

Toronto Local Appeal Body

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DECISION AND ORDER

Decision Issue Date Thursday, July 26, 2018

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

Appellant(s): EDWARD ROSEMAN

Applicant: GLEN SCHNARR & ASSOCIATES INC

Property Address/Description: 361 DAVENPORT RD

Committee of Adjustment Case File Number: 17 210976 STE 20 MV

TLAB Case File Number: 17 279551 S45 20 TLAB

Hearing date: Tuesday, June 26, 2018

DECISION DELIVERED BY S. Gopikrishna

APPEARANCES

Name	Role	Representative
Glen Schnarr & Assoc.	Applicant	
Edward Roseman	Appellant	
1921313 Ontario Inc.	Party/Owner	Mary Flynn-Guglietti
David Capper	Expert Witness	

INTRODUCTION AND BACKGROUND

Ben Mudry is the owner of 361 Davenport is located in Ward 20 of the City of Toronto. He applied to the Committee of Adjustment (COA) for the approval of variances that would allow for the construction of three, four storey residential townhouse units with six at grade parking spaces at the rear of the property, this Subject Property is underdeveloped at present. The COA considered the application and approved the same on 6 December, 2017. Edward Roseman, the owner of the neighboring property at 359 Davenport, appealed the decision to the Toronto Local Appeal Body (TLAB) on 27 December, 2017. The issues raised in the Appeal included alleged encroachment by the applicant, blocking all windows and light to rental units facing north on the Appellant's property, negative impact on large commercial signage on the Appellant's property and reduced income as a consequence.

The TLAB set a hearing date for 26 June, 2018.

On 22 June, 2018, Edward Roseman brought forward a Motion requesting an adjournment of the hearing scheduled for 26 June, 2018 and a postponement of the hearing by approximately two months, in order to enable him to retain a lawyer or planner, to assist with his Appeal. He also expressed concerns that the owner of 361 Davenport had encroached on his property. On 25 June, the Respondents filed a Response to the Motion requesting the relief sought by Edward Roseman be denied, and that the hearing proceed as scheduled, on 25 June, 2018. The Response was accompanied by a sworn affidavit by an expert use land planner, as well as a lawyer specializing in real estate law, with accompanying documentation demonstrating that there had been no encroachment

In order to understand the background resulting in this Appeal, it may be important to note that there was an earlier application to the COA in 2011, which was successful, and resulted in the severance of the former 361 Davenport Road into 359 and 361 Davenport Roads, and to create mutual access rights of way. The final Decision respecting the severance is reproduced below to illustrate the portion that was conveyed and the rights of way. The Decision is attached to this decision as **Appendix 2**; I note that reproducing the decision is merely for information purposes, and has no bearing on the Appeal before the TLAB.

Retained Part 1

359 Davenport Road

The lot frontage is 22.4 m, and the lot area is 715.7 sq. m. The existing building will be maintained.

Conveyed- Parts 2-7 Right of Way Parts 3,4 and 6

Address not assigned

The lot frontage is 18.2 m and the lot area is 402. 6 sq. m. The property will be developed as the site of three (3), four storey townhouses/live-work units, with integral garages in the basement level of the building.

Parts 3 and 6 will be subject to a pedestrian and ve the City ofhicular access right-of-way in favour of the retained lot, Part 1, 359 Davenport Road.

Part 4 will be subkect to a pedestrian right-of-way in favour of the retained lot, Part 1, 359 Davenport Road.

There was also a proposal, approved by the COA simultaneously with the severance, for the development of residential units on the severed lot (presently numbered 361 Davenport Road), similar to this proposal (dated 2017) before the COA, with the major difference in their orientation. By way of information, both proposals for construction of residential units were approved by the COA; however, the ist proposal did not come to fruition notwithstanding the approval.

The main difference between the 2 proposals, again by way of information, is the orientation of the residences. While the present proposal has the residential units facing east fronting onto Davenport Road and the side of the last of the proposed houses faces 359 Davenport Road, the former proposal oriented the houses facing north, such that Davenport Road would be on one side of the houses, and the rear of the houses would face 359 Davenport Road. In other words, it would not be inaccurate to state that the orientation of the houses has changed approximately by 90 degrees, in a clockwise direction, from the former proposal of 2011 to the one before the TLAB in 2018

.MATTERS IN ISSUE

Toronto Zoning by-law

The property is located in the former municipality of the City of Toronto and is subject to Zoning By-law No. 438-86, as amended. Based on Zoning By-law No. 438-86, the property is zoned CR T2.0, C2.0, R 1.5.

1. The by-law requires that the combined non-residential gross floor area and residential gross floor area be not more than 2.0 times the area of the lot: 805.2 square metres. The proposed building has 900.90 square metres of combined non-residential gross floor area and residential gross floor area (2.24 times the area of the lot). [8(3) Part I 1 - Combined Density]

- 2. The by-law requires that the residential gross floor area be not more than 1.5 times the area of the lot: 603.9 square metres. The proposed residential gross floor area of the building is 900.90 square metres (2.24 times the area of the lot). [8(3) Part I 3(A) Residential Gross Floor Area]
- 3. The by-law requires the window of a dwelling unit to be set back at least 5.5 metres from a lot line that is not a street line or from a wall of a building. The windows of the proposed building are set back 0.0 metres at the North lot line.. [8(3) Part II1(A)(II) 5.5 m Window Setback]

JURISDICTION

Provincial Policy - S. 3

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

Minor Variance - S. 45(1)

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

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

EVIDENCE

The Appellant, Mr. Edward Roseman, represented himself at the hearing held on 26 June, 2018. The Respondents were represented by Ms. Mary Flynn-Guglietti, a lawyer and David Capper, land use planner and Expert Witness. They were also accompanied by Ms. Kailey Sutton, Ms. Flynn-Guglietti's assistant and Ms. Jessica Farber, real estate lawyer and Expert Witness. Mr. Jim Bartlett and Ms. Gillian Bartlett, the owners of 159 Admiral Road, the property at the rear of 361 Davenport, were also present, as observers, to "ensure that our interests are protected".

The Motion brought forward by Mr. Roseman, for an adjournment of the hearing, was addressed at the beginning. Mr. Roseman explained that he hadn't been able to retain a planner, because of various illnesses that had taken a significant toll on his health over many months. In the month of February 2018, he had requested help from firm of Miller Thompson. After many unsuccessful attempts to retain a lawyer specializing in

Municipal law, Ms. Roseman met with a lawyer (whom I have deliberately not named), who advised Mr. Roseman that he would be glad to represent him if the case was adjourned. Based on Mr. Roseman's narrative, the lawyer in question, seemed reluctant to attend the hearing on 26 July, 2018.

In her response, Ms. Flynn-Guglietti drew my attention to Rule 2.1 of the TLAB's Rules and Procedures ("Rules"), which spoke to "fixed hearing dates". She emphasized the need for expeditious and cost-effective hearings, and stated that an adjournment at this late date is against the fundamental principles of justice. She then spoke to Rules 15.1 and 15.2 of the Rules, which tasks Appellants and Respondents to regularly consult the website. She also stated that no Motions can be brought forward within a 30 day period before the hearing except for Motions related to costs, as stated in Rule 28. According to this Rule, as interpreted by Ms. Flynn-Guglietti, no Motions may be brought forward after May 14, 2018. She concluded that Mr. Roseman had failed in his obligations, and asked that the Motion be dismissed.

In his response to Ms. Flynn-Guglietti, Mr. Roseman reiterated that he had tried to seek help and advice from various lawyers in the firm of Miller Thompson. He provided a chronology of dates and the names of lawyers whom he had met, and alleged that they had wanted him "to take the heat", and did not want to represent him before the tribunal. He also brought up the issue of encroachment in his response, and alleged that the owners of 361 Davenport had encroached onto his property. He said that he understood that the "lot line was amended to 0.5 m instead of 5.5 m, which was what it was supposed to be, with the understanding that nothing could be built closer than 4.5 m." He did not understand how the Respondents "were building within 1.2 m".

Ms. Flynn-Guglietti then sought to respond to the allegations of encroachment; I allowed her to speak to the matter, notwithstanding that she represented the Respondents who don't have the right of reply. The reasons are explained in the Analysis section.

Ms. Flynn-Guglietti stated that in an earlier decision of the COA dating back to 2011, where Mr. Roseman's property was the subject of a severance decision, the COA had ordered that 2 parking spaces be provided underground by Mr. Roseman, which were never built nor provided . (By way of editorial comment, these parking spots are clearly illustrated as two adjacent triangles at the end of the "Right of Way" on Page 13 of the 28 Site Plan document, titled Appendix 2, as well as the affidavit of Ms. Farber, titled Appendix 3. The Lot Diagram provided at the end of Ms. Farber's affidavit, clearly labels all the various Parts from 1-9. According to Ms. Flynn-Guglietti, Mr. Roseman asserts that he had ownership of Part 4 on the Lot diagram when it actually belongs to her client, and that Mr. Roseman has access to Parts 3, 4 and 6 on the same diagram, but does not own them. She claimed that her clients would be prejudiced if there was a delay because the construction season would soon come to an end.

I asked Ms. Flynn-Guglietti if the TLAB's mandate included an ability to address encroachment issues arising from decisions of the COA made more than 5 years ago. She said that the TLAB did not have such jurisdiction, but was willing to provide evidence to "give the Panel comfort" about the allegations of encroachment.

In this context, I would also like to reproduce a section of Ms. Farber's affidavit, because of its pertinence to the issue of who owns what with respect to 361 and 359 Davenport. It may be noted that the reference diagram appears on the last page of her affidavit, which is attached to this decision as **Appendix 3**).

I quote:

- 4. The property municipally known as 361 Davenport Road consists of Parts 2-7 on Plan 66R25808.
- 5. The property municipally known as 359 Davenport Road consists of Part 1 on Plan 66R25808.
- 6. The property municipally known as 149 Dupont Street consists of Parts 8, 9 and 10 on Plan 66R25808
- 7. In reviewing the documents registered on title, I discovered the following: a. The properties municipally known as 361 Davenport Road and 359 Davenport Road enjoy the benefit of an easement for a right of way over a portion of the property municipally know as 149 Dupont Street, more particularly described as Parts 8 and 9 on
- municipally know as 149 Dupont Street, more particularly described as Parts 8 and 9 o Registered Plan 66R-25808, for vehicular and pedestrian access to their properties, which is registered on title to 149 Dupont Street, 361 Davenport Road and 359 Davenport as Instrument No. AT3034449
- b. The property municipally known as 359 Davenport Road enjoys the benefit of an easement for a right of way over a portion of the property municipally know as 361 Davenport Road, more particularly described as Parts 3 and 6 on Registered Plan 66R-25808, for vehicular and pedestrian access to their property, which is registered on title to 361 Davenport Road and 359 Davenport as Instrument No. AT3036084.
- c. The property municipally known as 359 Davenport Road enjoys the benefit of an easement for a right of way over a portion of the property municipally known as 361 Davenport Road, more particularly described as Part 4 on Registered Plan 66R-25808, for pedestrian only access to the property, which is registered on title to 361 Davenport Road and 359 Davenport as Instrument No. AT3036084

I then made a ruling which granted relief only from Section 17.1 of the Rules, which had enabled the Appellants and Respondents to argue the Motion for adjournment, notwithstanding its being introduced later than the last date for Motions. I refused the rest of Mr. Roseman's Motion, and ruled that we would proceed to an oral hearing of the case. The reasons behind this ruling are provided in the Analysis section.

