

# DECISION AND ORDER

**Decision Issue Date**      Wednesday, May 23, 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): PETER GAFFNEY

Applicant: ELDON THEODORE

Property Address/Description: 106 NORTHCOTE AVE

Committee of Adjustment Case File Number: 16 269613 STE 18 CO, 16 269617 STE 18 MV, 16 269618 STE 18 MV

TLAB Case File Number: **17 259319 S53 18 TLAB, 17 259324 S45 18 TLAB, 17 259327 S45 18 TLAB**

**Hearing date:**      Wednesday, April 11, 2018

**DECISION DELIVERED BY D. Lombardi**

## APPEARANCES

<b>Name</b>	<b>Roles</b>	<b>Representative</b>
Eldon Theodore	Applicant/Expert Witness	
Peter Gaffney	Appellant	Isaiah Banach

## **INTRODUCTION**

This is a matter on appeal from the Toronto and East York Panel of the City of Toronto's ('City') Committee of Adjustment (the 'COA'). The COA by decision dated October 18, 2017 dismissed applications for the severance of 106 Northcote Avenue (the 'subject property') and associated variances.

The application proposed the severance of the subject property into two undersized lots, retaining the existing building on the subject property, and proposing the construction of a new three-storey detached 'micro-dwelling' with an integral garage on the newly conveyed lot.

The owner, Peter Gaffney (also the Appellant), intends to downsize by relocating from the existing dwelling on the property to the proposed micro-dwelling, and to maintain the two units in the existing dwelling as new rental housing units within the neighbourhood.

The subject property is a rectilinear shaped lot located at the northwest corner of Northcote Avenue and Argyle Street, with frontage on both streets. The property also backs onto an existing laneway abutting the rear of the site.

The subject property currently contains a two-storey row house and a one-storey detached garage located in the rear yard. The existing row house contains two units, one occupied by the owner and the other a rental unit utilized for supportive and additional income

It is situated within what is commonly referred to as the '*Little Portugal*' neighbourhood in the City. This particular neighbourhood is delineated by the CNR/CPR Rail line to the west, Dovercourt Road to the east, Dundas Street west to the north and Queen Street to the south.

Immediately surrounding the property are predominantly single detached dwellings with detached garages in the rear yard, with some row houses and semi-detached residential dwellings on all sides.

The subject property is designated *Neighbourhoods* in the City's Official Plan (the 'Official Plan'), and zoned R (Residential D1.0 H10 (x804)) under Zoning By-law No. 569-2013 (the 'new By-law') and R4 (Residential District Z1.0 H1.0) under the former City of Toronto Zoning By-law No.438-86 (the 'former By-law').

## **BACKGROUND**

On December 21, 2016, Peter Gaffney (Owner/Appellant) submitted three applications to the COA for consent to convey and associated minor variances to the new By-law and former By-law to divide the subject property into two residential lots. There were two related minor variance applications, one for the existing two-storey detached residential dwelling fronting onto Northcote Avenue (Part 1), and a second for the construction of a three-storey detached dwelling with an integral garage on the newly created lot fronting onto Argyle Street (Part 2).

As a precursor to submitting the applications to the COA in December 2016, the owner retained the services Mr. Eldon Theodore, a partner and land use planner/urban designer with MHBC Planning Consultants, to provide land use planning support for the approval of the consent and minor variance applications for the subject property.

As a matter of course, the owner and his consultants held a number of meetings with neighbours to discuss their proposal and to obtain feedback. This process yielded twenty-three (23) signatures of support for the proposed development from within the area, and four (4) letters of support from the abutting property owners.

The owner also met with the local Councilor, who has also provided a letter in support of the owner's proposal. All of these documents were submitted to the COA and form part of the disclosure documents filed with the TLAB in this appeal (Exhibit 1 - Tab 4).

The owner also undertook pre-consultation meetings with City Staff to review the proposal prior to submission to the COA. City Planning Staff expressed concerns regarding the proposal.

For convenience and clarity, the following presents a chronology of the application's history leading to the subsequent appeal of the COA's refusal of the consent and variance being sought by the owner.

- *December 21, 2016*
  - Application for consent and minor variances submitted to the COA.
  - Submission included a detailed planning rationale by MHBC Planning Consultants (Exhibit 1 – Tab 16), a statistical analysis of the neighbourhood (Exhibit 1 – Tab 11), precedent examples of similar dwellings in the neighbourhood (Exhibit 1 – Tab 4), and signatures and letters of support (Exhibit 1 – Tab 3)
- *May 24, 2017*
  - City Planning Staff releases their first report addressing the consent and variances proposed by the Appellant, recommending refusal of the proposed applications.
  - Concerns raised by Staff included matters related to the size of the proposed severed lot, the built form, massing and scale of the

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proposed three-storey dwelling as it relates to the prevailing character of the neighbourhood, and the “overdevelopment” of the subject property (Exhibit 3 – Tab 35)

- *May 25, 2017*
  - *The owner meets with the area Councilor and City Planning Staff to further discuss the rationale for the application in greater detail.*
  - *Following the meeting, the area Councilor drafts a letter of support recommending that the COA give careful consideration to the proposal (Exhibit 3 – Tab 31)*
- *May 25, 2017*
  - *Transportation Services Staff (the ‘TSS’) provides comments to the COA regarding the applications. They require the following conditions for approval:*
    - *A 0.98 m widening to be conveyed to the laneway;*
    - *That the driveway be constructed with semi-permeable material;*
    - *Preparation of an R-plan to identify the lands to be conveyed; and*
    - *That the Applicant remove any portion of the building that encroaches onto the lands to be conveyed.*
- *May 31, 2017*
  - *The Applicant requests a deferral of the COA Hearing scheduled for May 31, 2017, to allow an opportunity for the owner to meet with the TSS to discuss their requirements.*
  - *The requested referral is granted by the COA.*
- *July 26, 2017*
  - *The owner meets with TSS and the local Councilor to discuss the conditions of approval.*
  - *The owner and TSS agree to the following revised conditions for approval contained in subsequent TSS comments to the COA, dated October 17, 2017 (Exhibit 1 – Tab 31):*
    - *An agreement to allow the required laneway widening in exchange for a stratified easement. Up to a vertical clearance of 5.5 m to allow the proposed 3<sup>rd</sup> storey to cantilever over the conveyed lands.*
    - *TSS also agreed to discuss relief on parking space dimensions to accommodate small vehicles.*
- *September 7, 2017*
  - *The Applicant received a revised Zoning Notice from the City based on the revised and modified proposal.*
  - *The Applicant submits revised plans to the COA. The new plans reflect a reduced lot area on the proposed severed lot to accommodate for a road widening conveyance to the City for the laneway.*

- *October 11, 2017*
  - Notwithstanding the agreement reached with the TSS, City Planning Staff again recommends refusal of the proposed applications for the same reasons outlined in their May 24, 2017 comments.
- *October 17, 2017*
  - The TSS Report recommends approval of the proposed consent and variance applications based on the revised plans prepared by the Applicant and agreement reached with the owner regarding the laneway widening.

On October 18, 2017, the COA heard the applications and refused the following request to sever the subject property and the associated minor variances:

### **Consent**

1. Retain Part 2, Draft R-Plan  
Part 2 has a lot frontage of 4.71 m and a lot area of 117.5 m<sup>2</sup>. The existing residential building will be maintained and will require variances to the Zoning By-law as outlined in Application No. A1263/16TEY.
2. Conveyed – Part 1, Draft R-Plan  
Part 1 has a lot frontage of 10.18 m and a lot area of 53.1 m<sup>2</sup>. A new three-storey detached dwelling will be constructed and will require variances to the Zoning By-law as outlined in Application No. A1262/16TEY.

### **Requested Variances**

To construct a new three-storey detached dwelling with an integral garage on the newly conveyed lot, as described in the consent application to the Committee of Adjustment B0090/16TEY

1. **Chapter 10.10.30.10.(1), By-law 569-2013**  
The minimum lot area is 180 m<sup>2</sup>.  
The lot area will be 47.87 m<sup>2</sup> (at grade).
2. **Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013**  
The maximum permitted height of all front exterior main walls is 7.5.  
The height of the front exterior main walls will be 10.0 m.
3. **Chapter 10.10.40.10.(2)(A)(ii), By-law 569-2013**  
The maximum permitted height of all rear exterior main walls is 7.5 m.  
The height of the rear exterior main walls will be 10.2 m.
4. **Chapter 10.10.40.40.(I)(A), By-law 69-2013**  
The maximum permitted floor space index is 1.0 times the area of the lot (47.87 m<sup>2</sup>).  
The new three-storey detached dwelling will have a floor space index equal to 2.31 times the area of the lot.
5. **Chapter 10.10.40.70.(1), By-law 569-2013**  
The maximum required front yard setback is 6.0 m.

The new three-storey detached dwelling will be located 0.0 m from the front lot line.

**6. Chapter 10.10.40.70.(2), By-law 569-2013**

The minimum required rear yard setback is 7.5 m.

The new three-storey detached dwelling will be located 0.0 m from the rear lot line.

**7. Chapter 10.10.40.70.(3), By-law 569-2013**

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.0 m from the west side lot line.

**8. Chapter 10.5.40.60.(1), By-law 569-2013**

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach into the required side yard setback a maximum of 1.5 m if the side yard abuts street.

The platform will encroach 0.45 m into the required east side yard setback but the side yard does not abut a street.

**9. Chapter 10.5.40.60.(2), By-law 569-2013**

A canopy, awning or similar structure not covering a platform may encroach in a side yard, a maximum of 1.5 m, if it is no closer to the side lot line than 0.3 m.

The third-storey canopy will encroach 0.45 m and will be located 0.0 m from the east side lot line.

**10. Chapter 10.5.40.70.(2), By-law 569-2013**

A building or structure may be no closer than 2.5 m from the original centreline of a lane.

The new detached dwelling will be located 1.50 m from the original centreline of the lane to the west of the lot.

**11. Chapter 200.5.1.10(2), By-law 569-2013**

The minimum required parking space length is 5.6 m.

The parking space will have a length of 4.70 m.

**1. Section 6(3) Part I 1, By-law 438-86**

The maximum permitted residential gross floor area is 1.0 times the area of the lot (47.87 m<sup>2</sup>).

The new detached dwelling will have a residential gross floor area equal to 2.31 times the area of the lot (110.43 m<sup>2</sup>).

**2. Section 6(3) Part II, By-law 438-86**

The minimum required front yard setback is 6.0 m.

The new three-storey detached dwelling will be located 0.0 m from the front lot line.

**3. Section 6(3) Part II 3.B(II), By-law 438-86**

The minimum required side yard setback is 0.9 m, where the side wall contains openings.

The new detached dwelling will be located 0.0 m from the west side lot line.

**4. Section 6(3) Part II 3.B(I), By-law 438-86**

The minimum required side yard setback is 0.45 m, where the side wall contains no openings.

The new detached dwelling will be located 0.0 m from the east side lot line.

**5. Section 6(3) Part II 4, By-law 438-86**

The minimum required rear yard setback is 7.5 m.

The new detached dwelling will be located 0.0 m from the rear lot line.

**6. Section 6(3) Part III, 1(A), By-law 438-86**

The minimum permitted landscaped open space is 30% of the area of the lot (14.36 m<sup>2</sup>).

In this case, 6.5% (3.1 m<sup>2</sup>) will be landscaped open space.

**7. Section 4(14)(A), By-law 438-86**

A building or structure may be no closer than 2.5 m from the original centreline of a lane.

The new detached dwelling will be located 1.50 m from the original centreline of the lane to the west of the lot.

**8. Section 4(17)(a), By-law 438-86**

A parking space is required at a minimum length of 5.60 m.

The parking space will be 4.70 m in length.

### **Requested Variances**

To maintain the existing two-storey detached dwelling containing two units on the newly conveyed lot as described in the consent application to the Committee of Adjustment B0090/16TEY.

**1. Chapter 10.10.30.10.(1)(A), By-law 569-2013**

The minimum lot area is 141.30 m<sup>2</sup>.

The lot area will be 117.74 m<sup>2</sup>.

**2. Chapter 10.10.40.40.(1)(A), By-law 569-2013**

The maximum permitted floor space index is 1.0 times the area of the lot (117.74 m<sup>2</sup>).

The maintained detached dwelling will have a floor space index equal to 1.51 times the area of the lot (177.53 m<sup>2</sup>).

**3. Chapter 10.10.40.70.(2), By-law 569-2013**

The minimum required rear yard setback is 7.5 m.

The maintained detached dwelling will be located 2.77 m from the rear lot line.

**4. Chapter 10.5.50.10.(3)(B), By-law 569-2013**

A minimum of 25% (3.45 m<sup>2</sup>) of the rear yard shall be maintained as soft landscaping.

In this case, 0% (0.0 m<sup>2</sup>) of the rear yard will be maintained as soft landscaping.

**5. Chapter 200.5.10.1.(1), By-law 569-2013**

A minimum of one parking space is required to be provided.

In this case, zero parking spaces will be provided.

**1. Section 6(3) Part I 1, By-law 438-86**

The maximum permitted residential gross floor area is 1.0 times the area of the lot (117.74 m<sup>2</sup>).

The maintained detached dwelling will have a residential gross floor area equal to 1.51 times the area of the lot (177.53 m<sup>2</sup>).

**2. Section 6(3) Part II 4, By-law 438-86**

The minimum required rear yard setback is 7.5 m.

The maintained detached dwelling will be located 2.77 m from the rear lot line.

**3. Section 6(3) Part III 1(A), By-law 438-86**

The minimum permitted landscaped open space is 30% of the area of the lot (35.32 m<sup>2</sup>).

In this case, 19% (22.15 m<sup>2</sup>) will be landscaped open space.

**4. Section 4(5)(B), By-law 48-86**

A minimum of one parking space is required to be provided.

In this case, zero parking spaces will be provided.

