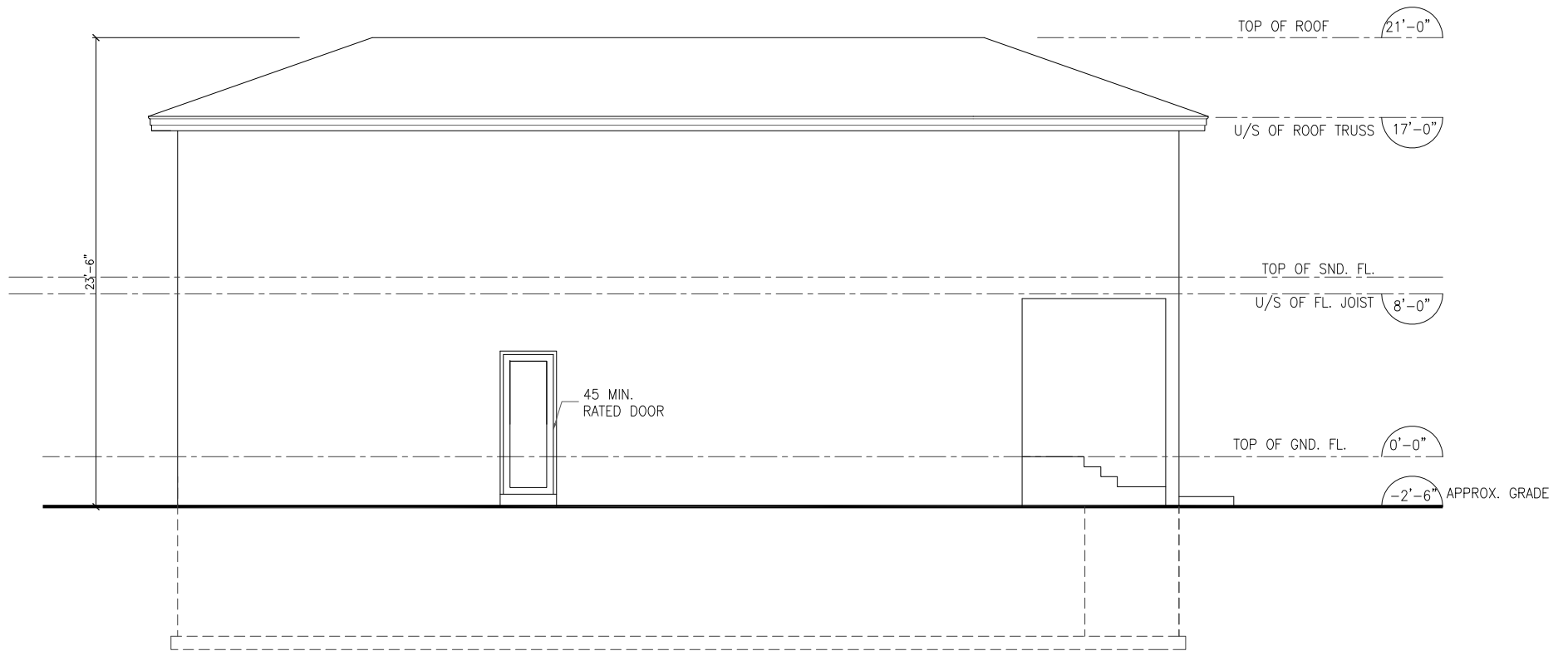
WEST (REAR) ELEVATION

| | | | | | | | |
|---|-------------|------|----------|-------------|----------|--------------|---------------------------------------|
| DRAWING TITLE: WEST (REAR) ELEVATION - BLDG 'B' | | 3 | REVISION | APR 02 2018 | DATE | 05/17/17 | DRAWING B302 - EL |
| PROJECT NAME / OWNER: 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | | 2 | REVISION | AUG 01 2017 | DRAWN BY | Chris Cabral | |
| | | 0 | REVISION | MAY 29 2017 | SCALE | 1/8" = 1'-0" | |
| REV | DESCRIPTION | DATE | BY | SCALE | | | |



NORTH ELEVATION

| | | | | | | | |
|---|-----|-------------|-------------|----|----------|--------------|---------------------------------------|
| DRAWING TITLE: NORTH ELEVATION - BLDG 'B' | 3 | REVISION | APR 02 2018 | | DATE | 05/17/17 | DRAWING B303 - EL |
| PROJECT NAME / OWNER: 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | 2 | REVISION | AUG 01 2017 | | DRAWN BY | Chris Cabral | |
| | 0 | REVISION | MAY 29 2017 | | | | |
| | REV | DESCRIPTION | DATE | BY | SCALE | 1/8" = 1'-0" | |



SOUTH ELEVATION

| | | | | | | | |
|---|-----|-------------|-------------|----|----------|--------------|---------------------------------------|
| DRAWING TITLE: SOUTH ELEVATION - BLDG 'B' | 3 | REVISION | APR 02 2018 | | DATE | 05/17/17 | DRAWING B304 - EL |
| PROJECT NAME / OWNER: 1322 VICTORIA PARK AVE TORONTO ONTARIO M4B 2L4 | 2 | REVISION | AUG 01 2017 | | DRAWN BY | Chris Cabral | |
| | 0 | REVISION | MAY 29 2017 | | SCALE | 1/8" = 1'-0" | |
| | REV | DESCRIPTION | DATE | BY | SCALE | 1/8" = 1'-0" | |