I then pointed out that the TLAB Rules are flexible about who could present their case, and asked the Parties if they had any specific preference. Ms. Flynn-Guglietti opted to go first and requested Mr. David Capper, land use planner, to take the stand. After Mr. Capper was sworn in, she led him through the highlights of his educational and work history, and asked that he be sworn in as an Expert Witness. After noting that Mr. Roseman had no questions for Mr. Caper, I recognized him as an Expert Witness in the discipline of land use planning.

Mr. Capper provided a brief summary of the history of the application, some of which has been stated in the introduction section, and is consequently not repeated here for the sake of brevity.

He then pointed out that the Subject Property is designated as Mixed-Use Area in the City of Toronto Official Plan. He also stated that the Subject Property is governed by the former City of Toronto Zoning By-law 438-86, and is zoned CR T2.0 C2.0 R1.5 (ZZC), and that the CR Zone is a Mixed-Use Zone which permits a range of residential, commercial, retail and institutional uses. He pointed out that freestanding residential uses, in the form of Townhouses as are proposed, are permitted within the CR zone, and undertook a photo tour of the community. Ms. Flynn-Guglietti added that By-Law 569-2013 did not apply here. Likening By-law 569-2013 to a slice of "Swiss cheese", she said that the Subject Property was in one of the "holes". Mr. Capper then pointed out that the maximum Total Combined Residential and Commercial Floor Area permitted as of right on the subject property is 2.0 times the lot area, the maximum Commercial Floor Area permitted as of right on the subject property is 2.0 times the lot area, and the maximum Residential Floor Area permitted as of right on the subject property is 1.5 times the lot area.

Mr. Capper then referred to two Arborists' reports, which identified a series of 5 specific steps to be taken to protect the trees on the property during the construction of the proposed building, including the mulberry tree on the fence delineating 159 Admiral Road, owned by the Bartletts, from 361 Davenport Road. By way of editorial comment, the contents of the arborist's report are not reproduced in the Decision, because they not germane. However, it is important to note that the Bartletts did not express any concerns after hearing how the trees of interest to them, would be protected during the construction.

Mr. Capper than provided an insight into the Subject Property and its relationship to the immediate neighbourhood. He started with the fact that the Subject Property is located on the west side of Davenport Road and south of Dupont Street. The property has a lot frontage of 18.2 metres and a depth of 18.5 metres along the shallowest side of the lot, and an area of 402.6 sq. m. He said that the property is irregular in shape in that the side lot lines are not oriented perpendicular to the front lot line. Mr. Capper added that vehicular access to the property is currently provided by way of a curb depression at the south end of the front property line, as well as by way of a laneway which runs parallel to the northerly property line. The laneway is located on the adjacent property to the north and provides legal access to the property by way of an access easement

registered on title. He then stated that the Subject Property is undeveloped and operates currently as a paved surface parking lot for adjacent businesses.

While describing the neighbourhood through a photo tour, Mr. Capper illustrated that part of Mr. Roseman's property, which is closest to the proposal at 361 Davenport, and stated that the building was oriented such that it was in the shade for the entire duration of Mr. Capper's visit, between 11 am and 12 pm on 25 March, 2018. Mr. Capper noted that this picture was crucial to responding to Mr. Roseman's concerns about loss of sunlight, and shadowing impacts as a result of the proposal.

The immediate neighbourhood, according to Mr. Capper, is best characterized as a mixed-use neighbourhood with a range of land uses, comprised predominantly office, service, commercial and some retail uses, with building heights ranging from one to four storeys. He then described the property to the south (359 Davenport), comprised of a three and half storey/four storey residential apartment building. He added that the building has been sited to provide setbacks of approximately 1.0 metres along the northerly and southerly side lot lines, the building is setback 4.05 metres from the rear lot line at its closest point which is adjacent to the south west corner of the Subject Property. He also said that the building is setback 0.0 metres from the front property line at its closest point and 6.35 metres at its farthest point. There are 16 windows of varied sizes which are located on the northerly façade of this building, which all face north. Mr. Capper also drew my attention to a pedestrian easement of approximately 2.2 metres, which is provided along the southerly boundary of the Subject Property and is registered on title for the Subject property in favour of the adjacent parcel to the south.

Mr. Capper added that the lands adjacent to the rear property line for the Subject Property have been developed with a residential subdivision of predominantly single detached dwellings in a low-density format. He described the adjacent residential neighbourhood as a mature residential neighbourhood with tree lined, local streets. He commented that the dwellings within this neighbourhood appear to be of an older vintage, and concluded by pointing out that the rear lot line of the Subject Property abuts the property located at 159 Admiral Road, owned by the Bartletts, who as noted earlier, were in attendance at the hearing.

Mr. Capper then described the proposed development at 361 Davenport Road. He said that the proposed development consists of a Gross Floor Area of 900.9 m2. He added that the building is 12.81 metres tall when measured to the top of the roof deck, with a parapet of approximately 1.0 metre provided around the perimeter of the rooftop area. Mr. Capper pointed out that a penthouse provides access to the rooftop amenity area. The top of the stair access penthouse has a height of 15.4 metres

Ms. Capper noted that the front lot line facing Davenport Road is not perpendicular to the two side lot lines, given how Davenport Road is not a north-south, nor an east-west oriented road, resulting in "some unique design considerations", specifically a front façade that may not be perpendicular to the front lot line, in the interests of a uniform streetscape. He then stated that each townhouse unit has been designed to have direct

frontage onto Davenport Road. Parking for vehicles is provided by way of 6 surface parking spaces which are located in the rear yard and underneath the proposed building. Access to the parking area is achieved via the laneway which is located on the adjacent parcel to the north and runs parallel to the northerly property line.

Mr. Capper also pointed out that the "units are not created equally", even if the 2nd and 3rd floors are the same, due to the unusual orientation of the lot line, which paralleled Davenport Road. The northernmost unit had the smallest space, while the southernmost had the largest space on the first floor.

At this stage, Ms. Flynn-Guglietti asked Mr. Capper if there were any windows on the proposals facing the south (i.e. towards Mr. Roseman's property), to which Mr. Capper replied in the negative, and added that this was true of all floors. She then asked Mr. Capper about how much further would the buildings be setback, if there were windows at the south lot line. His answer was that it would "depend", and then read out the Section respecting setbacks, and established that the separation was 11 m to a window of another dwelling, 5.5 m to the wall, or a lot line that is not a street line, though bathroom and kitchen windows are exceptions. He said that 0 lot lines are not uncommon in CR zones, unless they abut a low density area.

Mr. Capper then described each floor of the residences to be built- the 1st floor would have office space, the 2nd floor would have the dining, living, kitchen and a rear yard deck. He also pointed out that there was a 17.5 cm separation between the first floor and the lot line, and that the higher floors are cantilevered over the pedestrian access. He added that without the need for any variance, a building without windows on a given side could be located at a 0 lot line. The 3rd and the 4th floors would have a bedroom, and a bathroom each. Amenity areas for each unit are provided by way of a rooftop deck, as well as second floor rear and front yard balconies. The proposed architectural design seeks to achieve a contemporary modernist style, with a variety of cladding and window materials.

At this stage, I asked if there would be any privacy issues created for the neighbours as a result of the overlook from the rooftop deck. Mr. Capper responded by stating that he wasn't sure, but that a landscape screen could be provided at the rooftop of the northernmost and southernmost units, since they would be overlooking the neighbouring properties. Ms. Flynn-Guglietti added that this could be added as a condition of approval "to give the Panel comfort".

Mr. Capper then referred to the Zoning Notice and stated that he had discovered an error with respect to how the FSI had been calculated. He said that while the total GFA had been listed as 940.3 sq. m due to the inclusion of the landscape area, the corrected calculation, omitted the landscape area, and reduced the GFA to 900.9 sq. m, resulting in an FSI of 2.237.

Mr. Capper then discussed the compatibility between the proposal and higher level Provincial Policies, such as the Provincial Policy Statement (PPS) and Growth Plan for

the Greater Golden Horseshoe (Growth Plan). He stated that the proposed development makes efficient use of an underutilized parcel, existing infrastructure and resources within the City of Toronto settlement area, and thereby supports the intensification policies of the PPS. He then referenced Section 2.2.1 of the Growth Plan, which promotes the development of complete communities, which can rely on existing infrastructure and community services, and stated that the development would add to the formation of a complete community, and thereby fulfill the goal.

Mr. Capper then commenced discussion of the four tests under Section 45.1 of the Planning Act, starting with the general intent of the Official Plan. Reiterating that the Subject Property is located within the Mixed-Use Area of the City of Toronto Official Plan, Mr. Capper pointed out that this application was different from the majority of the proposals, which are in areas designated "Neighbourhoods" by the City. He stated that Sections 4.5.1 and 4.5.2 of the Official Plan (OP) were relevant to the discussion, and added that the approval of the proposed variances will result in the development of a residential development which has been designed to be at a scale and intensity which is in keeping with the surrounding developments.

Mr. Capper then described the compatibility between the proposal and the zoning by-law through discussion of each of the three variances and how they interacted with By Law 438-38. He started with the first variance which requested increase of the maximum permitted combined non-residential gross floor area from 2.0 to 2.33 times the lot area, from 805.2 square metres to 900.9 square metres. Mr. Capper stated the intent of the maximum combined non-residential gross floor area regulation is to ensure that properties are developed with a reasonable amount of overall floor area and to ensure that new buildings are generally in keeping with and compatible with the surrounding development. The regulation has the impact of controlling the scale and massing of proposed buildings.

Mr. Capper then pointed out that the proposed building will be located in an area of Davenport Road where there are a number of multi storey low rise buildings with similar building heights and massing as the proposed building. In his opinion, the proposed 4 storey, three unit, residential townhouse building is in keeping with the surrounding development. The proposed building will be similar in height and scale/massing to the immediately adjacent buildings to the north and south. Furthermore, the proposed building provides an appropriate transition to the lower density residential neighbourhood to the west by way of the inclusion of a driveway along the rear property line. Mr. Capper added that the location of the driveway provides for an appropriate degree of separation from adjacent residential uses to the west thus allow for a transition in building height from existing two and half /three storeys to the proposed four storey building.

Mr. Capper then discussed the 2nd variance, which was to permit an increase in the maximum permitted residential gross floor area from 1.5 to 2.33 times the lot area. He described the variance as an increase in the maximum permissible gross floor

area from 603.9 m2 to 900.90 m2, or a resultant increase in residential floor area of 297 m2. Mr. Capper then stated that the zoning provision has the intent to control the scale and massing of the building. Additionally, this regulation is intended to ensure that commercial components are encouraged within buildings in order to allow for mixed use types of development. Mr. Capper described the unique site characteristics of the Subject Property, which discourage the development of a true mixed-use building. The property is relatively small in area and has limited ability to provide visitors parking for commercial uses. There is no on-street parking available in front of the Subject Property. When accounting for the parking areas for residential uses as well as an access driveway and pedestrian easement, Mr. Capper opined that there is little ground floor area that remains on the property to support a viable amount of commercial floor area within a mixed-use building, and added that the inclusion of small ground floor commercial floor plates, is not considered to be viable land use within a mixed-use building located on this property.

Mr. Capper concluded that approving the variance would help develop a 4 storey, three unit, residential townhouse building, that is compatible with the surrounding development. The proposed building will be similar in height and scale/massing to the immediately adjacent buildings to the north and south as well as other properties, within the surrounding development.