Applicable 'as-of-right' performance standards from the existing and former By-law apply to this proposal and are summarized as follows:

- Maximum Residential Gross Floor Area/Floor Space Index – 1.0 times the area of the lot (Both By-laws);
- Minimum Lot Area – 141.3 m<sup>2</sup> and 180 m<sup>2</sup> (Both By-laws);
- Minimum Front Yard Setback – 6 m (Both By-laws);
- Minimum Rear Yard Setback – 7.5 m (Both By-laws);
- Minimum Lane Setback – 2.5 m from the centerline of the public lane (Both By-whether laws);
- Minimum Side Yard Setback/Side Yard Setback Where a Wall Contains Openings – 0.9 m (Both By-laws);
- Minimum Side Yard Setback Where a wall Contains No Openings – 0.45 m (By-law 438-86);
- Minimum Landscaped Open Space – 30% (By-law 438-86), and Minimum Rear Yard Soft Landscaping – 25% (By-law 569-2013);
- Minimum Parking – 1 Space (Both By-laws)
- Minimum Parking Space Length – 5.6 m (By-law 569-2013);
- Maximum Height of Specified Pairs of Main Walls – 7.5 m (By-law 569-2013);
- Maximum Platform Encroachment Allowance – 1.5 m (By-law 569-2013);
- Platform at or above the Second Storey May Not Be Above the Level of the Floor of the Storey from which it Gains Access (By-law 569-2013);
- Maximum Canopy Encroachment If No Closer to the Lot Line Than 0.3 m – 1.5 m (By-law 569-2013).

## **The Proposal**

As noted briefly in the **Introduction** and **Background** sections of this Decision, and for clarity going forward, a more fulsome description of the Applicant's proposal is warranted.

The Applicant is proposing to sever the existing subject property into two (2) lots. The intent is to retain the existing residential row house dwelling at the Northcote



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Avenue frontage and to construct a new 'micro-dwelling' on the new lot at the rear of the site, abutting the existing public laneway.

The owner intends to downsize and relocate from the existing dwelling to the proposed dwelling, in turn, maintaining the two units in the existing dwelling as rental housing units.

The retained lot will be approximately 117.74 m<sup>2</sup> in size with the new, severed lot being 47.87 m<sup>2</sup> in size.

The proposed three-storey 'micro-dwelling' will be 109.83 m<sup>2</sup> in size, with frontage along Argyle Street and the laneway.

More specifically, the proposal includes the following:

- Vehicular access is provided from Argyle Street to an integrated garage that will accommodate a small vehicle. The proposal reflects the existing garage access condition;
- Fenestration will appear on the south, west and east facades, with no windows proposed along the north elevation;
- Amenity balconies are proposed on the east and southeast elevations of the proposed dwelling ;
- The rooftop of the proposed residential dwelling will not be accessible as an amenity space, ensuring no rooftop overlook to adjacent properties.
- A portion of the proposed structure will be cantilevered to the property line at the rear. This was precipitated by discussions with TSS to convey a portion of the property to establish a 2.5 m laneway from centerline to accommodate vehicular movements.

The Applicant is also proposing to keep the existing trees on the property as well as proposing the planting of new trees along the Argyle Street frontage. The Applicant intends to maintain a large tree currently on the site.

The Applicant is seeking relief from both the former and the new Zoning By-laws to permit this new development, and technical variances are being requested to maintain the existing condition for the residential dwelling on the retained lot.

The variances being sought from both By-laws as per the COA Notice of Decisions dated October 18, 2017, can be summarized as follows:

- A. Reduced Minimum Lot Area (By-law 569-2013 only)
  - a. Severed lot - from 160 m<sup>2</sup> to 47.87 m<sup>2</sup>.
  - b. Retained lot – from 141.30 m<sup>2</sup> to 117.74 m<sup>2</sup>.
- B. Increase Maximum Lot Area FSI (both By-laws)
  - a. Severed lot – from 1.0 times the area of the lot to 2.31 times the area of the lot

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- b. Retained lot – from 1.0 times the area of the lot to 1.5 times the area of the lot
- C. Increase Maximum Permitted Building Height of all Exterior Front and Rear Main Walls (By-law 569-2013 only)
  - a. Severed lot - from 7.5 m to 10 m.
- D. Reduce Front Yard Setback Both By-laws)
  - a. Severed lot – from 6.0 m to 0.0 m.
- E. Reduce Minimum Rear Yard Setback (Both By-laws)
  - a. Severed lot – 7.5 m to 0.0 m.
  - b. Retained lot – 7.5 m to 2.77 m.
- F. Reduce Minimum Side Yard Setback (where a wall contains openings) – (Both By-laws)
  - a. Severed lot – from 0.9 m to 0.0 m from the west side lot line.
- G. Reduce Minimum Side Yard Setback (where a wall contains no openings) – (By-law 438-86 only).
  - a. Severed lot – from 0.45 m to 0.0 m from the east side yard lot line.
- H. Permit a Platform to Encroach Side Yard Setback (where not abutting a street) – (By-law 569-2013 only)
  - a. Severed lot – the By-law permits a platform above a first floor to encroach a maximum of 1.5 m to permit a platform to encroach 0.45 m into the east side yard setback, not abutting a street.
- I. Canopy, Awning or Other Similar Structure to Encroach Side Yard (By-law 569-2013 only)
  - a. Severed lot – whereas the By-law permits encroachment in a side yard to a maximum 1.5 m if it is no closer to the side yard lot line than 0.3 m the Applicant is requesting relief to permit 0.45 m and be located 0.0 m from the east side lot line.
- J. Setback from Laneway (centerline) – (Both By-laws)
  - a. Severed lot – whereas the By-laws require a building or structure be no closer than 2.5 m from the original centerline of a lane the Applicant request relief to permit a building or structure to be 1.5 m to the east from the original centerline.
- K. Reduce Minimum Required Parking Space Length (Both By-laws)
  - a. Severed lot – from 5.6 m to 4.7 m.
- L. Reduce Minimum Permitted Landscape Open Space (By-law 438-86 only)
  - a. Severed lot – from 30% of the lot to 6.5%.
  - b. Retained lot – from 30% to 19%.
- M. Reduce Minimum Rear Yard Soft Landscaping (By-law 569-2013 only)
  - a. Retained lot – from 25% to 0%.
- N. Reduce Minimum Required Parking (Both By-laws)
  - a. Retained lot – from 1 parking space to 0 spaces.

## **MATTERS IN ISSUE**

The applications and appeal were neither unprecedented nor complex, given that the Applicant is proposing recognition of a type of housing form that is increasingly becoming more recognized within the urban fabric of Toronto.

In my view, at issue with this appeal was whether the Applicant's severance of the lot for the purposes of introducing a new residential 'micro-dwelling' as a form of infill housing and intensification is appropriate.

Resulting from the requested severances is the need to address zoning relief in the form of numerous minor variances to permit construction on the undersized lots of the specific dwellings proposed. Those variances have been outlined in detail in the preceding parts of this Decision.

From a planning perspective, a number of questions arise as a result of the proposed severance and variances; the key one being whether both the severed and retained lots are considered substandard in size. More specifically, do the proposed lot sizes respect and reinforce the established dimensions and configuration of existing lots in the neighbourhood.

A corresponding question relates to the built form being proposed on the conveyed lot and whether that residential dwelling respects the prevailing physical character of the surrounding neighbourhood. Given that the proposed application seeks to convert the garage footprint into a three-storey detached dwelling on small lot, the issue added is whether the resulting floor space index is unacceptable in the existing context

Finally, the question of whether this proposal will result in overdevelopment of the site must also be considered. Does the proposed built form result in impacts on adjacent properties with respect to overlook, privacy and shadows?

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 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 necessarily for the orderly development of the municipality pursuant to s. 53(24) of the *Planning Act* (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 then 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 the 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 application for variances from the Zoning By-laws, the TLAB must be satisfied that the applications meet all of the four tests under section 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 in nature.

Under s. 2.1 of the Planning Act, TLAB is also to have regard for the earlier COA decision and the materials that were before that body.

Applicable provincial policy is also a relevant consideration.

## **EVIDENCE**

At the commencement of the hearing, the Appellant's counsel, Mr. Isaiah Banach, of the law firm Davies Howe LLP, advised that without opposition at the hearing he intended to abbreviate the evidence to be presented, and would be relying extensively on the testimony of his land use planning expert witness, Mr. Eldon Theodore.

He further noted that City Planning Staff were not in attendance at the hearing even though they had produced two reports to the COA regarding this proposal recommending that the COA refuse the subject applications for consent and minor variances.

Mr. Banach opined that City Staff usually attend hearings to defend positions when taken against applications they consider unacceptable. He stated their absence at the hearing, coupled with the Transportation Services Staff support of these applications, should be weighted in the Appellant's favour and be a determining factor in deciding the matters at issue.

The Applicant's Combined Documents, which were submitted through the document disclosure process related to this appeal, were combined into one digital file for the purpose of this hearing.

For clarity and ease of reference, each part and corresponding tabs were identified as exhibits in the following manner:

- *Exhibit 1 – Tabs 1 to 21;*
- *Exhibit 2 – Tabs 22 and 23; and*
- *Exhibit 3 – Tabs 24 to 35.*

In addition, Mr. Theodore's Expert Witness Statement and attachments, submitted to the TLAB on January 22, 2018 (Form 14), were identified as Exhibits 4 and 5, respectively.

Finally, Mr. Banach submitted Case Law in the form of an *Ontario Municipal Board (OMB) Decision for 'Motisi et al. v. Bernardi' (1987 Carswell Ont. 3719, (1987) O.M.B.D. No. 2, 20 O.M.B.R. 129)*, dated May 28, 1987, in support of his case, which was marked as Exhibit 6.

### **Expert Witness Statement of Eldon Theodore, Land Use Planner**

I qualified Mr. Theodore as a professional land use planner capable of giving expert opinion testimony on land use planning matters. Mr. Theodore was initially retained by the owner in September, 2016, to provide land use planning support for this the proposed development and his retainer was extended to include planning evidence in support of the appeal before the TLAB.

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In his witness statement (Exhibit 4) and evidence (rendering of the proposal – Exhibit 1 – Tab 10), Mr. Theodore gave a brief description of the project, outlining the footprint of the proposed new dwelling and its elevations, and summarized the dimensions of the lots to be retained and conveyed. He confirmed that the proposed new ‘micro-dwelling’ will build on the footprint of the existing detached garage, which is currently located at the rear of the subject property.

He further noted that the proposed new dwelling is very similar in size and shape to examples of existing dwellings within the neighbourhood, and that the Applicant is proposing a form of housing that accommodates, in Mr. Theodore’s opinion, infill residential development *“in a subtle and gentle way within existing, established inner city neighbourhoods in the City of Toronto, particularly on the City’s laneways.”*

In addressing the neighbourhood, Mr. Theodore first described the context immediately surrounding the subject property, noting the predominance of single detached residential dwellings with detached garages in the rear yard, as well as some row houses and semi-detached dwellings on all sides (Exhibit 1 – Tab 5). Of particular note, he identified the location of an existing place of worship and associated residence on the west side of the laneway, at 91 and 85 Gladestone Avenue, respectively, just west of the subject property.

He then described the wider area, depicting the housing typology as an ‘eclectic’ mix of single, semi-detached, and row house residential dwellings in an established, dense inner city neighbourhood. He established both the broader neighbourhood as the **Study Area**, in addition to a more intimate and immediate study area consisting of Argyle Street, which he opined has its own diverse character.

In Mr. Theodore’s opinion, Argyle Street is a unique thoroughfare with a built form, building orientation and character that is distinctive within the overall ‘*Little Portugal*’ neighbourhood.

He suggested that there exists an end of block relationship where intensification is occurring today, and where houses with frontage or flankage along Argyle Street are generally 2 to 3 storeys in building height. In fact, Mr. Theodore was able to demonstrate these attributes through an extensive photographic record of examples in the Study Area (Exhibit 1 – Tab 6).

At this juncture in Mr. Theodore’s testimony, I advised that pursuant to the standing direction of Council to the TLAB, I had visited the subject property and surrounding streets and was familiar with the area.

Mr. Theodore acknowledged that dwellings along Argyle Street display a heterogeneous architectural style while maintaining a consistent street orientation and tight proximity to adjacent properties. He suggested that the area does not display a prevailing architectural style but rather existing elevations suggest an accepted architectural style representing a diverse range of built form and building types.

Mr. Theodore asserted that the neighbourhood includes several `micro-dwelling` precedents (Exhibit 1 – Tab 4) that, in his opinion, support the proposition that there are a number of smaller than average dwellings within what is considered a stable neighbourhood.

He suggested that building footprints in the immediate area of the proposal are irregular in shape and size. In particular, he highlighted examples where residential dwellings abutting a laneway appear to be the prevailing condition. Mr. Theodore pointed to 203 Argyle Street, a recently redeveloped property immediately across the street from the subject property, as the most relevant example in the immediate area (Exhibit 1 – Tab 4).

In supporting his expert opinion, Mr. Theodore presented the findings of a *density analysis* of the neighbourhood (Exhibit 1 – Tab 4) which he undertook using City property data information. He summarized the finding of this analysis by noting that:

- *Many of the properties within the **Study Area** do not meet the requirements of either the new or former By-law;*
- *Approximately 42% of the lots in the area are below the minimum lot area By-law requirements;*
- *Approximately 24% of the lots in the neighbourhood exceed the permitted maximum Floor Space Index of 1.0 times the area of the lot; and.*
- *New construction (additions or replacements) to accommodate this form of housing in this neighbourhood typically occurs through variances as a normal practice.*

Mr. Theodore was of the opinion that the proposed development reflects the prevailing type of density found throughout the area and, more importantly, he suggested it reflected densities that are not unusual for this inner city situation. It is also in keeping with the built form and lot fabric of the `Little Portugal` neighbourhood.

### **Provincial Policy Context**

Mr. Theodore addressed the proposal from this policy context. He noted that under section 3(5) of the *Planning Act* (the `Act`) a decision of the TLAB that affects a planning matter, including consent and minor variance applications, must be consistent with the *Provincial Policy Statement 2014* (the `PPS`).

He referred to policies 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, and 1.4 of the PPS in supporting his proposition that the approval of the proposed consent and minor variances being sought would result in redevelopment and gentle intensification within a built-up area that is compatible with adjacent uses and one that would utilize existing infrastructure. Consequently, in his opinion, the proposed variances are consistent with the policy objectives of the PPS.

He also spoke to policies in the *Growth Plan for the Greater Golden Horseshoe, 2017* (the `Growth Plan`). Under section 3(5)(b) of the *Planning Act*, a decision of the

TLAB that affects planning matters, including consent and minor variance applications, is required to conform to the *Growth Plan*. The *Growth Plan* includes the promotion of compact urban form through the intensification of existing urban areas, and the provision of a full range of housing, with the intent to better utilize land and infrastructure.