He then discussed the variance permitting a window of a dwelling unit to be setback a minimum of 0.0 m whereas the Zoning By law requires that a window for a dwelling unit be setback 5.5 m from a lot line. He stated that the intent of this zoning provision is to ensure an adequate degree of separation exists between windows in adjacent dwelling units to help mitigate potential impacts to privacy resulting from overlook conditions. Mr. Capper added that the northerly façade of the proposed building abuts an existing laneway for which an easement for vehicular access is registered on title in favour of the Subject Property. He stated that the width of the laneway is 4.17 m at its widest point and 4.00 m at its narrowest point, and that the actual distance from the dwelling windows to the adjacent building is approximately 4.0 m. The variance seeks relief of an effective distance of 1.5 m below the minimum required under the Zoning By-law, by employing the lane as a separator. Mr. Capper said that there are six windows proposed in the northerly elevation, and that the proposed windows are tall, narrow windows which are only intended to allow light into the dwelling unit. Given the design of the windows and their location adjacent to the laneway, providing an approximate 4.0 m setback from the adjacent building to the north, Mr. Capper opined that the intent of the Zoning By-law regulation is upheld.

Based on this discussion, Mr. Capper concluded that the proposal was consistent with the intent and purpose of the zoning by-law.

Mr. Capper then discussed he test of desirability. He reiterated that the current site development represents an underutilized and unimproved land use which is not in keeping with the surrounding development. The undeveloped nature of the Subject Property appears to interrupt the relatively consistent streetscape which currently exists

along Davenport Road. He asserted that the proposed development of the Subject Property will allow for a development which is more in keeping with the character of the surrounding neighbourhood and will allow for a 'filling in' of the current void within the streetscape, along this stretch of Davenport Road. Based on this discussion, Mr. Capper concluded that the requested variances are desirable for the development of the land.

He lastly spoke to the test of the variances being minor in nature.

In Mr. Capper's opinion, the proposed variances are collectively and/or individually minor in nature and will not result in any unacceptable and adverse impacts on the immediately adjacent properties or the surrounding development. Mr. Capper stated this had been achieved through providing an appropriate degree of separation from the adjacent low density residential uses to the west and use of contemporary architectural design which incorporates a variety of attractive building materials. He acknowledged concerns regarding the perceived shadowing impact of the proposed development on the adjacent building to the south, but asserted that on his site visit on March 25th, 2018 between 11 am and 12 pm, the northerly façade of the building was in full shade with no direct sunlight being received by the northerly façade of the building. In Mr. Capper's considered opinion, given the location of the adjacent building, the proposed building will not exacerbate this existing situation. He also alluded to an additional concern raised by the owner of 155 Dupont Street regarding the potential for disruption of the laneway during construction, and stated that the owner of the Subject Property is legally obligated to ensure unfettered access to the laneway to the benefit of the adjacent properties.

Mr. Capper then specifically addressed the concerns brought up by Mr. Roseman in his Appeal, the first being the alleged encroachment, the concern about light being blocked from the north facing windows on his property, and the signage on the property. Mr. Capper said that the issue of alleged encroachment had been dealt with, and then addressed the issue about the loss of sunlight. Mr. Capper reiterated his earlier observation about how the north façade of Mr. Roseman's property was in the shade during the entire duration of his earlier site visit between 11 am and 12 pm on 25 March, 2018, and therefore did not get direct sunlight even under existing conditions. He therefore opined that the proposal could not possibly decrease the sunlight given the orientation of the building at 359 Davenport Rd, and the existing condition.

Based on these discussions, Mr. Capper concluded that the proposal satisfied the four tests under Section 45(1) and recommended the approval of the proposal.

I then asked Mr. Roseman if he had questions for Mr. Capper. Mr. Roseman wanted to know when had the FSI changed from 2.33 to 2.24 times the lot size, to which Mr. Capper repeated the answer provided in his examination in chief. Mr. Roseman then wanted to know if there was any commercial use planned, to which Mr. Capper responded that it was all residential use and no commercial use. Mr. Roseman wanted to know how the previous proposal (i.e.from 2011) had a FSI of 1.5 and this proposal

had an FSI of 2.24 when the proposals were comparable. Mr. Capper said that he couldn't comment on the previous application.

Mr. Roseman described the situation from his perspective, the gist of which was that his lawyer had advised him that the neighbours at 361Davenport could not build within 5.5 m of the lot line though the property separation line had been moved to 0.5 m. Mr. Capper stated in response that he couldn't answer because there was no question. I pointed out to Mr. Roseman that while the Respondents' position was that the buildings had moved with respect to each other though the property line had not moved, w Mr. Roseman's narrative claimed that the property line itself had moved, and that this was a difference of opinion which had to be respected, Mr. Roseman continued to stridently reiterate that he had been advised by his lawyers that he owned the easement in question. I intervened, and reminded Mr. Roseman that the encroachment issue was outside the TLAB's jurisdiction, and that the Respondents had satisfied me through the submission of an affidavit from a lawyer specializing in real estate issues that there had been no encroachment. I then asked Mr. Roseman to proceed and ask any questions of clarification he may have had, other than the encroachment issue.

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Mr. Roseman's next question was that if he had no access to the rear of the building at 361 Davenport, then what would happen in the case of a fire, and how would fire trucks access the rear of his property at 359 Davenport Road? Mr. Caper's response was that fire trucks would typically not come to the rear of a building where the access was as narrow as it is in the case of Mr. Roseman's property. He added that the typical turning radius for fire trucks was 12 m, which was not the case here. Mr. Capper then opined that to the best of his knowledge, fire trucks would come up Davenport Ave. in the case of a fire, tie their hoses to the municipal hydrants on Davenport Road, and then use the right of way to fight the fire. Mr. Roseman then asked what would happen to the 12 residents of his apartment complex residing at the back of the house, and if they couldn't get to the front of the house, in the case of a fire. Mr. Capper said that the question was best asked of the Toronto Fire Department, but as a "lay" person on the matter of servicing buildings in the case of a fire, he stood by his earlier answer- the firefighters would use the right of way to access the back of the building, and rescue the persons trapped there. Mr. Roseman then spoke about how this would endanger the lives of his tenants, especially those of them who lived at the back of the apartment complex. I reminded Mr. Roseman that he was to ask questions of Mr. Caper during the cross examination, and make his own submissions later.

Mr. Roseman said that he had more no more questions, besides nothing that he was there to represent the interests of 80 of his tenants, whose lives were in danger if there was a fire in the building, and fire-trucks had no access to the back of 361 Davenport Road to rescue them. When I asked Mr. Roseman to then make his submissions, he reiterated that he had nothing to say.

Ms. Flynn-Guglietti stated that the uncontroverted evidence of Mr. Caper should be given due weight, and that all the variances be approved. She added that the TLAB could impose a condition asking for a privacy screen, along the entire length of the

northerly and southerly parapet for the rooftop terrace such as an opaque material, wood lattice material or vegetative landscape material.

I thanked the Parties and Participants, and stated that I would reserve my Decision.

ANALYSIS, FINDINGS, REASONS

It is helpful to understand the nature of objections brought forward by the Appellant to the approval of variances that would allow for the construction of three, four storey residential townhouse units with six-at-grade parking spaces at the rear of the property, which is vacant at present. Mr. Roseman's concerns focus overwhelmingly on what he sees as a loss of property, due to alleged encroachment by the neighbours residing at 361 Davenport. He also had concerns about risk and access to the rear of his property, and how that would be impacted by the proposed construction at 361 Davenport Road. Lastly, he had concerns about the loss of income, due to the possible visible blockage of the advertising space at the northeasterly corner of his property.

It is important to note that the issue of encroachment is fundamentally outside the jurisdiction of the TLAB, and that ownership of any piece of property, or tract of land cannot change, based on a decision of the TLAB. However, as a matter of due diligence, I carefully reviewed the decisions of the COA submitted by Mr. Roseman, and Ms. Farber's affidavit., to ensure that there was no inadvertent, or arguable reassignation of land from one neighbor to the other as a result of this decision.

Based on the affidavit submitted by Ms. Jessica Farber, a lawyer specializing in real estate law at McMillans, I conclude that due diligence has been done on the matter of ownership, and I am satisfied that there is no encroachment by the owners of 361 Davenport Road on Mr. Roseman's property at 359 Davenport. Her affidavit, a section of which was reproduced earlier in this Decision, leave no prima facie doubt that there is any encroachment, as the title ownership appears to match with what is stated in the COA decision, dating back to 2011. The existence of the easements, and which Party has access to what Part, is stated explicitly in the diagram appearing on Page 23 of Ms. Farber's affidavit titled Appendix 3; indeed all that seems missing on what exists on the ground today are the 2 underground parking spaces that should have been provided by Mr. Roseman. In Mr. Roseman's opening statement as well his submission, I did not see any evidence that contradicted the affidavit put forward by the Respondents, besides his assertions of ownership, and what he had allegedly been told by his lawyer. Given the difference in quality and quantity of evidence from the Appellant and the Respondent, I was comfortable coming to a conclusion about the lack of encroachment without having to obtain oral evidence from Ms. Farber.

Making a decision on the Appeal is fairly straightforward given the facts of the case, and the arguments presented by the Respondents once the issue of alleged encroachment has been addressed.

The first issue that had to be looked into was Mr. Roseman's Motion for an adjournment in order to enable him to retain a planner. The reasons provided for not being able to retain a lawyer or a planner were personal circumstances, and the inability or reluctance of the lawyers at Miller Thompson approached by Mr. Roseman, to be present at the hearing scheduled for 26 June, 2018. Given Mr. Roseman's graphic description of the medical issues that he was constrained by in the recent past, I understand why he found it difficult to be pro-active, and retain a planner or a lawyer. I sympathize with his situation, which in day to day language may be described as "a rough patch".

However, on the matter of the lack of cooperation from lawyers approached by Mr. Roseman, I note his evidence but exclude the same from my analysis of this case. The lawyers named by Mr. Roseman were not present to confirm or disprove his assertions of being treated without sympathy, if not dismissively. I note that under the TLAB's practice has been to exclude personal inconvenience of the Parties to adjourn a hearing; though adjournments may be granted when the schedules of lawyers and planners are involved. Mr. Roseman had neither a lawyer nor a planner to provide evidence on an encroachment matter, that itself is outside the TLAB's jurisdiction. Given these factors, I refused the Motion for adjournment.

I also allowed Ms.Flynn-Guglietti to respond to Mr. Roseman's reply notwithstanding her representing the Respondents, because Mr. Roseman raised the issue of encroachment only in his reply, and not the opening statement.

On the matter of evidence pertaining to higher level Provincial policies, and Section 45(1), Mr. Roseman did not offer any evidence, and opted not to make any submissions. Mr. Caper's professional opinion, as an Expert Witness, was uncontroverted, and provided adequate evidence to enable me to come to a conclusion.

There are two interesting issues that need to be noted in this case. The first, is the fact that the Subject Property is governed solely by By Law 438-86. By-Law 569-2103 is not applicable, to paraphrase Ms. Flynn-Guglietti, because the Site lies "within one of the holes", if By-Law 569-2013 were a slice of "Swiss cheese". The second issue is that this Property lies in the CR (Commercial Residential) Zone as opposed to the Neighbourhoods designation, which is where the vast majority of residential proposals are located. It was therefore interesting to hear evidence about the Official Plan in a new setting, and how the Proposal complied with the specifications. I note that the Proposal also addressed the concerns of the Bartletts at 159 Admiral Road about mitigation of damage to the trees on their property.

Of the remainder of the specific issues brought by Mr. Roseman, there are the issues of the alleged loss of sunlight to the units on the north of his property and the alleged loss of income because the view of the advertising space on his property would be blocked from the street.

On the matter of alleged loss of sunlight to units at the north of 359 Davenport, Mr. Capper demonstrated that the north face of Mr. Roseman's building is in the shade even at mid-day in March, and that such sunlight that is received would be impacted minimally by the proposal at 361 Davenport. Mr. Roseman did not rebut this argument, and I therefore accept Mr. Capper's evidence to conclude that the loss of sunlight to the north facing units on Mr. Roseman's property would be minimal.

The issue regarding alleged loss of income as a result of the advertising space on Mr. Roseman's property was not canvassed by him at the hearing, nor was it addressed by the Respondents. My conclusion about the alleged loss of income is best encapsulated in a letter written by Ms. Gillian Bartlett, of 159 Admiral Road, to the COA, regarding the proposed changes at 361 Davenport:

"It has been an undeniable convenience living next to a vacant parking lot these past 30 years, but we have known from the beginning that the site at 361 Davenport, would be at some point, have to be developed".

Mr. Roseman has been privileged to have a vacant lot next to his property, and has used that to his advantage, to generate income. However, this privilege is not a right, and he should have recognized the possible loss of income, should the development of the vacant lot next door commence. There is no reference in the OP to protecting bonus privileges, nor is there any reference to considering loss of income to the neighbours as a result of development at a given property. There is consequently, no demonstrated nexus, between the alleged loss of income and the jurisdiction of the TLAB.

I am satisfied with the Respondents' willingness to erect an effective privacy screen along the entire length of the northerly and southerly parapet for the rooftop terrace, out of an opaque material, wood lattice material or vegetative landscape material. The height is not specified in this Decision, since this issue will be addressed at the time of the submission of the building permit to the City of Toronto. Imposing this condition makes it possible for me to conclude that the proposal complies with the four tests, as listed in Section 45(1) of the Act, as well as higher level Provincial Policies.

Given this finding, I conclude that the Decision of the COA is confirmed, and that the Appeal is consequently refused. The approval is subject to two conditions, the first is to install privacy screens on two sides of the property, and the next is that the building be built in substantial accordance with the Plans and Elevations prepared by Studio CANOO Architecture, date stamped 10 July, 2017.

By way of information, this Decision has the following Appendices:

Appendix 1: Site Plans prepared by Studio CANOO Architecture, dated stamped 10 July, 2017.

Appendix 2: Committee of Adjustment Decision of 2011

Appendix 3: The Affidavit sworn by Ms. Jessica Farber, lawyer, dated 25 June, 2018

DECISION AND ORDER

- 1. The substance of the Appeal respecting 361 Davenport Ave. is refused. The Decision of the Committee of Adjustment dated 8 December, 2017, is confirmed, with the addition of two conditions, as described in Paragraph 3 of this order.
- 2. The following variances are approved:

Toronto Zoning by-law 438-86

- 1. The by-law requires that the combined non-residential gross floor area and residential gross floor area be not more than 2.0 times the area of the lot: 805.2 square metres. The proposed building has 900.90 square metres of combined non-residential gross floor area and residential gross floor area (2.24 times the area of the lot). [8(3) Part I 1 Combined Density]
- 2. The by-law requires that the residential gross floor area be not more than 1.5 times the area of the lot: 603.9 square metres. The proposed residential gross floor area of the building is 900.90 square metres (2.24 times the area of the lot). [8(3) Part I 3(A) Residential Gross Floor Area]
- 3. The by-law requires the window of a dwelling unit to be set back at least 5.5 metres from a lot line that is not a street line or from a wall of a building. The windows of the proposed building are set back 0.0 metres at the North lot line.. [8(3) Part II1(A)(II) 5.5 m Window Setback]
- 3. The following conditions are imposed on the approval:
- 1. That the owner/developer be required to provide an effective privacy screen along the entire length of the northerly and southerly parapet for the rooftop terrace such as an opaque material, wood lattice material or vegetative landscape material. The privacy screen proposal design would be submitted at the time of building permit submissions to the City of Toronto.
- 2. The proposed buildings have to be constructed in substantial accordance with the Plans and Elevations submitted to the Committee of Adjustment, prepared by Studio CANOO Architecture, dated 10 July, 2017.

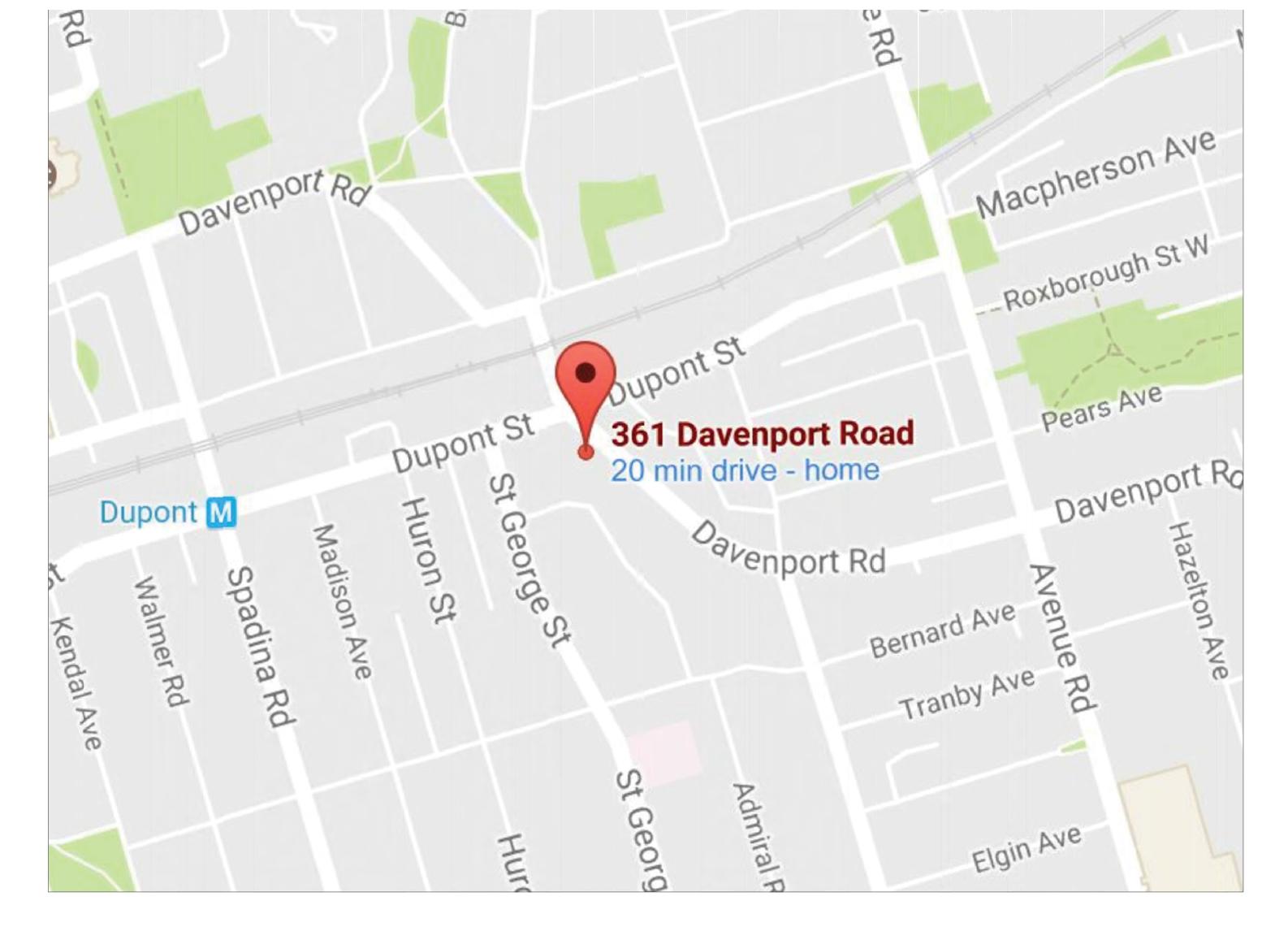
So orders the Toronto Local Appeal Body

S. Gopikrishna

Panel Chair, Toronto Local Appeal Body

DRAWING LIST - COA SUBMISSION

LOCATION PLAN/ZONING MATRIX A001 A100 SITE PLAN GROUND FLOOR A101 A102 SECOND FLOOR A103 THIRD FLOOR A104 FOURTH FLOOR A105 ROOF PLAN SITE/BUILDING SECTIONS A106 BUILDING ELEVATIONS A107



LOCATION PLAN

Site		Allowable	Actual
361 Davenport Rd. Site area Unit count	Description/Remarks		metric (m2) 402.6 3
Zoning Designation	CR T2.0 C2.0 R1.5		
Density		FSI 2.0	FSI Total 2.33
Total GFA		805.2	900.9
Residential GFA		603.9	900.9
Non-Residential		805.2	0.0
Landscaped Area (includes wall	kways)		39.4
Paved Area			227.7
Height - T.O. Roof Deck	4 storeys	14 m	12.81 m
T.O. Parapet			13.75 m
T.O. Stair Access Enclos	ure		15.4 m
Setbacks			
Front		0.0 m	0m
Rear			3.0m (0.645m to deck)
Side		0.0 m	0m (1.1 m at south side grade
Official Plan designation Parking	Mixed Use		Residential
Residents			6 spaces



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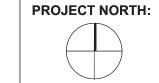
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1	3/13/2017	ISSUED FOR PPR		
NO.	DATE	DESCRIPTION		
-	10 JULY 2017	ISSUED FOR CoA		

PROJECT:Davenport Road Infill Townhouses

361 Davenport Road, Toronto, ON

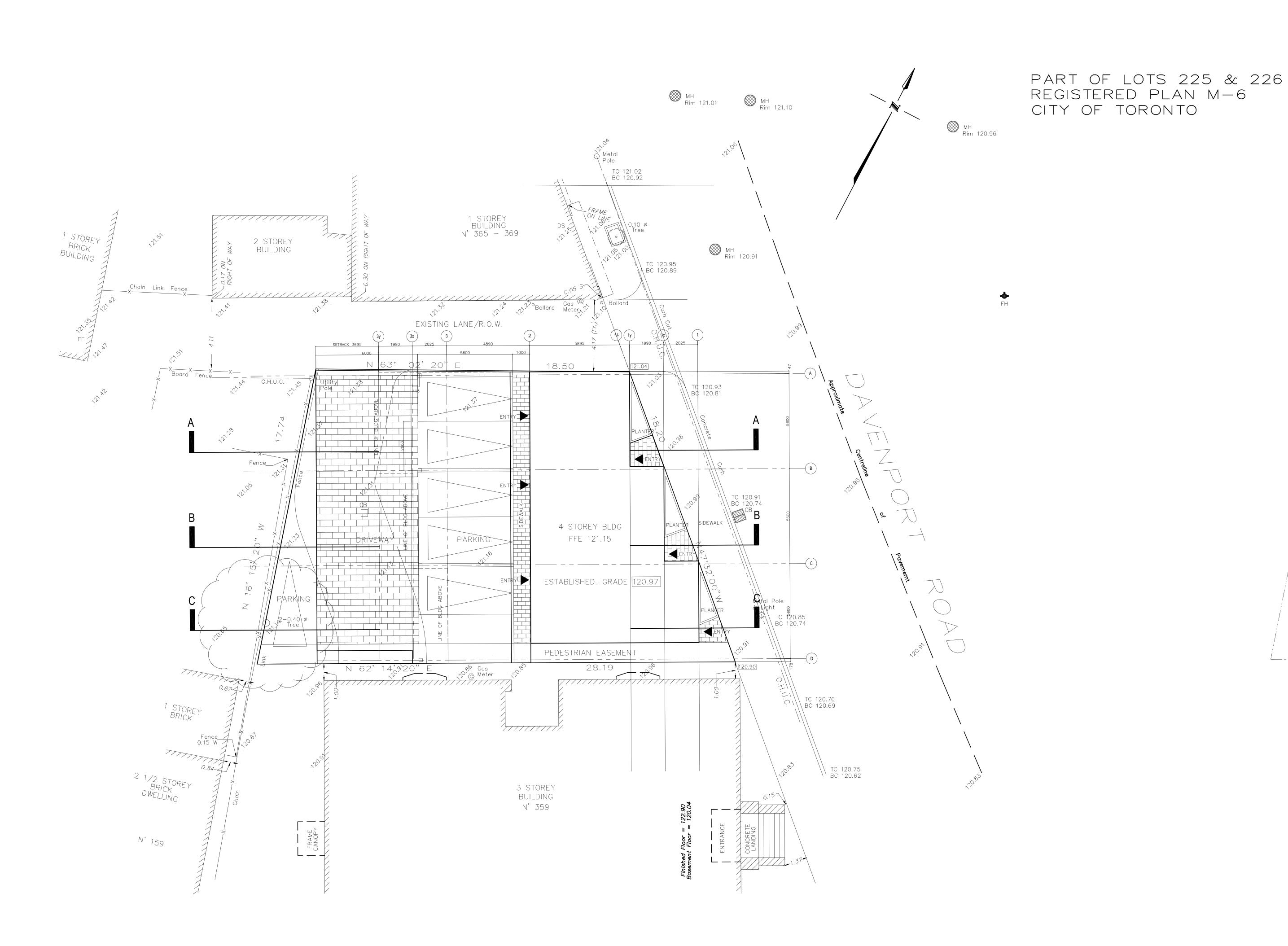
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LOCATION PLAN
ZONING MATRIX