Mr. Theodore highlighted Policies 2.2.1.2 (a) and 2.2.1.4 (e) and (f) as specifically relevant to the proposed consent and variances, as these speak to promoting intensification in built up areas. In addition, he referenced Policy 2.2.6.1 (a) of the *Plan*, which promotes a diverse and mix of housing options that serve all stages of life, including affordable housing and rental opportunities.

It was Mr. Theodore's opinion then, that the consent and variances being requested by the Applicant achieve this form of infill and provide housing options that conform to the policy objectives of the *Growth Plan*. He concluded, therefore, that the proposal is consistent with the *PPS* and conforms to the *Growth Plan*.

### **Consent Criteria**

Mr. Theodore addressed how the proposal met the *Planning Act* requirements for the consent application, giving evidence as to how each of the fourteen criteria under section 51(24) of the *Act* were satisfied.

- a) Effect of development on matters of provincial interest – this criterion was addressed in the preceding section of this Decision;
- b) Whether the proposed subdivision is premature or in the public interest – Mr. Theodore opined that the proposed lots maintain frontage on public roads and will be serviced through existing infrastructure.
- c) Conformity with the Official Plan – Mr. Theodore noted that he would be elaborating further on this criterion in discussing the four tests of the Planning Act, but did suggest that the consent does meet the criteria of the policies related to healthy neighbourhoods, built form, housing and neighbourhood development.
- d) Suitability of the lands for intended purposes – He stated that the application proposes two lots, which are compatible within the Study Area, and suitable for accommodating a 'micro-dwelling'.
- e) Adequacy of roads – No new roads or laneways are proposed as part of this application.
- f) Dimensions and shape of proposed lots – He indicated that the proposed lots will be regularly shaped with adequate dimensions for existing and future proposed built form.
- g) Restrictions on land and structures to be erected – Mr. Theodore confirmed that the proposed detached dwellings are permitted by the applicable Zoning By-laws, and that in his opinion the variances to the zoning standards are minor and do not require a zoning by-law amendment.



- h) Conservation of natural resources and flood control – The subject property is outside of any flood plains and not within the City’s Ravine and Natural protection By-law.
- i) Adequacy of utilities and municipal services – He confirmed that utilities area available on the street and that the neighbourhood is well served with municipal services.
- j) Adequacy of school sites – Mr. Theodore advised that there are schools serving this neighbourhood that can accommodate any potential students from the proposed dwelling.
- k) Land to be conveyed or dedicated for public purposes – A future conveyance will be provide as a condition of consent to allow for road widening.
- l) Efficient use and conservation of energy – The Applicant is proposing to construct a compact ‘micro-dwelling’ on underutilized lands within a built up area.
- m) Site Plan Control – Mr. Theodore confirmed that the subject property is not subject to site plan control.

As a result, Mr. Theodore opined that the consent application meets the requirements of the *Act* and that no Plan of subdivision is necessary.

### **The “Four Tests”**

Mr. Theodore next spoke to the four tests of section 45(1) of the *Planning Act*, concentrating on each test and variance request separately and in detail. In addressing the tests, Mr. Theodore specifically addressed each in response to the issues raised in the City’s Planning Staff Report, which he opined focused primarily on limited Official Plan policies.

#### *1. General Intent and Purpose of the Official Plan*

Mr. Theodore reiterated that the subject property is designated *Neighbourhoods* in the Official plan, and suggested that the general intent and purpose of this designation is to create and define stable residential areas within the City in order to ensure compatibility of land uses and built form.

He referenced Policy 2.3.1 (the preamble) of the Official Plan that states that, *“Neighbourhoods are considered to be stable areas, but not static...some physical change will occur as enhancements, additions and infill occurs on individual sites..”*

Policy 3.2.1.1 states that *“a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents.”*

In this regard, Mr. Theodore was of the opinion that the proposal assists in diversifying the range of housing options and tenures within the neighbourhood by offering new ownership and additional rental housing opportunities.

He next addressed Policy 3.1.2 that states that, “*development within Neighbourhoods is to be respectful of the existing neighbourhood context and is to reinforce the existing physical character of buildings, streetscapes and open space patterns in the area.*” He argued that the proposed development will ‘fit harmoniously’ within its existing and planned context, and will not cause what he termed ‘unacceptable adverse impacts’ of a planning nature.

To reinforce his opinion, Mr. Theodore stated that the proposal meets the relevant urban design policies of section 3.1.2, referencing specific policy subsections and noting that:

- The massing of the new dwelling will frame Argyle Street with proportions that are consistent with the built form and character already existing along that street (3.1.2.1 a. and b. and 3.1.23. a.);
- The proposal will:
  - Minimize the impact of vehicular parking by integrating parking within the proposed built form (3.1.2.2 c.);
  - Incorporate similar design elements in keeping with the appearance of adjacent developments (3.2.1.3 b.);
  - provide gentle density that ‘frames the end of the block, mirroring the patterns of height and density on adjacent block ends; and
  - Continue similar massing patterns that will allow for gradual transition in scale to adjacent existing buildings to the north (3.1.2.3. c.).

Mr. Theodore then addressed the City’s Planning Staff Report to the COA, dated October 11, 2017 (Exhibit 3 – Tab 31), which raised concerns regarding the impact of the proposed new dwelling on adjacent properties relative to the potential shadow and overlook concerns, as well as the loss of privacy.

In response to these issues, Mr. Theodore noted that the proposal has been carefully designed to mitigate the impact on adjacent properties through architectural solutions, including: excluding windows on the north elevation of the proposed new dwelling; shifting the 2<sup>nd</sup> storey balcony and the 3<sup>rd</sup> storey platform on the proposed dwelling south toward Argyle Street; and, eliminating any amenity space on the roof.

Further, he confirmed that the structure of the new dwelling will be necessarily slender, thereby ensuring that potential shadows on abutting properties are minimized. As well, the Applicant has minimized fenestration on the west elevation/façade and oriented overlooks toward the detached garages along the laneway to the rear of the site.

Mr. Theodore addressed a second issue raised by Planning Staff in their October 11<sup>th</sup> report that stated that Staff felt that the proposed development does not reinforce the existing physical character of the area or existing lot configurations. He suggested that Planning Staff came to this conclusion without the benefit of a neighbourhood lot analysis, which the city typically undertakes for consent and minor variance applications, and posited that this concern was unsupported.

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In Mr. Theodore's opinion, the proposed lot size and configuration will not have a negative impact on the neighbourhood character due to the existing compact nature of the area and the existing end-of-block condition. To help inform his opinion, Mr. Theodore advised that he undertook a *neighborhood small dwellings analysis* of 'Little Portugal' (Exhibit 5 – Attachment 4) which confirmed that there are four (4) micro-homes within the surrounding area that have been approved with reduced lot areas (Exhibit 5 – Tab 4). Overall, this analysis corroborated that there is a pattern of undersized lots in the neighbourhood and in the immediate area that contributes to the physical character of the area.

Relative to Section 4.1 of the Official Plan and, specifically, Policy 4.1.5 (b), Mr., Theodore was adamant that the physical character of neighbourhoods such as 'Little Portugal' is more varied and diverse in comparison to newer neighbourhoods on the suburban periphery. He suggested that the relative size and configuration of lots will have greater weight in the more consistent suburban periphery than in this neighbourhood.

He also highlighted that the proposed severed lot area had been reduced in size following discussions with TSS in order to accommodate the conveyance for the laneway widening required by TSS in support of the proposal.

In speaking to Policy 4.1.5 (c) of the Official Plan, Mr. Theodore opined that the proposed development is in keeping with the height, massing, scale and dwelling type of adjacent residential properties. He also specifically provided extensive photographic evidence to confirm that the height of the proposed new dwelling will be consistent with a number of dwellings on the south side of Argyle Street, all of which are three storeys.

He further noted that no height variances are being sought, other than the provision that relates to the height of exterior main walls. Mr. Theodore noted that this provision remains under appeal and is subject to modification by the Ontario Municipal Board (the 'Board'), as part of Phase 2 appeals of Zoning By-law 569-2013.

Mr. Theodore again referred to the City Planning Staff Report of October 11, 2017, in which Staff raised additional concerns regarding the level of density proposed on the subject property. In responding to this concern, he opined that the increased density is appropriate given that the proposed lot represents an end-of-block condition that reflects similar density situated on the opposite side of Argyle Street.

Furthermore, he confirmed that approximately 24% of the buildings in the neighbourhood exceed the maximum FSI permitted in the By-laws, and FSI of eighteen (18) dwellings is in excess of 1.0 (Exhibit 5 – Tab 11). This quantitative analysis reinforced his proposition that this is a neighbourhood that is naturally denser than what the By-laws contemplated.

## 2. *General Intent and Purpose of the Zoning by-law*

Mr. Theodore shifted his review of the proposed consent and variance applications to evaluating how the proposal maintains the general intent and purpose of the Zoning By-laws. Antecedent to providing opinion on how this test is met, he reconfirmed the zoning of the subject lands, noting that both the new By-law and former By-law permit a broad range of housing typologies in various forms and shapes. He reiterated his opinion that this diversity was reflective of the eclectic character of the neighbourhood, and its situation within a dense, inner city locality.

He advanced the opinion that the general intent and purpose of the Zoning By-laws is not to prohibit the type of structure being proposed. In this regard, Mr. Theodore referred to a report titled "*Laneway Suites – A New Typology for Toronto*," dated May 2017, which is proposing new standards to allow greater flexibility for rear yard structures as part of the City of Toronto's laneway initiative. This report, which is contained in Mr. Theodore's Expert Witness submission (Exhibit 3 – Tab 26) and is expected to be presented to Toronto City Council for information purposes in June 2018, was referenced by the witness on numerous occasions throughout his testimony.

He opined that the main themes outlined in that report – equal access to housing, increasing affordable rental stock, removing impediments to constructing 'detached secondary suites', and providing capacity to support modest density – are addressed through the Applicant's proposal.

Mr. Theodore then spoke directly to how the proposed variances meet the general intent and purpose of both Zoning By-laws, providing summary opinion as to how the following specific matters of: density, front, side and rear yard setbacks, exterior main wall heights, landscaped open space and rear yard soft landscaping, parking and dimensions, and platform height and canopy/awning encroachment, are satisfied.

### **Density**

Mr. Theodore suggested that the general intent and purpose of a maximum gross floor area ('GFA') and floor space index ('FSI') requirement is to ensure that the sizes of proposed uses are appropriate for the development of the area. He reiterated that both By-laws restrict coverage to 1.0 times the area of the lot.

The proposed single detached dwelling on the severed lot will have a gross floor area of 109.83 m<sup>2</sup> which is approximately 2.31 times the area of the lot. The existing row house on the retained lot, which will not be altered, will maintain a gross floor area of 177.53 m<sup>2</sup> or a floor space index of 1.51 times the area of the retained lot.

Mr. Theodore opined that although the proposed detached dwelling on the severed lot exceeds the maximum floor space index permitted, the increase is an anticipated outcome of the Applicant's attempt to achieve a different form of infill development on the proposed new lot.

Again, he provided analysis of the Study Area (Exhibit 1 – Tab 11), which he suggested confirmed the following:

- Approximately 24% of buildings in the neighbourhood exceed the maximum permitted FSI resulting in indexes in the range of 2.31 FSI;
- 88% of the dwellings in the neighbourhood have a gross floor area larger than the proposed new detached dwelling; and
- Residential dwellings in the area are generally between two and three storeys in height, and are of similar massing to the proposed detached dwelling.

Mr. Theodore concluded that his analysis demonstrated that there are a number of lots in the neighbourhood that are below the required minimum lot area and also above the permitted maximum floor space index.

Therefore, it was his opinion that the proposal represents a permitted dwelling type in both applicable By-laws, is one that is comparable with the newer compact housing forms evident in the area, and that the proposed increase to the FSI and GFA maintains the general intent and purpose of the Zoning By-laws.

### **Front Yard Setback**

Mr. Theodore proposed that the general intent and purpose of the minimum required front yard setback is to ensure adequate space to allow front yard landscaping and to maintain a consistent building wall along the street.

In this regard, Mr. Theodore confirmed that both applicable By-laws require a minimum front yard setback of 6.0 m and opined the following:

- The existing residential row house on the retained lot meets this standard while the proposed single detached dwelling on the severed lot requires a setback of 0.0 m. The proposed new dwelling will replicate the existing footprint of the subject property (which would naturally have a 0.0 m setback) and the proposed setback will replicate the setback of the retained row house resulting in no physical change to existing setbacks;
- The front façade of the new residential dwelling is separated from the existing pedestrian sidewalk by an existing driveway of approximately 4.53 m, and is setback from the edge of Argyle Street by approximately 6.23 m;
- The proposal maintains the existing driveway, the historical building wall setback along Argyle Street, and the relationship between the pedestrian network and street at pre-development conditions.

### **Side Yard Setback**

The minimum required side yard setback ensures adequate separation between buildings for reasons of privacy, access and reduced shadow impact.

Mr. Theodore confirmed that both By-laws require a minimum 0.9 m setback from the westerly side lot line abutting the existing laneway. In addition, the former By-law also requires a minimum 0.45 m setback from the east side lot line. He confirmed that while the existing row house complies with both By-laws, the proposed dwelling will have a 0.0 m side yard setback.

It was his opinion that the general intent and purpose of the side yard provisions of the By-laws continue to be met for the following reasons:

- The proposed residential dwelling is set back 0.0 m from west property line which is adjacent to an existing public laneway that has a width of 2.89 m. This ensures a maximum separation distance of the proposed dwelling from the existing dwelling on the retained lot.
- Given that there are currently garages on the west side of the laneway, shadow and privacy impacts are mitigated.
- Mr. Theodore indicated that the proposed set back deficiency on the east side yard from the former By-law is a technical deficiency, as it captures the encroachment of the proposed balcony and canopy into this setback. This relief is addressed as an encroachment and proposed variance in the new By-law.
- A 1.2 m setback is still maintained between the proposed severed and retained lots, allowing for access and movement within that setback. This setback exceeds the requirement in the former By-law.

### **Rear Yard Setback**

Mr. Theodore opined that the rear yard setback requirement is generally provided to ensure an adequate amenity area and to maintain consistency in reducing potential shadow impact and loss of privacy on adjacent properties.

He confirmed that the required rear yard setback in both By-laws is 7.5 m and reviewed the relief sought from the By-laws for the severed and retained lots separately.

#### *Retained Lot*

- The existing residential dwelling on the retained lot requires a reduction to this standard as a technical variance based on the proposed new lot line.
- Although the proposed 2.77 m setback from the existing row house to the 'rear' lot line of the retained lot is lower than the required 7.5 m setback, it is generally in line with the rear yard that currently exists with the detached garage condition.
- In Mr. Theodore's opinion, approval of the consent application will not compromise the amount of space currently existing and the rear yard setback variance for the retained lot is nearly replicating an existing condition.

### *Severed Lot*

- The proposed single detached dwelling on the new lot will have a rear yard setback of 0.0 m. This is consistent with the former side yard setback of the detached garage.
- The orientation of the building footprints will not change and it is the severance of the subject property that results in relief of the setbacks being sought.
- Outdoor amenity space is addressed through a 2<sup>nd</sup> floor balcony and a 3<sup>rd</sup> floor platform in the proposed new dwelling, which is consistent with micro-living or laneway type dwellings.
- The narrow design of the proposed dwelling ensures shadows are minimized, and the elimination of fenestration on the north building elevation abutting an existing neighbouring garage will mitigate issues of privacy.

Mr. Theodore concluded that given the context of the subject property, the proposed rear yard setbacks maintain the general intent and purpose of the Zoning By-laws.

### **Setback from Centerline of the Laneway**

Mr. Theodore maintained that many downtown lanes in Toronto, particularly those that serve residential areas, are undersized and, as such, it is not atypical to require relief from this provision. He confirmed that through his examination of the area, none of the properties along the laneway at the rear of the subject property meet the setback requirements of either By-law.

The proposed detached dwelling contemplates a setback of 1.43 m from the west property line of the severed lot to the centerline of the lane, whereas a setback of 2.5 m is required. Mr. Theodore noted that the proposed setback is only from the cantilevered portion of the third floor of the proposed dwelling and that, in fact, the actual setback at ground level to the centerline of the lane would be maintained at 2.5 m.

Given that this would result in no impact on the movement of vehicles traversing the lane, and in view of the support from Transportation Services for this approach confirmed through a stratified easement agreement condition upon approval of this proposal, Mr. Theodore was of the opinion that the laneway setback provision of the By-law will be maintained.

### **Height of Exterior Main Wall**

Mr. Theodore indicated that the proposed detached dwelling on the severed lot will have a flat roof that achieves an exterior wall height of 9.7 m on all sides. The new By-law permits a maximum height of a front and rear exterior wall of 7.5 m.

He noted that the proposal is consistent with adjacent building forms in the immediate area, which are predominantly 2 to 3 storeys in height. He referenced 203 Argyle Street, 104 Northcote Avenue, and 83 Northcote Avenue as residential dwellings in close proximity to the subject property that are similar in height and have flat roof designs similar to that of the proposed dwelling.

Mr. Theodore opined that given the main wall height of the proposed dwelling, he was of the opinion that it will have little to no impact on adjacent land uses as the proposed structure will be separated from residential uses to the west by the existing laneway and garages, and is immediately adjacent to a garage to the north.

Mr. Theodore further noted that this variance only impacts the proposed detached dwelling and that it is only required under the new By-law. He, again, reminded this Panel Member that this provision remains under appeal as part of appeals of Zoning By-law 569-2013, and that the provision may change following the Board Hearing.

### **Landscaped Open Space and Minimum Rear Yard Soft Landscaping Area**

#### *Landscaped Open Space*

The former By-law requires a minimum landscaped open space that is equal to 30% of the area of the lot. The proposed severed lot will have 3.1 m<sup>2</sup> of landscaping, which represents 6.5%, and the retained lot will have 22.15 m<sup>2</sup> or 19%.

Mr. Theodore referenced a landscape plan for the proposed development (Exhibit 1 – Tab 12) which illustrated that the existing condition is already deficient in landscaping at 25.5% and showing that the consent and minor variances being requested would not reduce the landscaped open space percentage that exists today, given the existing building footprints.

#### *Minimum Rear Yard Soft Landscaping*

The former By-law requires a minimum of 25% of soft landscaping of the retained lot, whereas the proposal provides for 0.0 m<sup>2</sup> (0%).

Mr. Theodore confirmed that this variance is required simply to recognize an existing condition of the retained lot at the rear yard, which is an interlocked courtyard, and that this area will continue to function as an amenity area and provide for infiltration internal to the site. .

### **Parking Requirement and Dimensions**

#### *Parking requirements*

Mr. Theodore noted that the general intent and purpose of the minimum parking requirement for a residential dwelling is to ensure each property can accommodate the anticipated vehicular traffic generated by that property. He confirmed that the proposed



detached dwelling requires one parking space, whereas the existing row house will have no parking spaces.

Mr. Theodore argued that while City-wide parking standards are strictly implemented in suburban areas, he is of the opinion that flexibility in applying these standards is reasonable in transit-accessible, inner-city areas such as *Little Portugal*. In this regard, he noted that the subject lands are within a 500 m (5 minute walking distance) of major arterial roads that are well serviced by local and higher order public transit.

He reiterated that the existing row house will be retained for rental housing and suggested that it is common to allow relief of parking standards for rental units located in and around the downtown area of the City. He further noted that the existing property at 203 Argyle Street, immediately to the south of the subject property, was also approved without a parking space.

#### *Parking Space Dimensions*

Mr. Theodore established that the new By-law requires a parking space length of 5.6 m and confirmed that the proposal provides a parking space that is 4.7 m in length. He again argued that it is not uncommon to have relief from parking size standards in more compact inner-city areas such as those found in *Little Portugal*.

Mr. Theodore substantiated that the garage space being proposed is intended to accommodate the owner's desire for more sustainable, compact vehicles noting that such vehicles are typically 4.1 m to 4.7 m in length and would therefore fit comfortably within the garage. He also suggested that even if the owner opted not to use the space for a vehicle, there are a number of alternative mobility options available in the neighbourhood.

#### **Height and Encroachment of Platform**

The design of the proposed detached dwelling on the severed lot incorporates a platform on the third floor. The new By-law allows a platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade, to encroach into the required side yard setback a maximum of 1.5 m. if the side yard abuts a street.

Mr. Theodore opined that the general intent and purpose of this By-law provision is to ensure elevated platforms are oriented near streets so as to protect for privacy on adjacent properties. He established that the proposed platform is not oriented entirely towards Argyle Street, noting that it is focused on the southeast corner of the severed lot. This angle helps to minimize overlook impact on adjacent properties to the north and to the existing dwelling on the retained lot.

## Canopy/Awning Encroachment

The third storey canopy on the proposed detached dwelling will encroach 0.45 m and have a 0.0 m setback from the east property line of the severed lot. Mr. Theodore confirmed that the canopy's protrusion will be relatively small given the massing of the structure and will not be visible to the adjacent properties, thereby minimizing visual impacts.

Mr. Theodore summarized that in his opinion the variances for both the severed and retained lot, individually and collectively, meet the general intent and purpose of the Zoning By-law.

### 3. Desirable for the Appropriate Development and Use of the Land

Mr. Theodore reiterated the following arguments regarding the proposed development:

- The proposal provides compact residential development in the form of a 'micro-dwelling', adding one additional dwelling in a neighbourhood that has experienced redevelopment with new replacement dwellings in the immediate vicinity.
- The three units would be permitted *as-of-right* on the existing property if it were in one building.
- Transportation Services Staff has evaluated the proposal and have determined that a cantilevered portion of the proposed detached dwelling over the conveyed laneway easement is appropriate and can be accommodated safely.
- The City of Toronto is currently undertaking a review of laneway housing across the City in order to advance this type of development (Exhibit 3 – Tab 26). Mr. Theodore noted that Action 2 in the report states, "*Develop a planning approval framework that allows for laneway suites to be developed 'as-of-right' as long as they meet the requirements of the performance standards...*"
- Action 4 in that report also states, "*Apply Official Plan and Zoning By-law policies for laneway suites to all 'residential laneways' in the City to ensure that all neighbourhoods benefit from equal access to these policies and that the policy is effective in creating rental housing supply city-wide.*"
- The Applicant has received the local Councilor's support for this proposal.

In summary, Mr. Theodore argued that while the proposal is not technically considered a laneway house, it is another version of housing that seeks to address the 'missing middle' in the City or a housing format that is largely missing from the City's established neighbourhoods.

He contended that he proposal will result in housing that will meet the housing options and tenure objectives of the City, in a form that is contextually sensitive.

From a site specific perspective, he reiterated that the subject property is located at the end of a laneway rather than internally fronting onto a laneway, having access and frontage on a street, with flankage on a laneway. The property is also a corner lot condition which allows the Applicant to mitigate the potential for privacy and overlook concerns.

In Mr. Theodore opinion, the proposal achieves a built form that is both desirable and appropriate for the development of the land and building, and will provide enhanced rental housing opportunities within the neighbourhood.

#### **4. Minor in Nature**

In addressing this last test, Mr. Theodore opined that the test for “minor” is not a question of “no impact” but rather if the impact of the variances being sought rises to the level of an “unacceptable adverse impact.”

Mr. Theodore was of the opinion that the order of magnitude of the variances being requested is numerically minor or comparable to what has occurred throughout the neighbourhood. He suggested that the variances do not create any undue adverse impacts on the streetscape or the adjacent neighbours, related to shadow, privacy, or overlook.

Finally, he noted that the variances will achieve a built form that is reflective of the existing and planned development in the area, and concluded that in his opinion, individually and collectively, the variances are minor in nature.

In this regard, counsel for the Applicant cited case as authority a 1987 decision (Exhibit 6) by the Ontario Municipal Board (the “Board”) of ***Motisi et al. v. Bernardi*** (1987 CarswellOnt 3719 re 169 Armour Blvd.). That case considered, among other issues, the question of what is “minor in nature” in an appeal of a COA decision related to consent and minor variance applications.

In that decision, rendered by Board Member Chapman, Mr. Banach highlighted the second last paragraph on Page 3, noting that the Mr. Chapman wrote,

*“It is almost trite to say that what is minor and what is not minor cannot be calculated mathematically. What is considered a minor variance in one case could well be considered not minor in another case. It depends on the established facts of each particular case. The statute is not much help in deciding what is or is not minor. It is left to the discretion of the committee of adjustment or an appeal to this board. Without attempting to limit this discretion, if the variance requested does not produce an unacceptable adverse impact on neighbours, then it can probably be considered as minor. This appears to be so, under certain circumstances, even if the variance requested amounts to an obliteration of the requirement.”*

Mr. Banach also pointed to Page 4 of the *'Motisi'* decision noting that the question of how a development integrates into the residential fabric of the neighbourhood is an important consideration of whether an application can be deemed to be minor. In addition, the Board also considered the support received for the proposed development, and corresponding variances, from adjacent neighbours.

Finally, he highlighted the second paragraph on Page 5 of the decision, noting that the Board Member wrote,

*"Being compatible with implies nothing more than being capable of existing together in harmony."*

Mr. Banach asked that the TLAB consider the facts of the Motisi case in rendering its decision on the applications before it.

## **ANALYSIS, FINDINGS, REASONS**

As stated under "Matters in Issue", the applications and appeal before this Body are, in my opinion, neither unprecedented nor complex: a severance approval with variances to permit the construction of a residential detached "micro-dwelling" abutting a public laneway.

The Applicant has presented a compelling case: he proposes to sever the subject property into two lots, retaining the existing residential dwelling at the Northcote Avenue frontage and construct a new 'micro-dwelling' on the new lot at the rear. The Applicant intends to downsize by relocating to the new dwelling and maintain the two rental units within the existing dwelling.

I accept that the Applicant has worked closely with his neighbours and has been open to input received regarding this proposal. I also accept that the Applicant has received support for this proposal from his neighbours, and from the local Councillor who is supportive of the type of built form being proposed by the Applicant.

I accept the testimony of the Applicant's Expert Witness, that there is no issue with the application of the provincial Policy Statement or the Growth Plan. The proposed variances are consistent with the policy objectives of the PPS. The approval of the proposed consent and minor variances would permit redevelopment and 'gentle' intensification within a built-up area which is compatible with adjacent uses and which would utilize existing infrastructure.

I find that the proposed consent meets the statutory requirements for consents under of Section 51(24) of the *Planning Act* and that the proposal supports the intent of efficient use of land and energy by providing a compact micro-dwelling on underutilized lands within a dense urban fabric that reduces the unnecessary consumption of lands elsewhere.

There is no contest that the subject property is designated 'Neighbourhoods' and that the proposed 'micro-dwelling' and the existing row house comply with the use provisions of this designation.

I find Section 2.3.1 (preamble) of the City Official Plan to be a good starting point and of relevance in this matter in the issue of what describes a 'physically stable area.' The application and relevance is required to be addressed, as regard must be had to whether the proposal conforms to the Official Plan pursuant to section 51(24) (c), and, for the variances, in the testing of each element in maintaining the general intent and purpose of the Official Plan.

Clearly, the Official Plan holds out special attention to be paid to its 'Neighbourhoods' as they are not targeted for robust waves of intensification. Change is to be sensitive and gradual, just as these neighbourhoods have been developed and been built up in the past. The general intent and purpose of this designation is to create and define stable residential areas within then City to ensure compatibility of land uses and built form.

The subject property has been identified as being located within an 'eclectic' neighbourhood and an area that is undergoing change. The Applicant's Expert Witness argued that the Neighbourhood designation is not one to be frozen in time or held to be 'static'. It is essential as with any organism that revitalization, regeneration and renewal take place. As well, the delicate balance to which attention is called in this appeal is in the manner and means as to how that change occurs.

There are many diverse neighbourhoods in the City that exhibit identifiable characteristics and there are as many whose diversity defies easy categorization or description. Indeed, whether exhibiting elements of consistency or diversity by any number of measures, they are frequently described, as in the subject case, as 'eclectic'.

I do not find such generalized terminology helpful unless accompanied by additional parameters of description capable of being visualized, replicated, identified and linked to some commonality or otherwise, of a physical nature'. The Applicant's planner identified a Study Area by which he sought to assess a norm or description of character, reflective of the proposal..

The Official Plan encourages this effort, even refines it through emphasis that the policy obligation of planning decisions is to 'respect and reinforce the existing physical character of building, streetscapes and open space patterns'. That definition is further honed by intended reference to attributes, measures and features that are describable and replicable.