PROJECT NO: 17105 SCALE: 1:100 DRAWN BY: REVIEWED BY:



ZONING MATRIX

DRAWING NO:





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10 JULY 2017 ISSUED FOR CoA

PROJECT:
Davenport Road Infill Townhouses

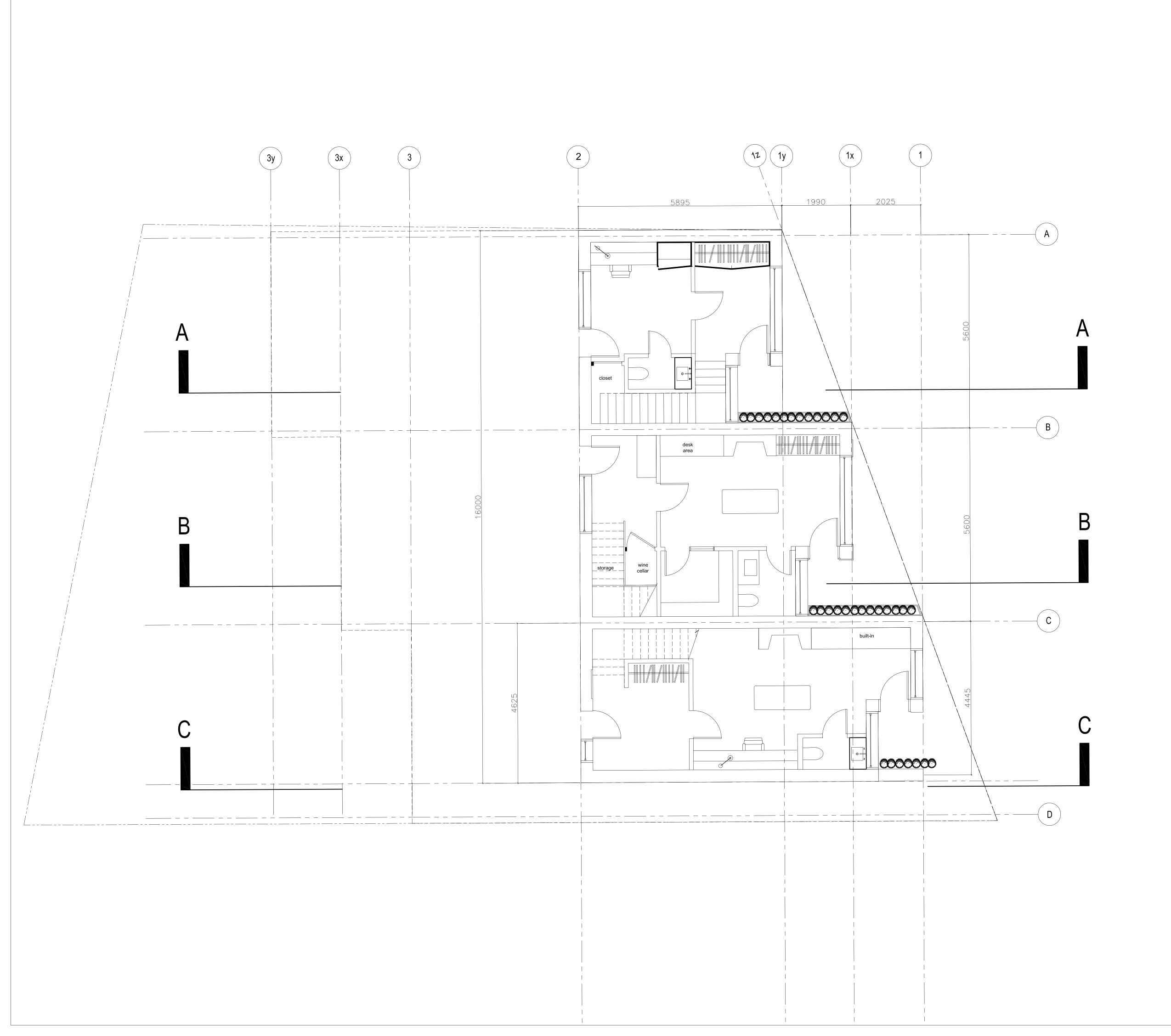
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PROJECT NO: 17105 SCALE: 1:100 DRAWN BY: REVIEWED BY:



DRAWING NO:





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Davenport Road Infill Townhouses

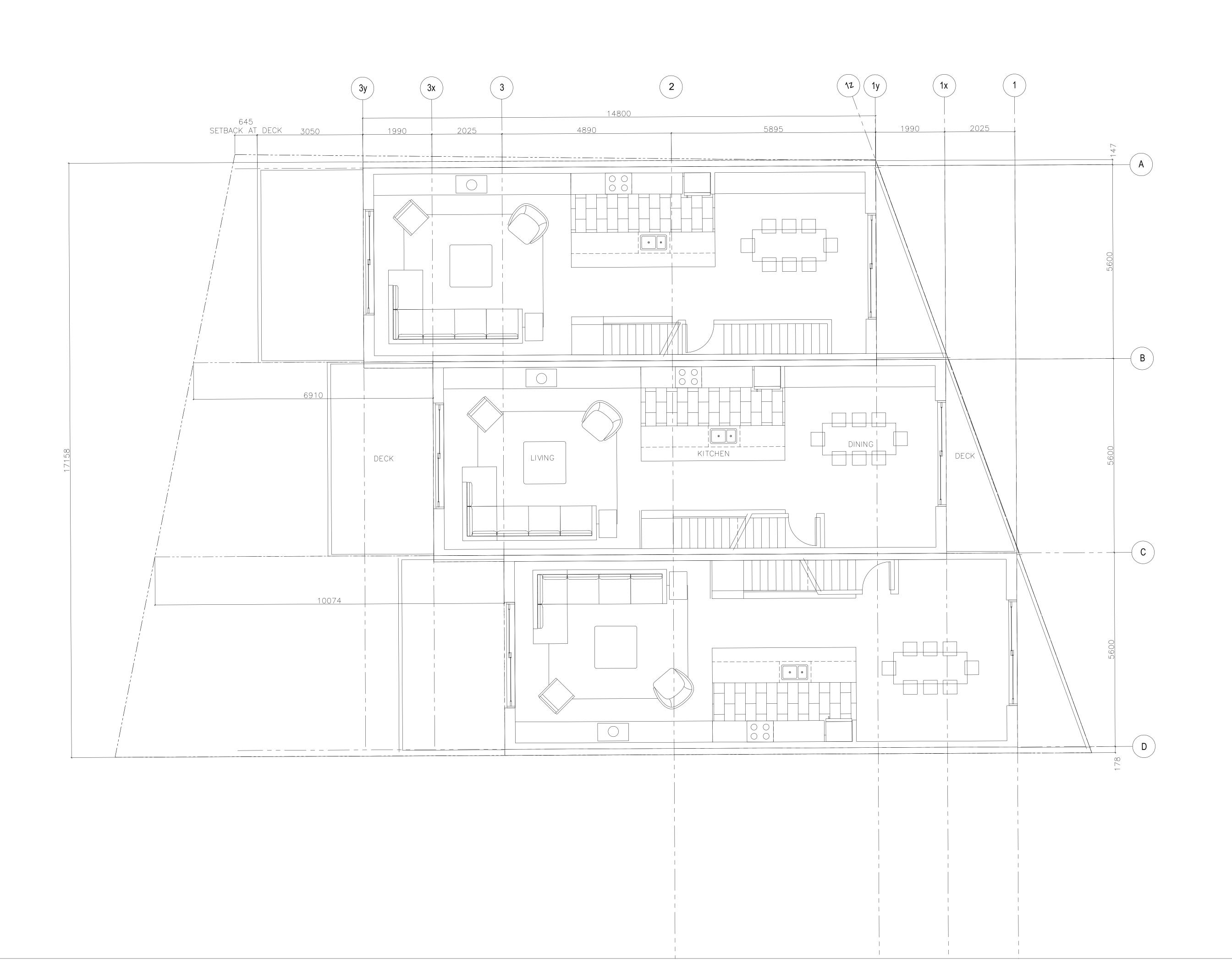
361 Davenport Road, Toronto, ON

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PROJECT NO: 17105
SCALE: 1:50
DRAWN BY:
REVIEWED BY:

PROJECT NORTH:

DRAWING NO:





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Davenport Road Infill Townhouses