I find that the delineation of a Study Area is a necessary first step by planning practitioners to attempt to encapsulate measures that replicate the existing physical character of a neighbourhood. In this case, I find that the Study Area provided by the Applicant's planner is sufficiently broad and the scale satisfactory to take the pulse of the physical neighbourhood's character.

I agree with the planner that the proposal represents the continuation of special built form features that contribute to the unique physical character of the neighbourhood and that the immediate study area of Argyle Street has experienced a unique intensity of built form that differs from the remainder of the neighbourhood. As confirmed by Mr. Theodore, a number of three-storey dwellings have been built in the area and an existing 'micro-dwelling' frames the corridor.

As a result, I find that the proposed development will reinforce and 'fit in' with the eclectic nature of the neighbourhood and contribute to the existing built form.

I find that the proposal will maintain the size and configuration of lots, particularly within the immediate area. The Applicant presented a neighbourhood lot analysis that confirmed a pattern of undersized lots in the neighbourhood, and the immediate area that reflect the existing physical character. Here, the attributes of severance and the variances sought are supported by examples, the technical analysis of neighbourhood statistics and reliance on precedent. In my view precedence is but one factor: however, in this case I find that it is a strong factor and a compelling rationale for describing recent developments in the immediate area.

Given this finding, I accept that the proposed lot size and configuration will not have a negative impact on the character of the neighbourhood based on the existing compact nature of the area and the end-of-block condition of the subject property.

I find that the proposed severed and retained lots will be compatible in size with the lot fabric of the neighbourhood and the existing dwelling and the proposed detached dwelling are appropriate in scale to the immediate context in relation to other developments in the immediate area.

I accept that the proposed variances for gross floor area, setbacks, landscaped open space, parking and parking space dimension, lot area, height of main walls, platforms, platforms above the second storey, canopies and awnings, and rear yard soft landscaping are, in part, a consequence and anticipated outcome of achieving the built form proposed in this infill project. The proposed and existing dwellings will incorporate height, massing and scale appropriate for the site and compatible with that permitted by the zoning for adjacent and nearby residential properties.

The question of whether the requested variances are minor in nature and appropriate is important to this matter, as the issue of the degree of relief is of significance. Counsel provided the *Motisi* case for guidance in this regard.

This case involved an appeal on applications for consent and associated variances with two new lots sought to be created. With respect to the question of minor, it was noted previously in this decision that Board Member Chapman stated if the variances requested do not produce an unacceptable adverse impact on the neighbours, then it can probably be considered as minor. I accept that the Applicant has received support for this proposal from his neighbours and from the local Councillor and in that context I am of the opinion that it will not have an adverse effect on the streetscape.

As to the issue of neighbourhood fit, Member Chapman observed in the *Motisi* case that, “Furthermore, the house that is proposed for the severed lot (ex. 14) is in keeping with other houses in the neighbourhood, and if it is built within the proposed envelope, it should be possible to integrate it into the residential fabric of the neighbourhood in an acceptable and pleasing way” (Page 4).

I find that the form of the proposed intensification and type of housing is consistent with the area character, and I find on the evidence that the subject property is suitable for redevelopment and the requested severance. I accept that the size of the proposed lots, their frontage, building wall height, massing, scale and separation distances are consistent with those in the vicinity and will respect and reinforce the existing physical character of the neighbourhood context.

In light of the foregoing, having considered the decision of the COA, the applicable statutory tests and the evidence presented, I find that the consent and the associated minor variances sought are appropriate and desirable, minor and in keeping with the intent and purpose of the City Official Plan and Zoning By-laws, for the reasons reviewed

## **DECISION AND ORDER**

I authorize the following variances and approve the consent requested.

### **Requested Variances**

To construct a new three-storey detached dwelling with an integral garage on the newly conveyed lot, as described in the consent application to the Committee of Adjustment B0090/16TEY

**12. Chapter 10.10.30.10.(1), By-law 569-2013**

The minimum lot area is 180 m<sup>2</sup>.

The lot area will be 47.87 m<sup>2</sup> (at grade).

**13. Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013**

The maximum permitted height of all front exterior main walls is 7.5.

The height of the front exterior main walls will be 10.0 m.

**14. Chapter 10.10.40.10.(2)(A)(ii), By-law 569-2013**

The maximum permitted height of all rear exterior main walls is 7.5 m.

The height of the rear exterior main walls will be 10.2 m.

**15. Chapter 10.10.40.40.(I)(A), By-law 69-2013**

The maximum permitted floor space index is 1.0 times the area of the lot (47.87 m<sup>2</sup>).

The new three-storey detached dwelling will have a floor space index equal to 2.31 times the area of the lot.

**16. Chapter 10.10.40.70.(1), By-law 569-2013**

The maximum required front yard setback is 6.0 m.

The new three-storey detached dwelling will be located 0.0 m from the front lot line.

**17. Chapter 10.10.40.70.(2), By-law 569-2013**

The minimum required rear yard setback is 7.5 m.

The new three-storey detached dwelling will be located 0.0 m from the rear lot line.

**18. Chapter 10.10.40.70.(3), By-law 569-2013**

The minimum required side yard setback is 0.9 m.

The new detached dwelling will be located 0.0 m from the west side lot line.

**19. Chapter 10.5.40.60.(1), By-law 569-2013**

A platform without main walls, attached to or less than 0.3 m from a building, with a floor higher than the first floor of the building above established grade may encroach into the required side yard setback a maximum of 1.5 m if the side yard abuts street.

The platform will encroach 0.45 m into the required east side yard setback but the side yard does not abut a street.

**20. Chapter 10.5.40.60.(2), By-law 569-2013**

A canopy, awning or similar structure not covering a platform may encroach in a side yard, a maximum of 1.5 m, if it is no closer to the side lot line than 0.3 m.

The third-storey canopy will encroach 0.45 m and will be located 0.0 m from the east side lot line.

**21. Chapter 10.5.40.70.(2), By-law 569-2013**

A building or structure may be no closer than 2.5 m from the original centreline of a lane.

The new detached dwelling will be located 1.50 m from the original centreline of the lane to the west of the lot.

**22. Chapter 200.5.1.10(2), By-law 569-2013**

The minimum required parking space length is 5.6 m.

The parking space will have a length of 4.70 m.

**9. Section 6(3) Part I 1, By-law 438-86**

The maximum permitted residential gross floor area is 1.0 times the area of the lot (47.87 m<sup>2</sup>).

The new detached dwelling will have a residential gross floor area equal to 2.31 times the area of the lot (110.43 m<sup>2</sup>).

**10. Section 6(3) Part II, By-law 438-86**

The minimum required front yard setback is 6.0 m.

The new three-storey detached dwelling will be located 0.0 m from the front lot line.

**11. Section 6(3) Part II 3.B(II), By-law 438-86**

The minimum required side yard setback is 0.9 m, where the side wall contains openings.

The new detached dwelling will be located 0.0 m from the west side lot line.

**12. Section 6(3) Part II 3.B(I), By-law 438-86**



The minimum required side yard setback is 0.45 m, where the side wall contains no openings.

The new detached dwelling will be located 0.0 m from the east side lot line.

**13. Section 6(3) Part II 4, By-law 438-86**

The minimum required rear yard setback is 7.5 m.

The new detached dwelling will be located 0.0 m from the rear lot line.

**14. Section 6(3) Part III, 1)A), By-law 438-86**

The minimum permitted landscaped open space is 30% of the area of the lot (14.36 m<sup>2</sup>).

In this case, 6.5% (3.1 m<sup>2</sup>) will be landscaped open space.

**15. Section 4(14)(A), By-law 438-86**

A building or structure may be no closer than 2.5 m from the original centreline of a lane.

The new detached dwelling will be located 1.50 m from the original centreline of the lane to the west of the lot.

**16. Section 4(17)(a), By-law 438-86**

A parking space is required at a minimum length of 5.60 m.

The parking space will be 4.70 m in length.

### **Requested Variances**

To maintain the existing two-storey detached dwelling containing two units on the newly conveyed lot as described in the consent application to the Committee of Adjustment B0090/16TEY.

**6. Chapter 10.10.30.10.(1)(A), By-law 569-2013**

The minimum lot area is 141.30 m<sup>2</sup>.

The lot area will be 117.74 m<sup>2</sup>.

**7. Chapter 10.10.40.40.(1)(A), By-law 569-2013**

The maximum permitted floor space index is 1.0 times the area of the lot (117.74 m<sup>2</sup>).

The maintained detached dwelling will have a floor space index equal to 1.51 times the area of the lot (177.53 m<sup>2</sup>).

**8. Chapter 10.10.40.70.(2), By-law 569-2013**

The minimum required rear yard setback is 7.5 m.

The maintained detached dwelling will be located 2.77 m from the rear lot line.

**9. Chapter 10.5.50.10.(3)(B), By-law 569-2013**

A minimum of 25% (3.45 m<sup>2</sup>) of the rear yard shall be maintained as soft landscaping.

In this case, 0% (0.0 m<sup>2</sup>) of the rear yard will be maintained as soft landscaping.

**10. Chapter 200.5.10.1.(1), By-law 569-2013**

A minimum of one parking space is required to be provided.

In this case, zero parking spaces will be provided.

**5. Section 6(3) Part I 1, By-law 438-86**

The maximum permitted residential gross floor area is 1.0 times the area of the lot (117.74 m<sup>2</sup>).

The maintained detached dwelling will have a residential gross floor area equal to 1.51 times the area of the lot (177.53 m<sup>2</sup>).

**6. Section 6(3) Part II 4, By-law 438-86**

The minimum required rear yard setback is 7.5 m.

The maintained detached dwelling will be located 2.77 m from the rear lot line.

**7. Section 6(3) Part III 1(A), By-law 438-86**

The minimum permitted landscaped open space is 30% of the area of the lot (35.32 m<sup>2</sup>).

In this case, 19% (22.15 m<sup>2</sup>) will be landscaped open space.

**8. Section 4(5)(B), By-law 48-86**

A minimum of one parking space is required to be provided.

In this case, zero parking spaces will be provided.

### **CONDITIONS OF MINOR VARIANCE APPROVAL**

1. The proposal be developed substantially in accordance with the proposed Site Plan and Floor Plan drawings (P- 0) to (P-5), prepared by Spaces by Rohan Inc., dated August 16, 2017, submitted to the Committee of Adjustment and attached as **Attachment 1**. Any other variance(s) that may appear on these plans but are not listed in the written decision are NOT authorized.
2. The proposal be developed substantially in accordance with the Elevation Drawings (PR-6) to (PR-9), prepared by Spaces by Rohan Inc., dated August 23, 2017, submitted to the Committee of adjustment and attached as **Attachment 2**. Any other variance(s) that may appear on these plans but are not listed in the written decision are NOT authorized.

### **CONDITIONS OF CONSENT APPROVAL**

1. Confirmation of payment of outstanding taxes to the satisfaction of revenue Services Division, Finance Department.
2. Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of the Survey and mapping Services.
3. Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
4. Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

**Decision of Toronto Local Appeal Body Panel Member:  
TLAB Case File Number:**

5. Two copies of the registered reference plan of survey integrated with the Ontario Coordinated Systems and listing the parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and technical Services.
6. Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor shall be filed with the Committee of Adjustment.
7. Convey to the City, prior to the issuance of a building permit, at a nominal cost, a 0.98 metre wide strip of land for Part 1, along the west limit of the site abutting the public lane, the following
  - a. A stratified conveyance with a minimum vertical clearance of 5.5 metres from finished grade, together with support rights, from the north property line to a point 5.408 metres south; and
  - b. A full conveyance from the point 5.408 metres south of the north property line to the south property line,  
Such lands to be free and clear of all encumbrances, save and except for utility poles, trees, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the lands have laid out and dedicated for public highway purposes;
8. Submit to the Executive Director of Engineering and Construction Services, for review and acceptance, prior to depositing in the appropriate Land Registry Office, a draft reference Plan of Survey, in metric units and integrated into the Ontario Coordinate System, with coordinate values shown on the face of the plan, and delineating thereon by separate PARTS the lands to be conveyed to the City for lane widening purposes, the remainder of the site, and any appurtenant easements.
9. 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. 19796, 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.

X 

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Dino Lombardi  
Panel Chair, Toronto Local Appeal Body

# Attachment 1

A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.

5.291 Sq. m. conveyed to city

Prop. Severed Site Area  
53.158 Sq m including conveyed 5.291 Sq m subject to stratified agreement

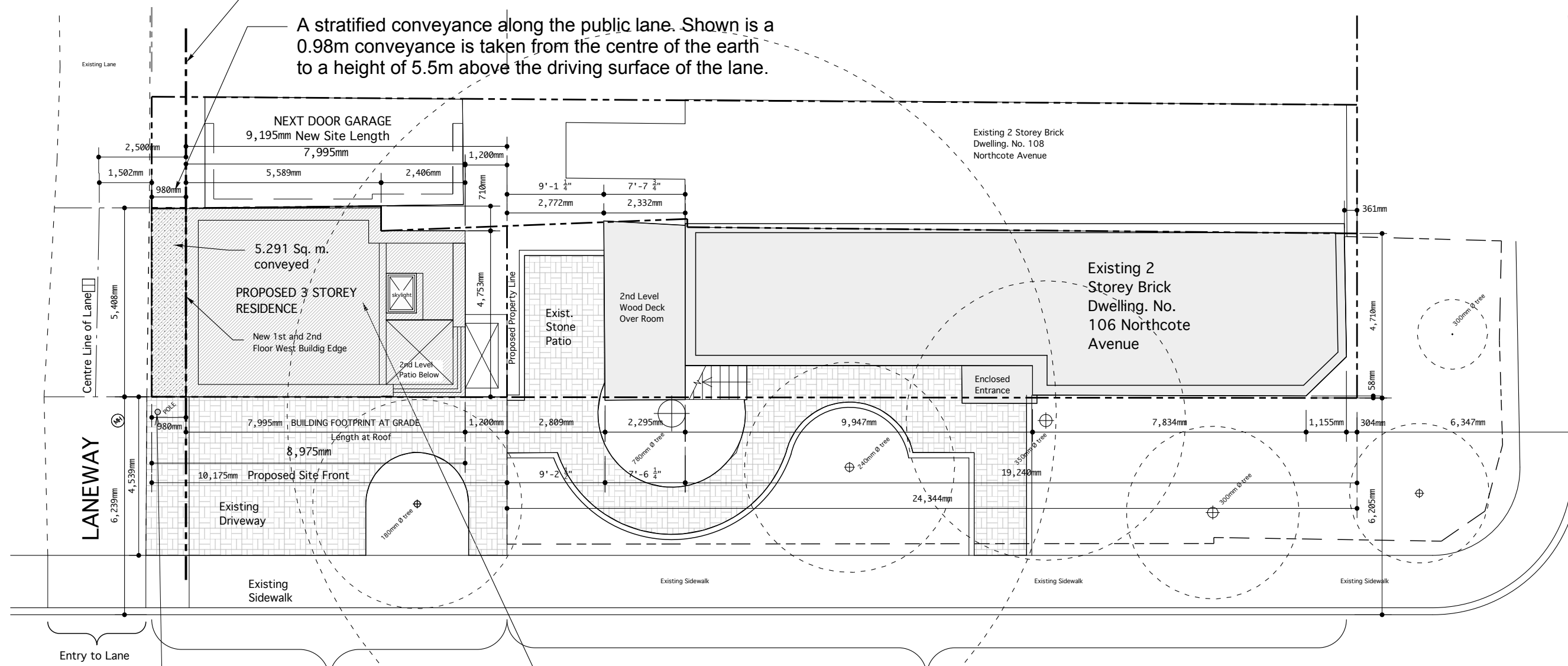
117.737 Sq m  
After Severance  
Site Area-Retained

PROPOSED HOUSE ON LAND PORTION TO BE CREATED

EXISTING HOUSE AND LAND PORTION TO REMAIN

New Proposed Property Line After Conveyance

A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.