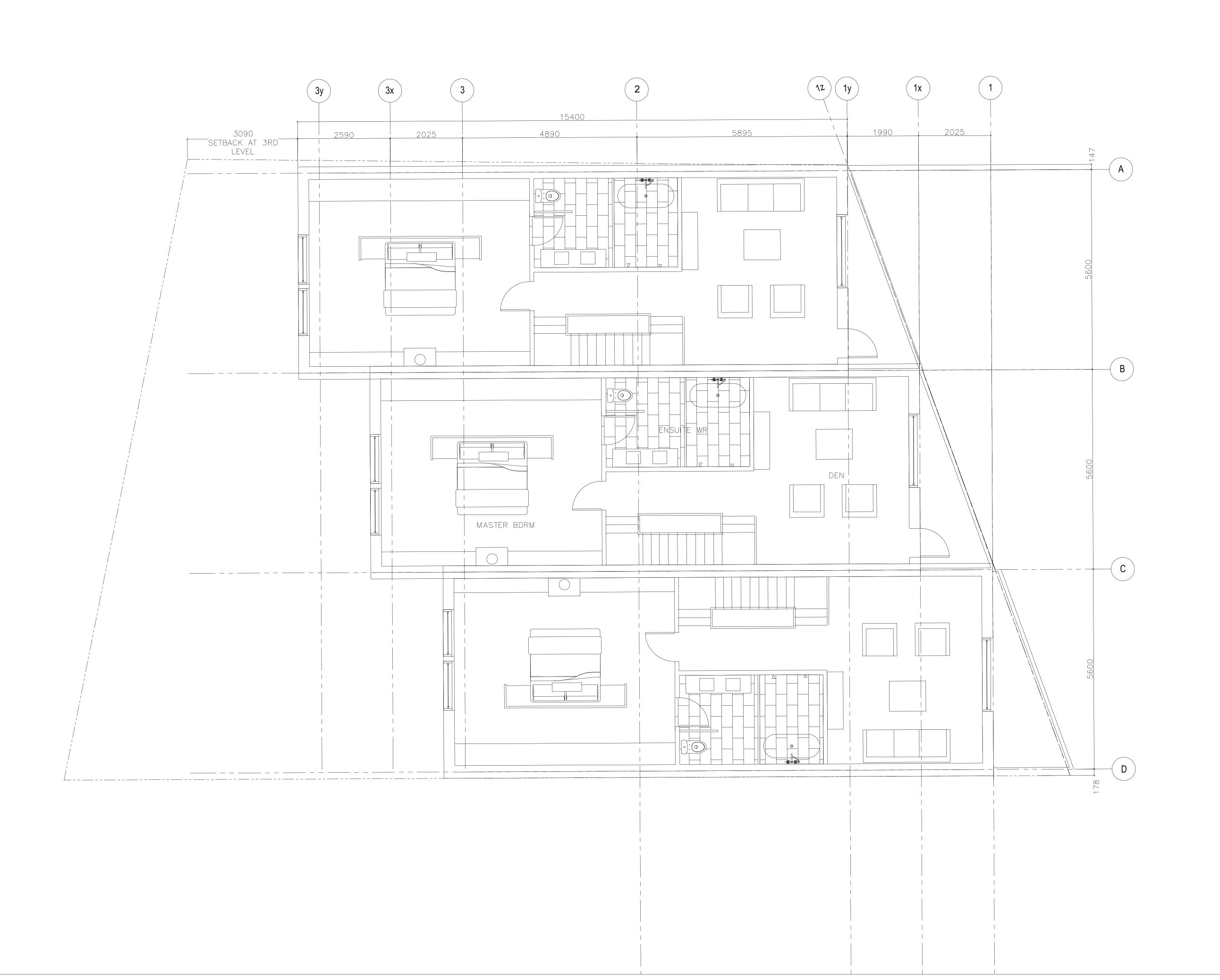
361 Davenport Road, Toronto, ON

DRAWING TITLE:
SECOND FLOOR PLAN

PROJECT NO: 17105
SCALE: 1:50
DRAWN BY:
REVIEWED BY:



DRAWING NO:





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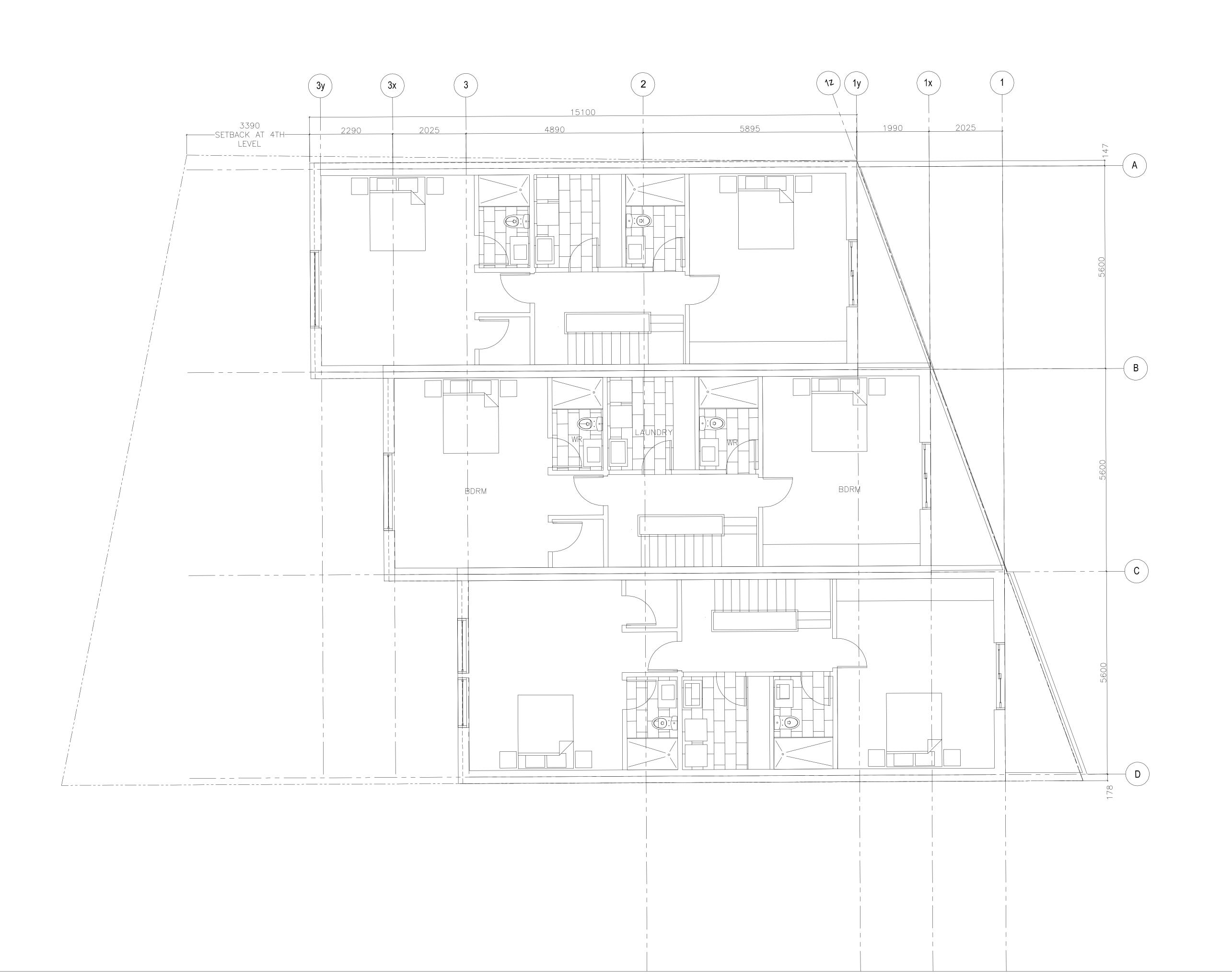
Davenport Road Infill Townhouses

DRAWING TITLE:
THIRD FLOOR PLAN

PROJECT NO: 17105
SCALE: 1:50
DRAWN BY:
REVIEWED BY:



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Davenport Road Infill Townhouses

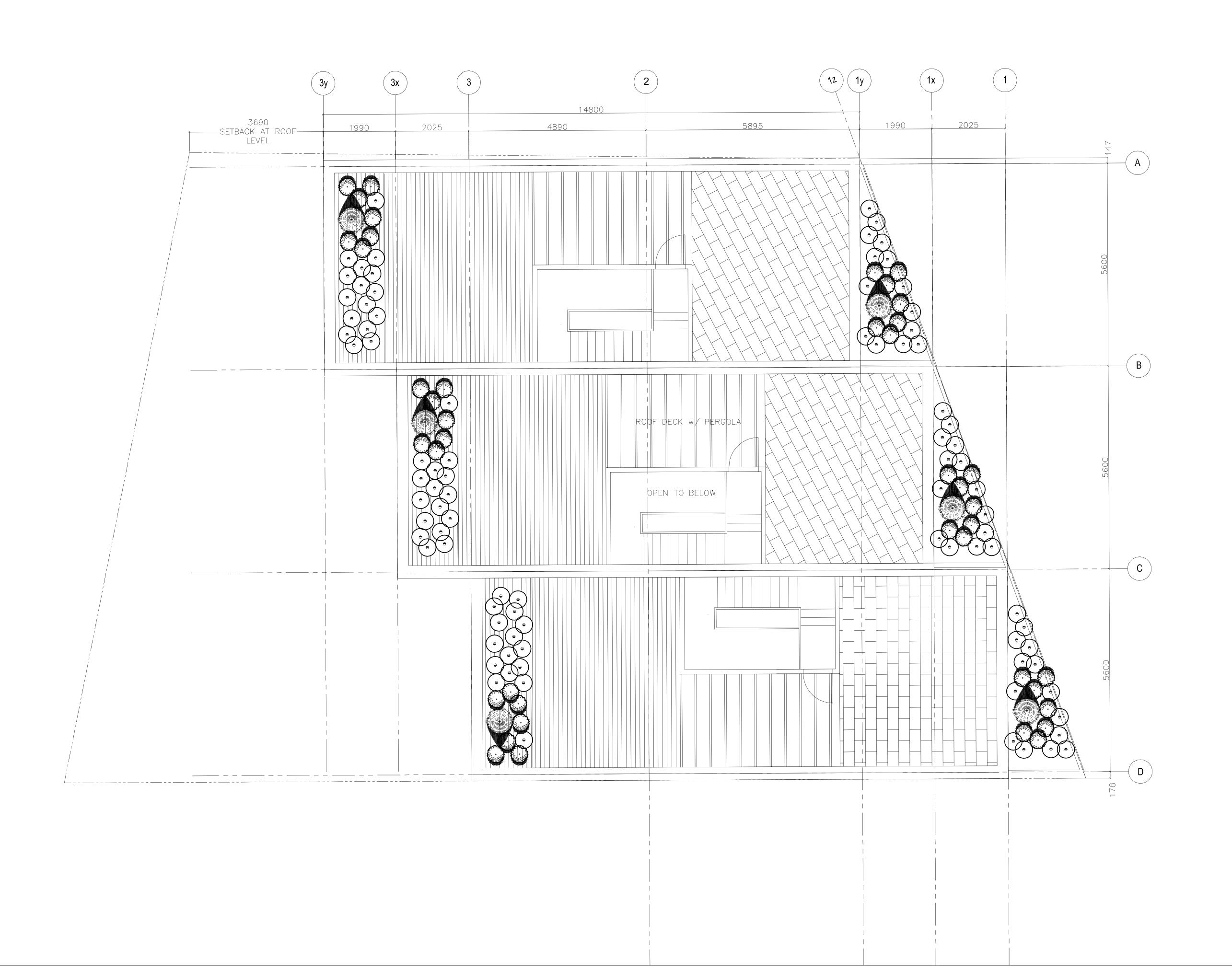
361 Davenport Road, Toronto, ON

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FOURTH FLOOR PLAN

PROJECT NO: 17105
SCALE: 1:50
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REVIEWED BY:

PROJECT NORTH:

DRAWING NO:





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ISSUE	DATE:		
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Davenport Road Infill Townhouses