PROPOSED HOUSE ON LAND PORTION TO BE CREATED

Revised Dec. 20/16  
Roof:  
Not Accessible for  
Human Habitation

EXISTING HOUSE AND LAND PORTION TO REMAIN

ARGYLE STREET

NORTHCOTE AVENUE

Municipal - Utility Pole  
Already in location  
To remain.

## SPACES

BY

**ROHAN Inc.**

PRINCIPAL DESIGNER:  
ROHAN WALTERS  
B.ARCH., B.E.S.

1292 COLLEGE STREET  
TORONTO, CANADA  
M6H 1C6  
PHONE: (416) 532-5483

DRAWN BY:  
RW

DATE:

Aug. 16/17

SCALE:

as ind.

ADDRESS:  
106A Northcote  
Draft Address

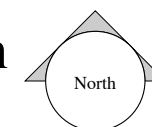
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Proposed Site  
Plan

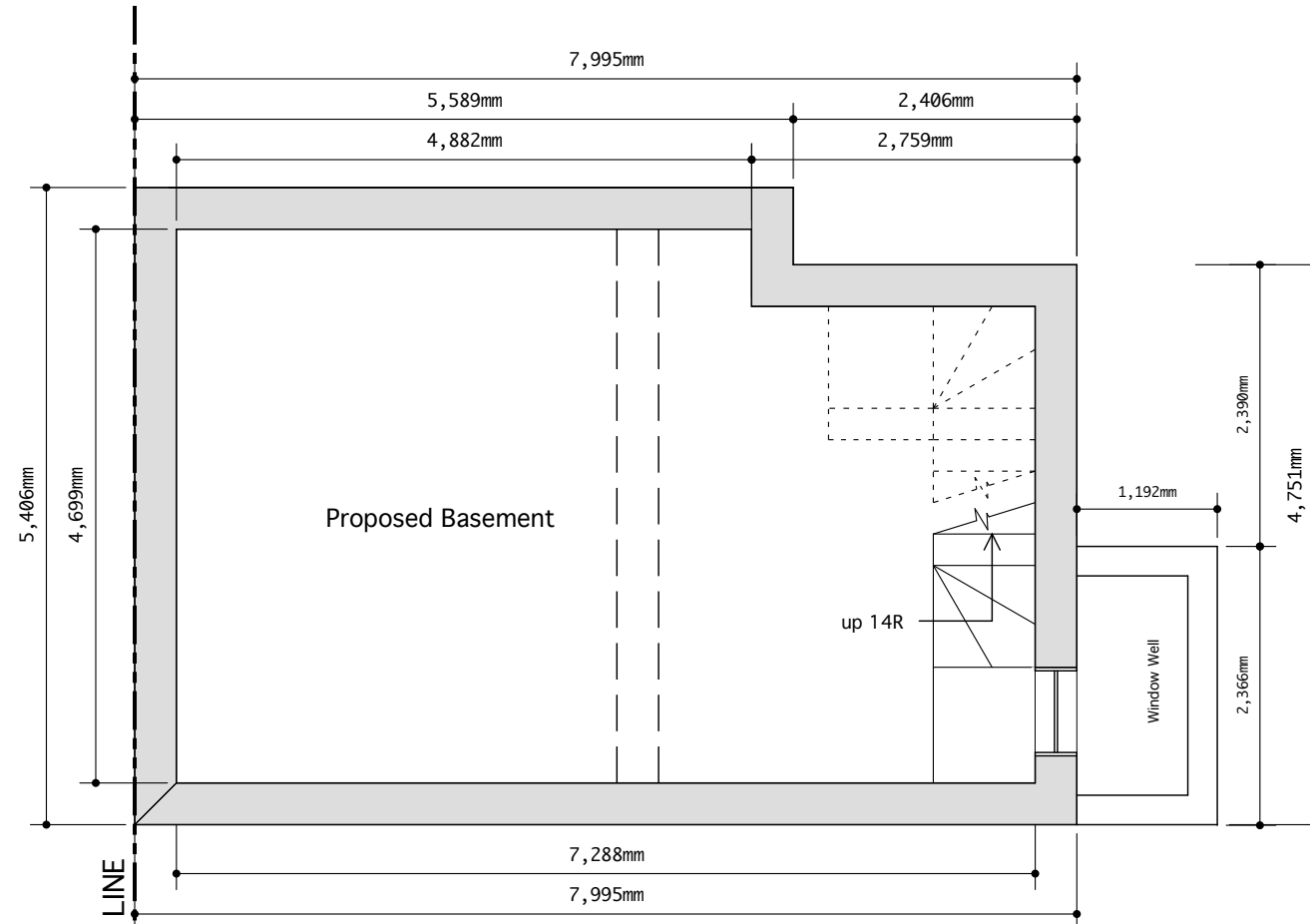
Drawing No.

P - 0

1 Proposed Site Plan  
P - 0 SCALE: 1:96



A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.



1 Proposed Basement  
PR1 SCALE: 1:48

**SPACES  
BY  
ROHAN Inc.**

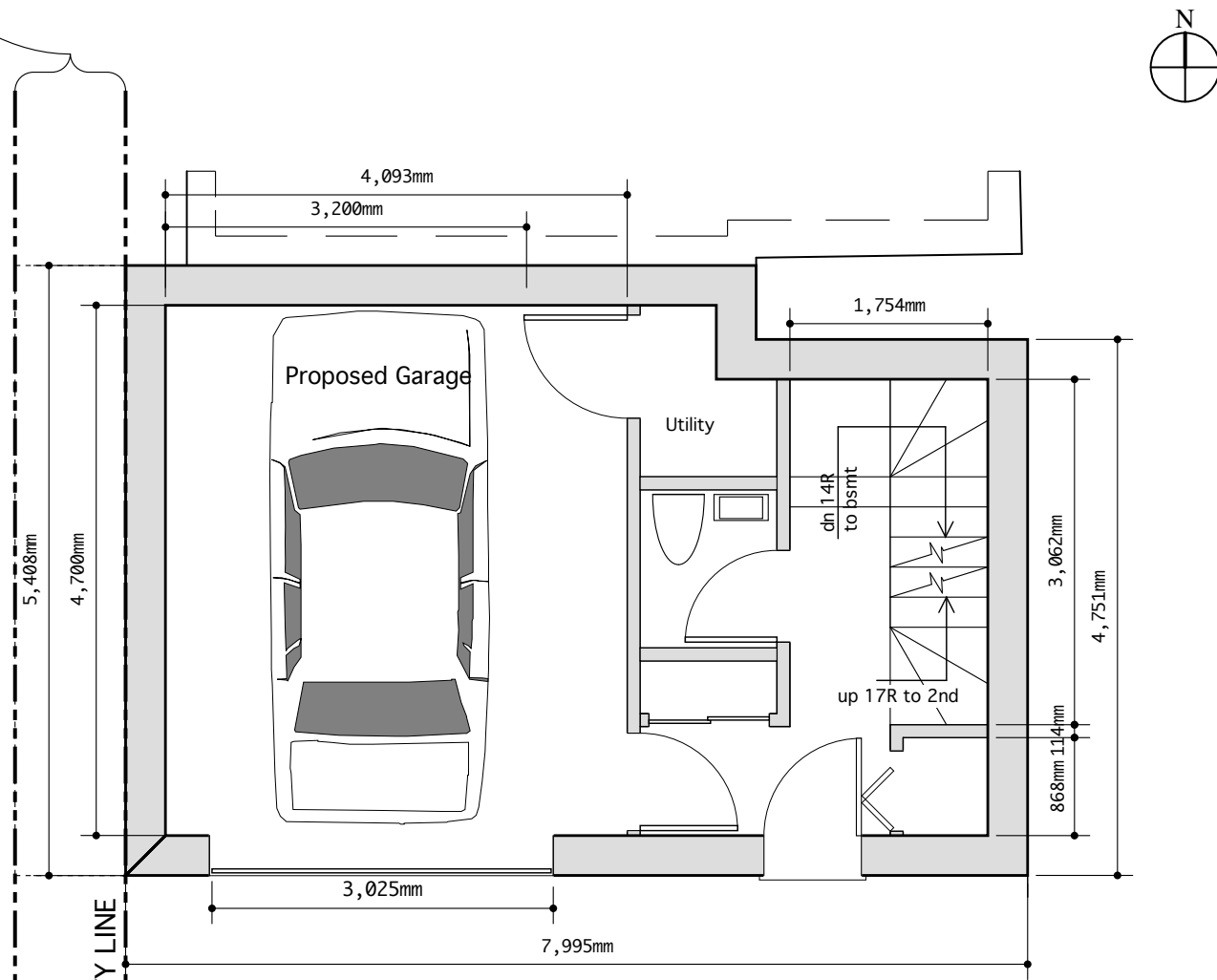
PRINCIPAL DESIGNER:  
ROHAN WALTERS  
B.ARCH., B.E.S.  
1292 COLLEGE STREET  
TORONTO, CANADA  
M6H 1C6  
PHONE: (416) 532-5483

DRAWN BY:  
RW  
DATE:  
Aug. 16/17  
SCALE:  
as ind.

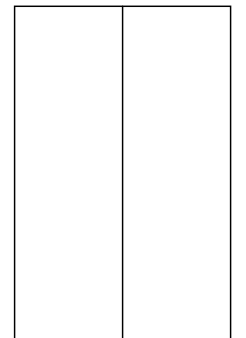
ADDRESS:  
106A Northcote  
Draft Address  
Drawing Title:  
Prop. Basement  
Prop. 1st Flr.  
Prop. 2nd Flr.

Drawing No.  
PR - 1

A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.



1 Proposed 1st Floor  
PR2 SCALE: 1:48



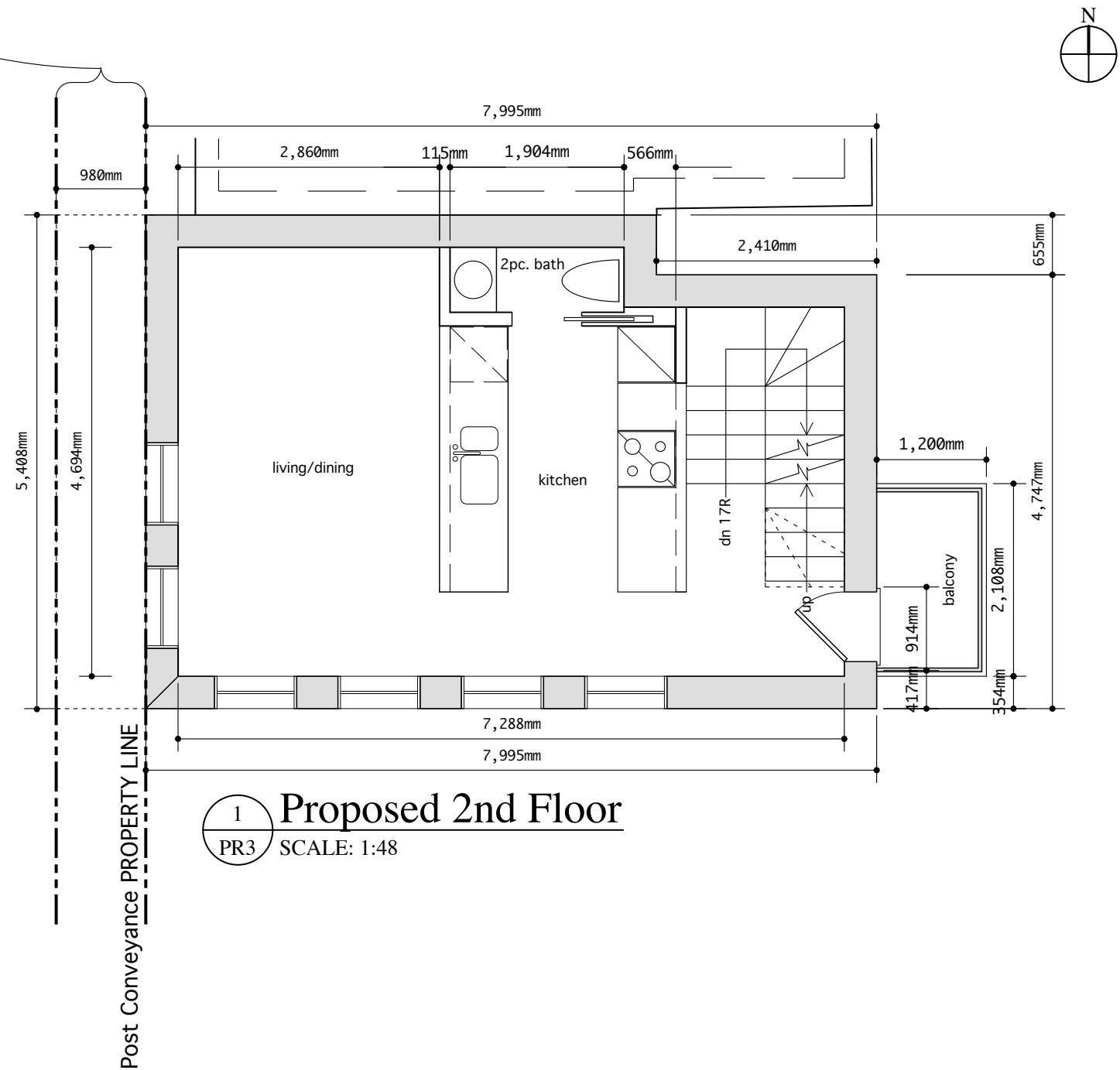
**SPACES**  
**BY**  
**ROHAN Inc.**  
PRINCIPAL DESIGNER:  
ROHAN WALTERS  
B.ARCH., B.E.S.  
1292 COLLEGE STREET  
TORONTO, CANADA  
M6H 1C6  
PHONE: (416) 532-5483

DRAWN BY:  
RW  
DATE:  
Aug. 16/17  
SCALE:  
as ind.

ADDRESS:  
106A Northcote  
Draft Address  
Drawing Title:  
Prop. Basement

Drawing No.  
PR - 2

A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.



1 Proposed 2nd Floor  
PR3 SCALE: 1:48

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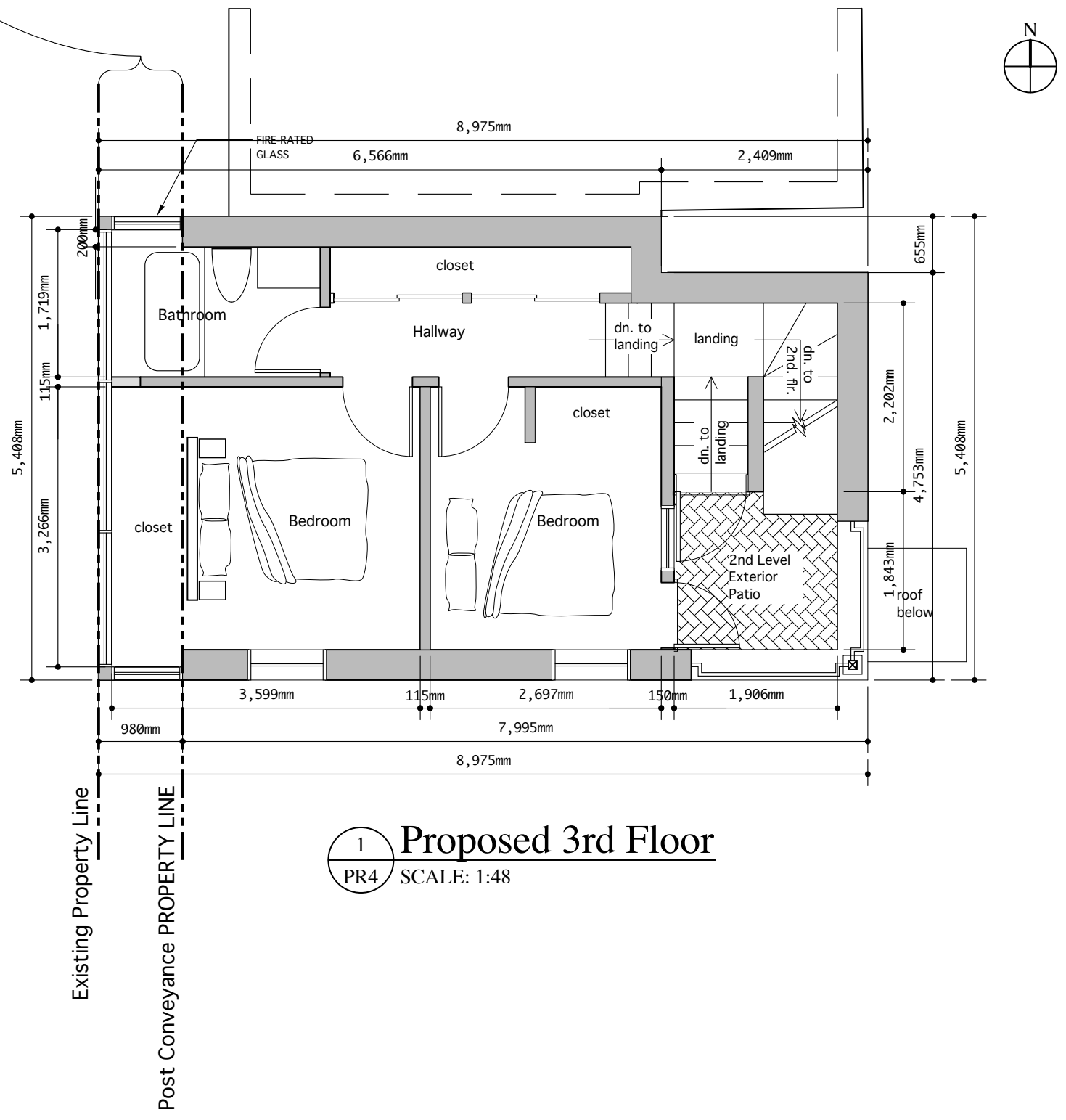
**SPACES**  
**BY**  
**ROHAN Inc.**  
PRINCIPAL DESIGNER:  
ROHAN WALTERS  
B.ARCH., B.E.S.  
1292 COLLEGE STREET  
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PHONE: (416) 532-5483

DRAWN BY:  
RW  
DATE:  
Aug. 16/17  
SCALE:  
as ind.

ADDRESS:  
106A Northcote  
Draft Address  
Drawing Title:  
Prop. 2nd Flr.

Drawing No.  
PR - 3

A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.



1 Proposed 3rd Floor  
PR4 SCALE: 1:48

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**SPACES**  
**BY**  
**ROHAN Inc.**  
PRINCIPAL DESIGNER:  
ROHAN WALTERS  
B.ARCH., B.E.S.  
1292 COLLEGE STREET  
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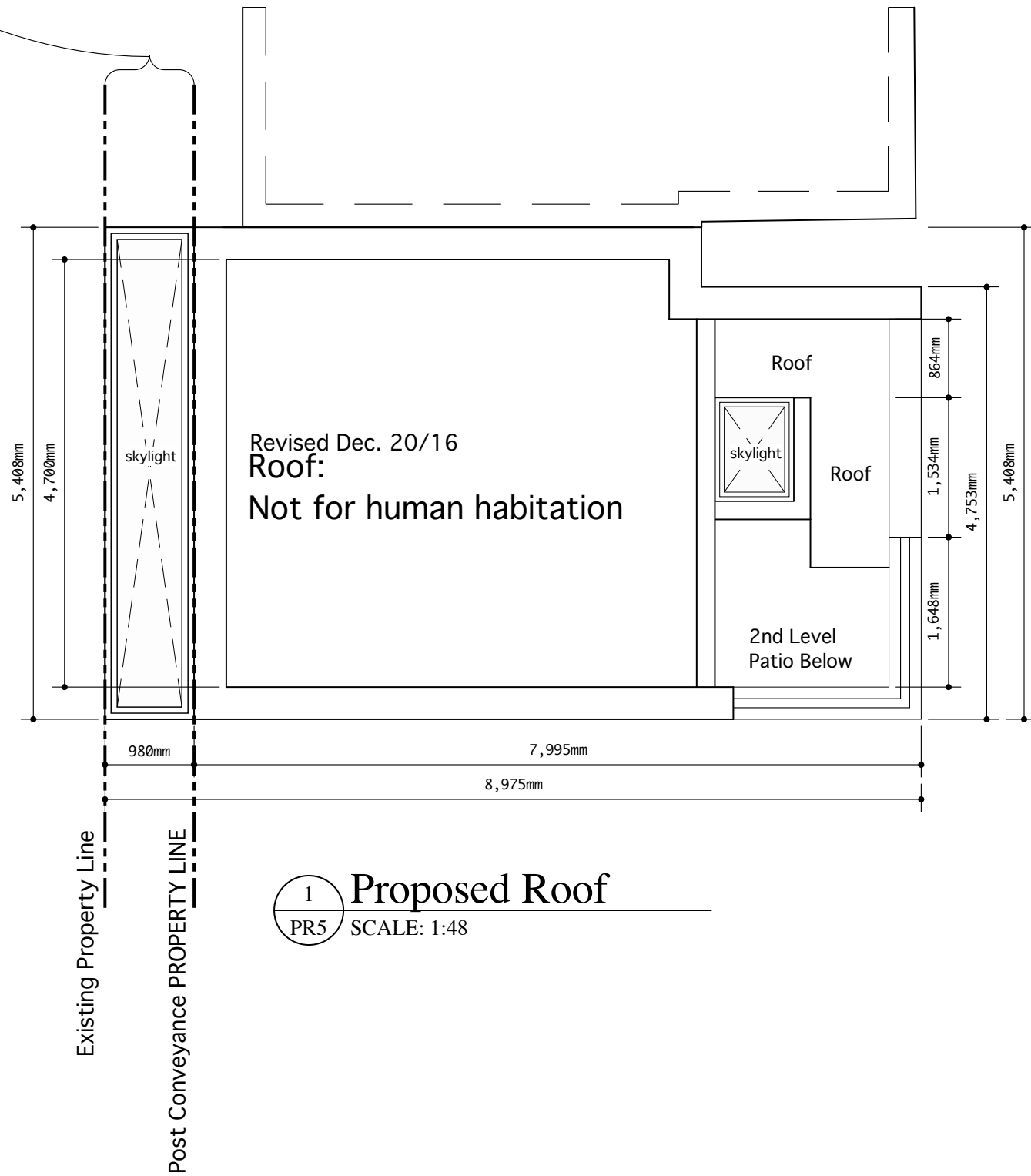
DRAWN BY:  
RW  
DATE:  
Aug. 16/17  
SCALE:  
as ind.

ADDRESS:  
106A Northcote  
Draft Address  
Drawing Title:  
Prop. 3rd Floor

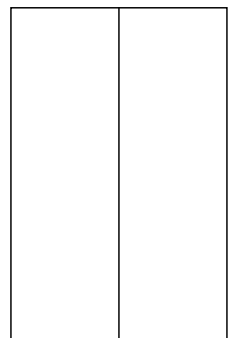
Drawing No.  
PR - 4



A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.



1 Proposed Roof  
PR5 SCALE: 1:48



**SPACES**

**BY**  
**ROHAN Inc.**

PRINCIPAL DESIGNER:  
ROHAN WALTERS  
B.ARCH., B.E.S.  
1292 COLLEGE STREET  
TORONTO, CANADA  
M6H 1C6  
PHONE: (416) 532-5483

DRAWN BY:  
RW  
DATE:  
Aug. 16/17  
SCALE:  
as ind.

ADDRESS:  
106A Northcote  
Draft Address

Drawing Title:  
Prop. Roof

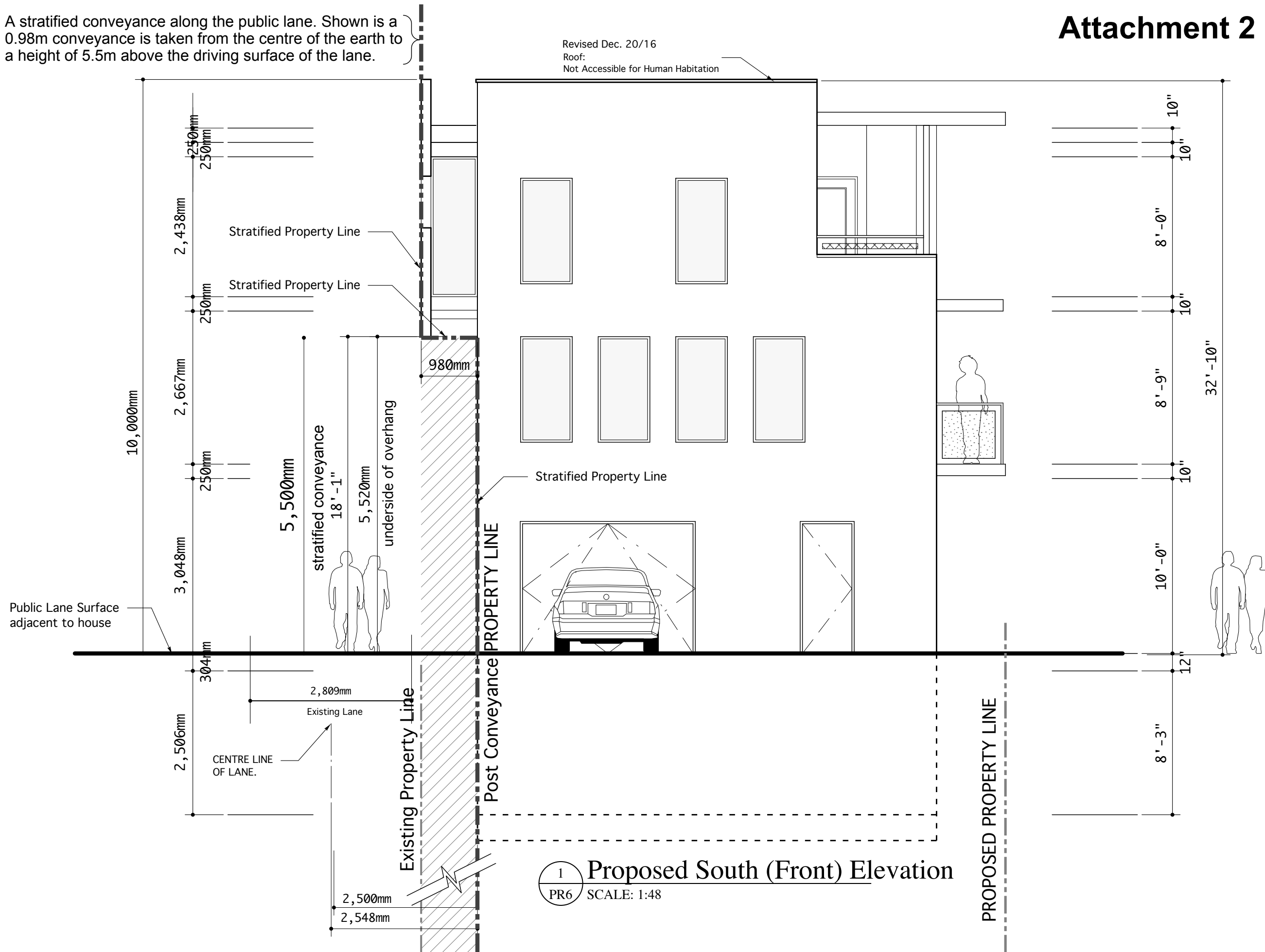
**Drawing No.**

**PR - 5**

# Attachment 2

A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.

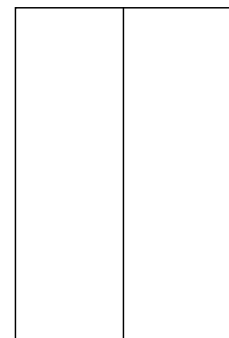
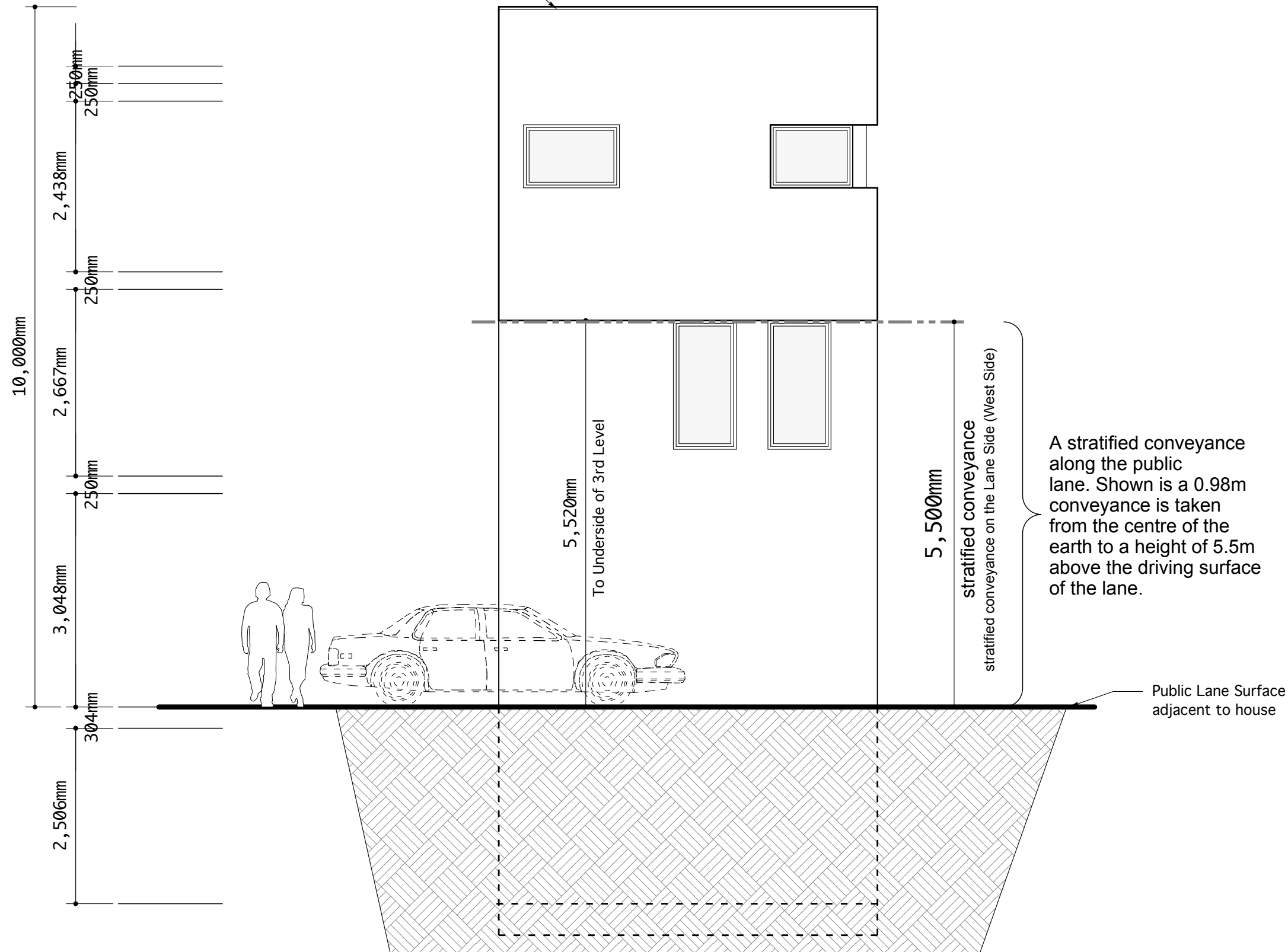
Revised Dec. 20/16  
Roof:  
Not Accessible for Human Habitation



1 Proposed South (Front) Elevation  
PR6 SCALE: 1:48

<b>SPACES</b>	
<b>BY</b>	
<b>ROHAN Inc.</b>	
PRINCIPAL DESIGNER: ROHAN WALTERS B.ARCH., B.E.S.	
1292 COLLEGE STREET TORONTO, CANADA M6H 1C6 PHONE: (416) 532-5483	
DRAWN BY: RW	
DATE: Aug. 23/17	
SCALE: as ind.	
ADDRESS: 106A Northcote Draft Address	
Drawing Title: Prop. South Elevation	
Drawing No. PR - 6	

Revised Dec. 20/16  
 Roof:  
 Not Accessible for Human Habitation



**SPACES**  
**BY**  
**ROHAN Inc.**  
 PRINCIPAL DESIGNER:  
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 TORONTO, CANADA  
 M6H 1C6  
 PHONE: (416) 532-5483

DRAWN BY:  
 RW  
 DATE:  
 Aug. 23/17  
 SCALE:  
 as ind.

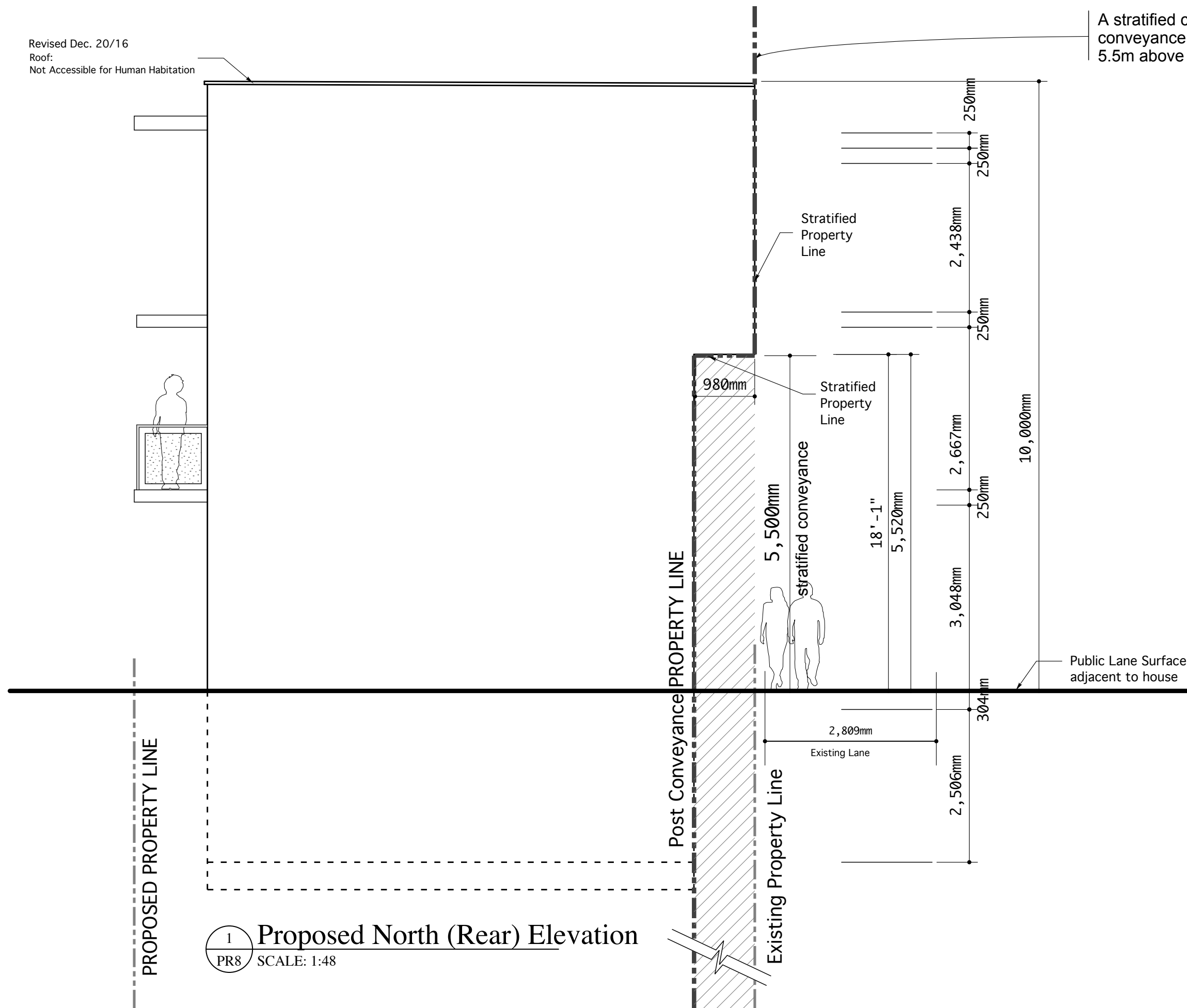
ADDRESS:  
 106A Northcote  
 Draft Address  
 Drawing Title:  
 West Elevations

Drawing No.  
 PR - 7

1 Proposed West Elevation (Lane Side Elevation)  
 PR7 SCALE: 1:48

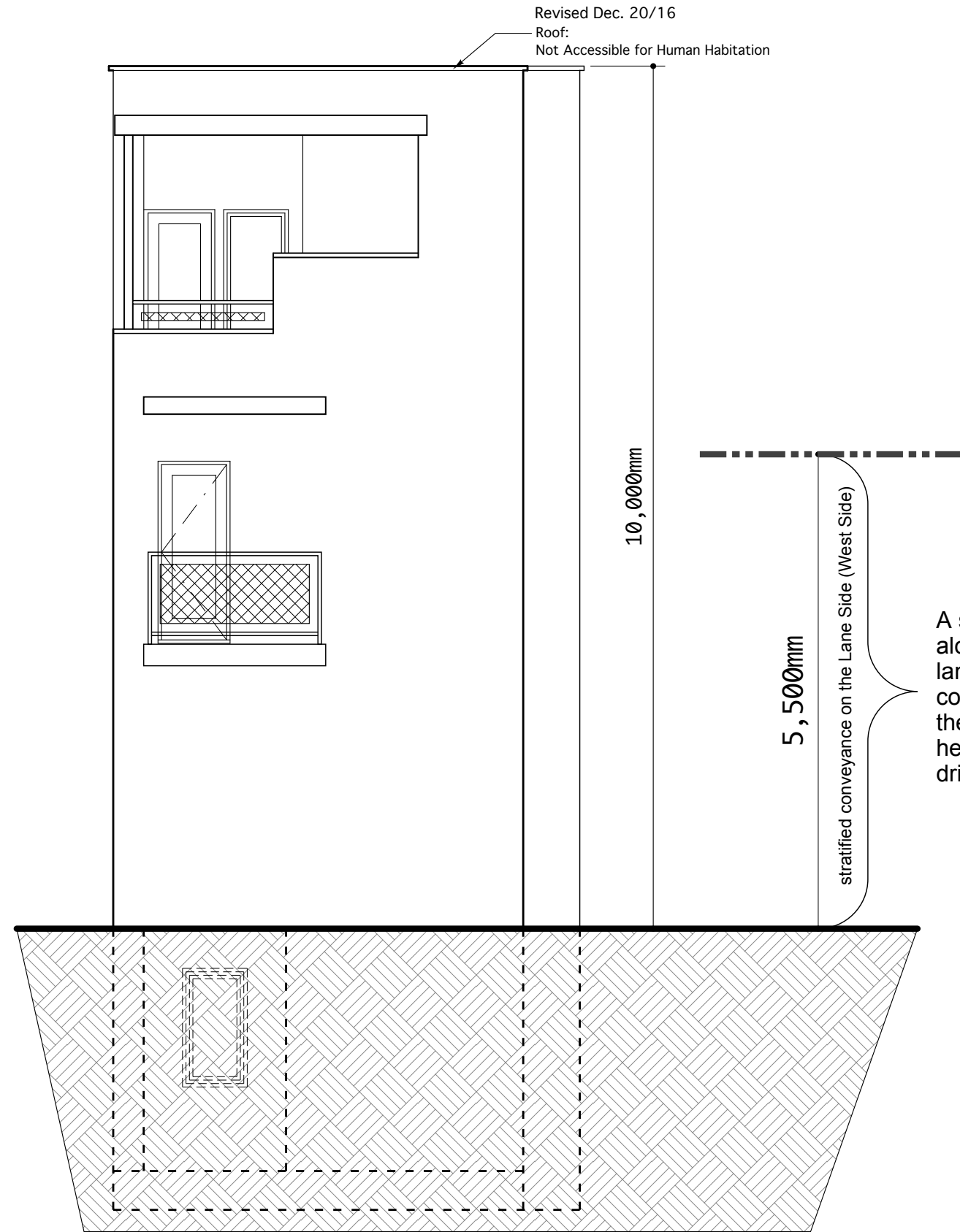
Revised Dec. 20/16  
 Roof:  
 Not Accessible for Human Habitation

A stratified conveyance along the public lane. Shown is a 0.98m conveyance is taken from the centre of the earth to a height of 5.5m above the driving surface of the lane.



1 Proposed North (Rear) Elevation  
 PR8 SCALE: 1:48

<b>SPACES</b>	
<b>BY</b>	
<b>ROHAN Inc.</b>	
PRINCIPAL DESIGNER: ROHAN WALTERS B.ARCH., B.E.S. 1292 COLLEGE STREET TORONTO, CANADA M6H 1C6 PHONE: (416) 532-5483	
DRAWN BY:	
RW	
DATE:	
Aug. 23/17	
SCALE:	
as ind.	
ADDRESS:	
106A Northcote	
Draft Address	
Drawing Title:	
Prop. North Elev.	
Drawing No.	
PR - 8	



1 Proposed East Elevation (Back Yard Side)  
PR9 SCALE: 1:48

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**SPACES**

**BY**  
**ROHAN Inc.**

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PR - 9