10 JULY 2017 ISSUED FOR CoA

361 Davenport Road, Toronto, ON

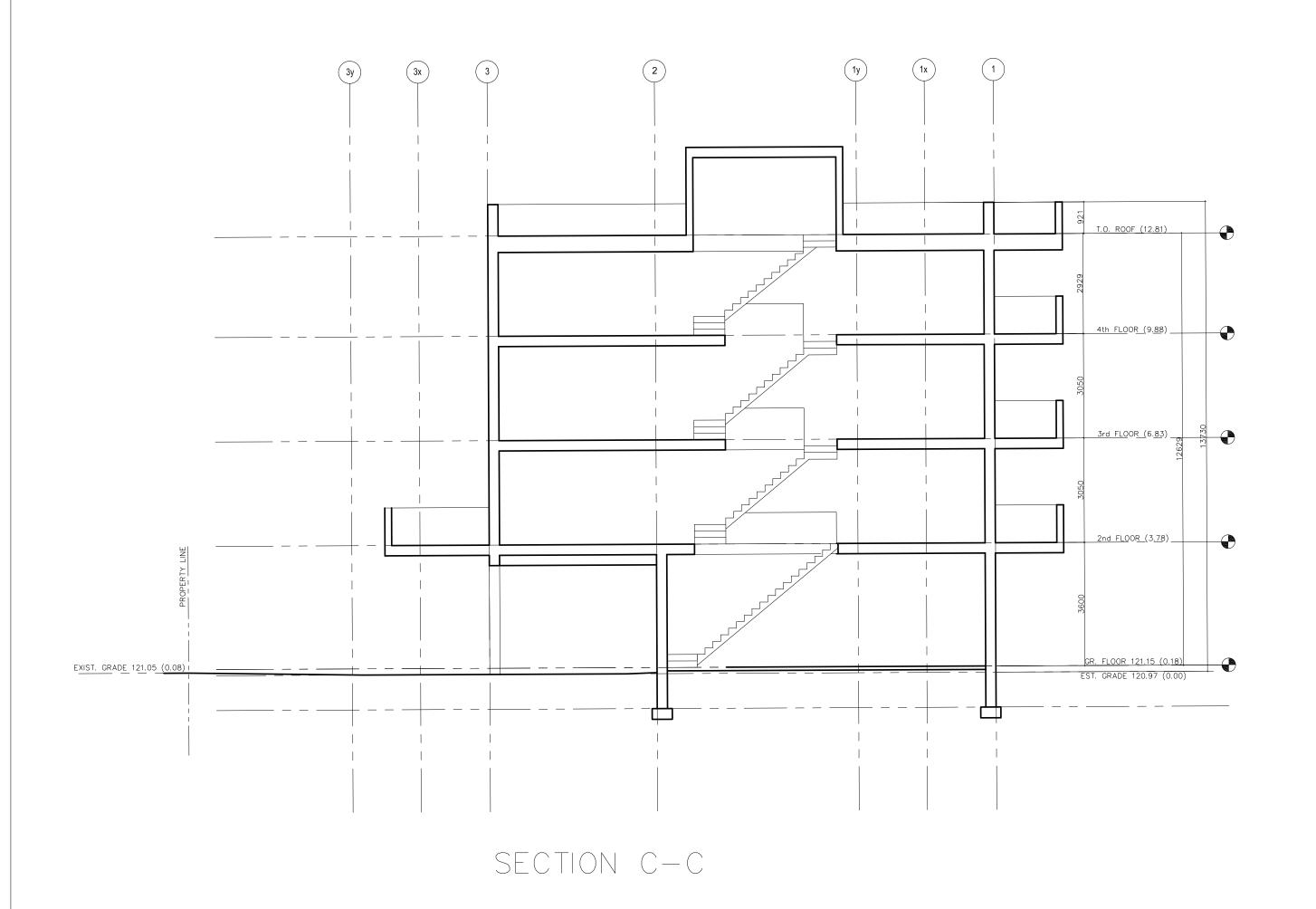
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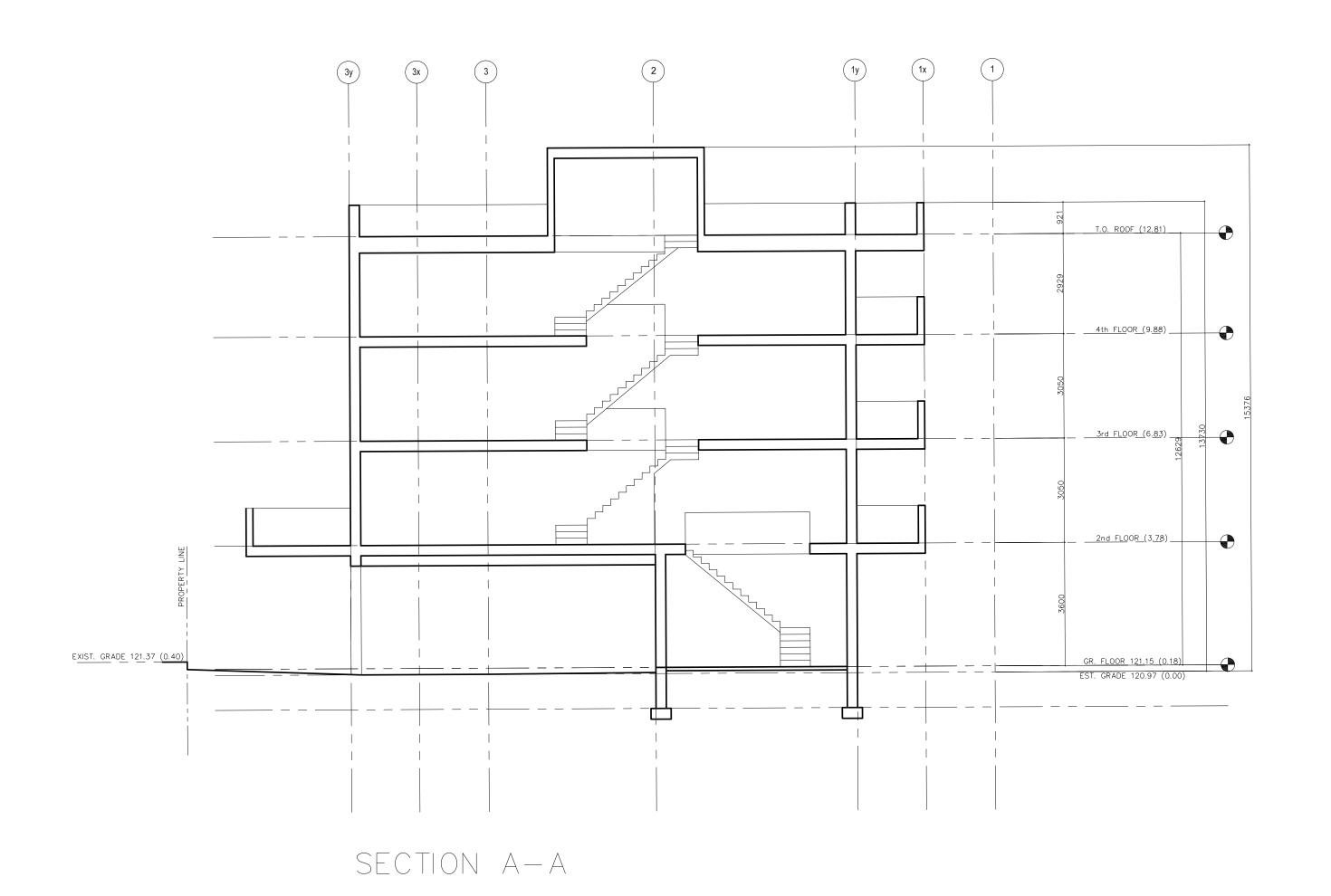
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ROOF DECK PLAN

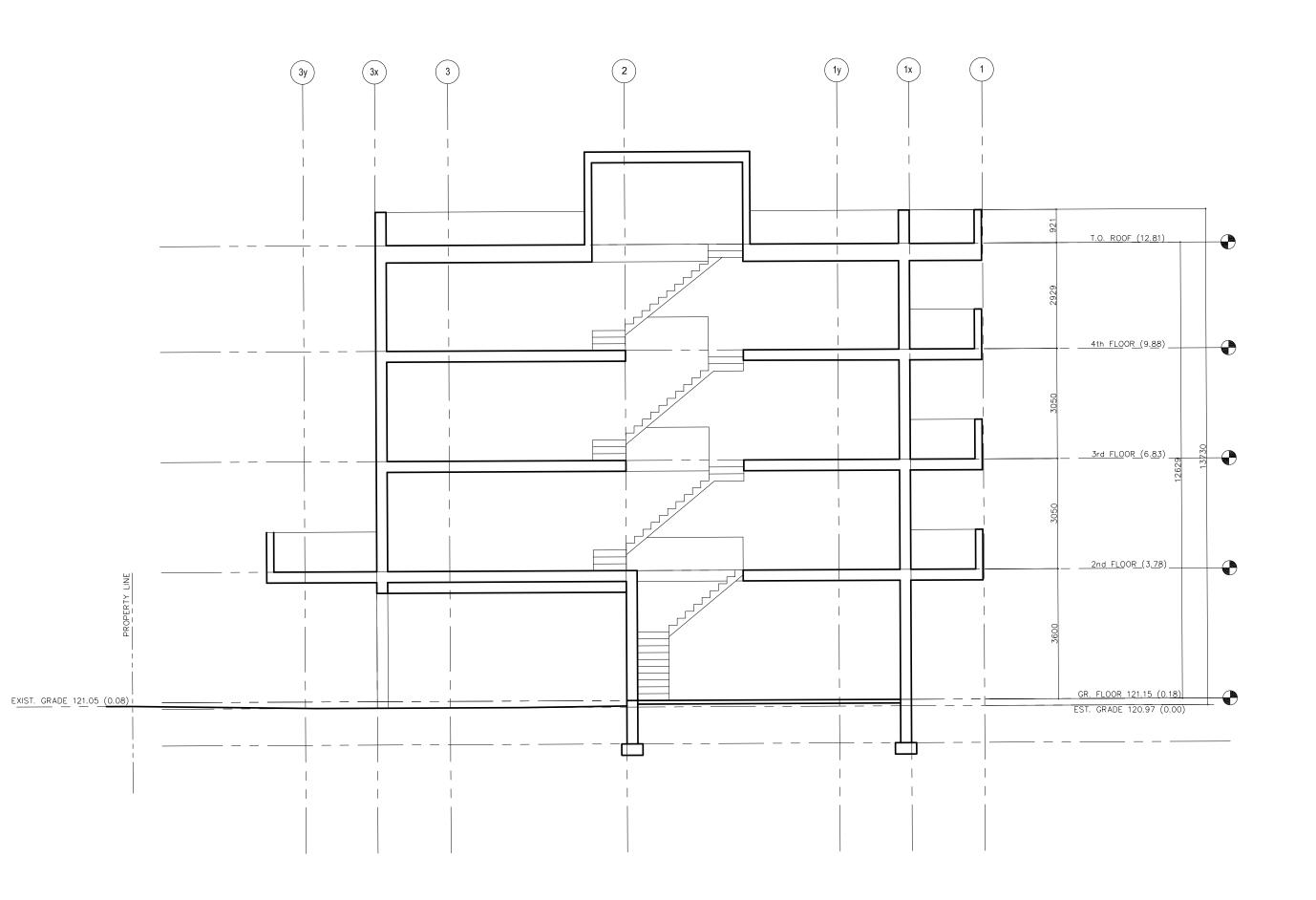
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REVIEWED BY:



DRAWING NO:







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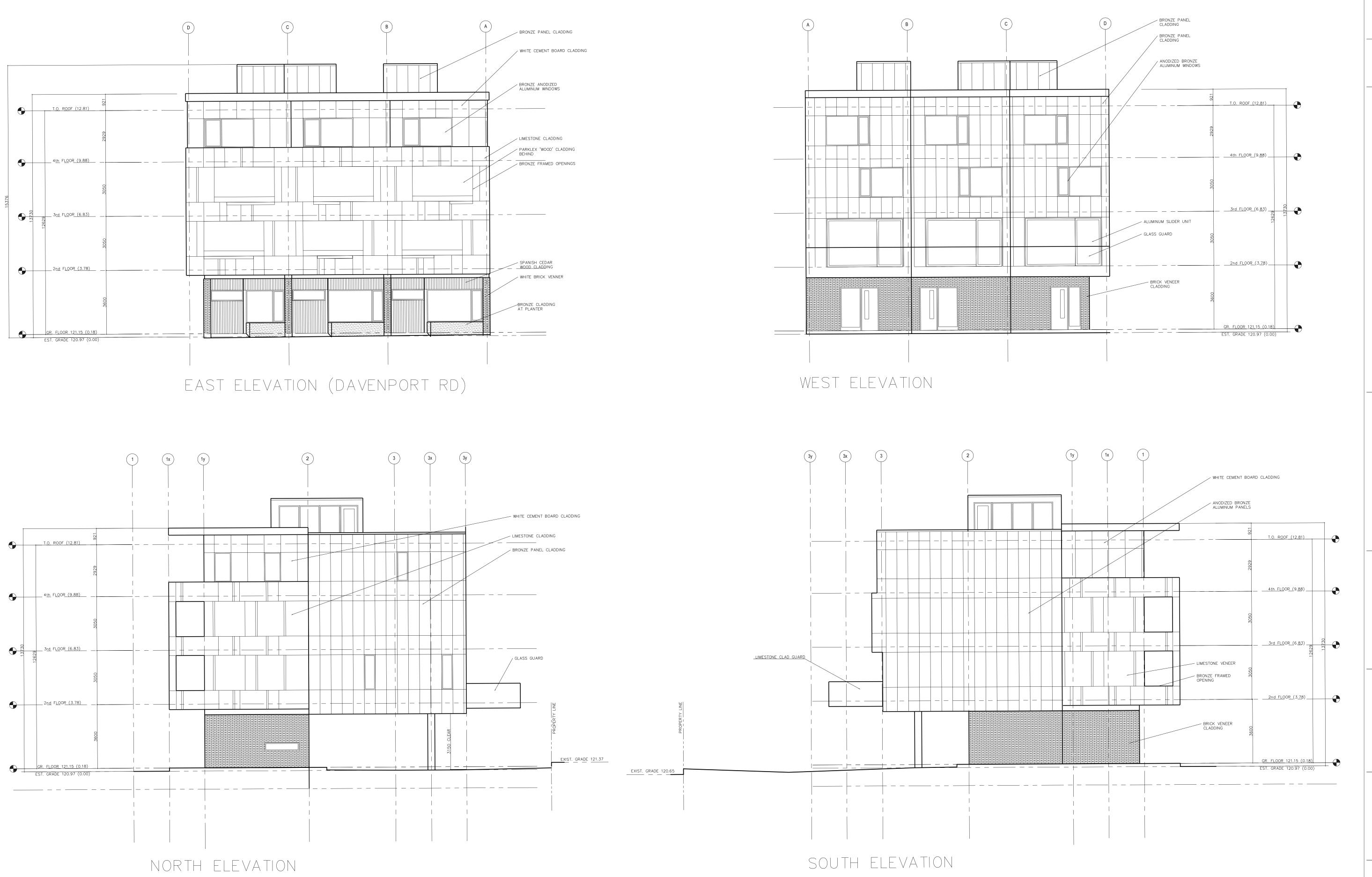
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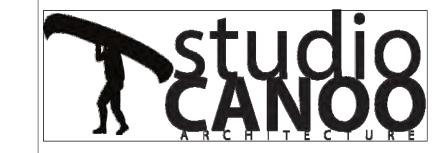
361 Davenport Road, Toronto, ON

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SITE/BUILDING SECTION

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Davenport Road Infill Townhouses

361 Davenport Road, Toronto, ON

DRAWING TITLE:
BUILDING ELEVATIONS

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City Planning Division Gary Wright, Acting, Chiai Planner and Economies Wenter

Consolition of Adjustment 1990 December Sthema West 2002 | Total Consolition of the Conso

NOTICE OF DECISION

CONSENT (Section 53 of the Planning Act)

File Number: Owner(s):

B0038/11TEY

Zoning

CR T2.0 C2.0 RI.5 (WAIVER)

Agent:

14201 10 ONTARIO LIMITED CRAIG HUNTER

Ward:

Trinity-Spadina (20)

Property Address:

359 DAVENPORT RD

Community

Legal Description:

PLAN M6 PT LOTS 225 & 226

Notice was given and a Public Hearing was held on Wednesday, September 14, 2011, as required by the Planning Act.

THE CONSENT REQUESTED:

To obtain consent to sever the property into residential lots and to create access rights-of-way.

Retained - Part 1

359 Davenport Road

The lot frontage is 22.4 m and the lot area is 715.7 m2. The existing apartment building will be maintained.

Conveyed - Parts 2-7

Right-of-way - Parts 3, 4 & 6

Address to be assigned

The lot frontage is 18.2 m and the lot area is 402.6 m². The property will be developed as the site of three (3), four-storey townhouses/live-work units, with integral garages in the basement level of the building (common element condominium).

Parts 3 & 6 will be subject to a pedestrian and vehicular access right-of-way in favour of the retained lot, Part 1, 359 Davenport Road.

Part 4 will be subject to a pedestrian access right-of-way in favour of the retained lot, Part 1, 359 Davenport Road.

File Numbers B0038/11TEY, A0408/11TEY & A0409/11TEY were considered jointly.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Consent Application is Approved on Condition

The Committee has considered the provisions of Section 51(24) of the Planning Act and is satisfied that a plan of subdivision is not necessary. The Committee therefore consents to the transaction as shown on the plan filed with the Committee of Adjustment on the condition that before a Certificate of Consent is issued, as required by Section 53(42) of the Planning Act, the applicant is to file the following with the Committee office:

SI

B0038/11TEY

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

- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shell be assigned to the satisfaction of Survey and Mapping Services, Technical Services.
- (3) Two copies of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified filed with City Surveyor, Survey & Mapping, Technical Services.
- (4) Two copies of the registered reference plan of survey satisfying the requirements of the City Surveyor shall be filed with the Committee of Adjustment.
- (5) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Pianning Act, as it pertains to the conveyed land and/or consent transaction.



SIGNATURE PAGE

File Number: Owner(s):

Agent:

BOOJE/ITEY

1420110 ONTARIO LIMITED

Zoning Ward:

CR TZ.0 C2.0 R1.5 (WAIVER) Trinity-Spedins (20)

Property Address: Legal Description:

CRAIO HUNTER

359 DAVENPORT RD

PLAN M6 PT LOTS 225 & 226

Community:

Fernando Costa

Heather Gardiner

Kay Gardner

Corinne Muccilli

DATE DECISION MAILED ON: Tuesday, September 20, 2011

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, October 11, 2011

CERTIFIED TRUE COPY

Amita M. Mac end

Manager & Deputy Secretary Treasurer

Toronto and East York Panel

To appeal this decision to the Ontaria Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing the of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.umb.gov.on.cq.

NOTE: Only individuals, corporations and public agencies may appeal a decision to the Ontario Municipal Board. The appeal may not be filed by an unincorporated association or group. However, the appeal may be filed in the name of an individual who



City Planning Division Gary Weight, Aciling, Chief Planner and Economic Director

100 Carry Stor Turnets Off MISH 2002 Feb 415-302-7503 Fee: 416-312-0600

NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Plauning Act)

File Number:

A0408/1 | TEY

Zoning

CR T2.0 CZ.0 R 1.5 (WAIVER)

Owner(s):

14201 10 ONTARIO LIMITED

Ward:

Trinity-Spadina (20)

Agent:

CRAIG HUNTER

359 DAVENPORT RD (PART 1)

Community:

Property Address: Legal Description:

PLAN M6 PT LOTS 225 & 226

Notice was given and a Public Hearing was held on Wednesday, September 14, 2011, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To maintain the existing apartment building on the reduced lot.

REQUESTED VARIANCES TO THE ZONING BY-LAW:

- Section 8.(3), Part L3(A), By-law 438-86 The maximum permitted gross floor area is 1.5 times the area of the lot (1074 m²). The existing building will have a gross floor area equal to 2.32 times the area of the lot (1660 m²).
- Section 8.(3), Part II.1(A)(II), By-law 438-86 The minimum required setback of a window of a dwelling unit from a lot line that is not a street line is The bay windows of the existing building will be located 0.5 m from the east side lot line.
- 3. Section 4.(17)(a-e), By-inw 438-86 The minimum required dimensions of a parking space are 3.3 m x 5.6 m. The parking spaces will have dimensions of 2.6 m x 5.9 m.
- 4. Section 4.4(c)(li), By-law 438-86 The minimum required width for a two-way operation driveway is 5.5 m. The driveway will have a width of 5 m.
- 5. Section 4.4(b), By-law 438-86 No fewer than 17 parking spaces and 4 visitor parking spaces shall be provided on the site. A total of two parking spaces will be provided on the site (one car/auto share parking space and one visitor parking space).



A0408/11TEY

- 2

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general fatent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- · in the opinion of the Committee, the variance(s) is minor.





City Plansing Objetion Gory Wright, Acting, Chief Phones and Executive Director

Consulting of Adjustment 100 Cheen Street West Tourne DM MSH 2H2 Tel: 418-392-7685 Fac: 478-392-0580

NOTICE OF DECISION MINOR VARIANCE/PERMISSION

(Section 45 of the Planning Act)

File Number:

Owner(s):

A0409/11TEY

Zoning

CR T2.0 C2.0 R1.5

1420110 ONTARIO LIMITED

Ward:

(WAIVER) Trinity-Spadina (20)

Agent

CRAIG HUNTER

Property Address: Legal Description:

PLAN M6 PT LOTS 225 & 226

Community:

359 DAVENPORT RD (PARTS 2-7)

Notice was given and a Public Hearing was held on Wednesday, September 14, 2011, as required by the Planning

PURPOSE OF THE APPLICATION:

To construct three, four-storey townhouses/live-work units, with integral garages in the basement level of the building (common element condominium).

REQUESTED VARIANCES TO THE ZONING BY-LAW:

1. Section 8.(3), Part L3(a), By-law 438-86

The maximum permitted residential gross floor area is 1.5 times the area of the lot (603.8 m²). The new building will have a residential gross floor area equal to 1.67 times the area of the lot (673.8 m²).

2. Section 4.(2)(a), By-law 438-86

The maximum permitted height is 14 m.

The new building will have a height of 16.1 m.

Section 2.(1), By-law 438-86 3.

A row house is defined as one of a series of more than two attached buildings, each building located on a

The three lownhouses/row houses will all be located on one lot.

Section 4.(17)(n-e), By-law 438-86 4.

The minimum required dimensions of a parking space are 3.3 m x 5.6 m.

The parking spaces within the integral garages will have the following dimensions:

Unit 1: 2.6 m x 5.9 m Unit 2: 2.6 m x 5.9 m Unit 3: 2.9 m x 4.6 m

50

A0409/11TEY

2 5. Section 8.(3), Part II.1(A)(II), By-law 438-86 The minimum required setback of a window of a dwelling unit from a wall or a lot line that is not a street The windows in the dwelling units will be setback 4 m from the south side lot line, 0.5 m from the north side lot line and 1.5 m from a wall on the same lot.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons: The general intent and purpose of the Official Plan is maintained,

The general intent and purpose of the Zoning By-law is maintained.

The variance(s) is considered desirable for the appropriate development of the land.

in the opinion of the Committee, the variance(s) is minor.



SIGNATURE PAGE

File Number;

A0409/11TEY

Zoning

CR T2.0 CZ.0 R1.5

Owner(s):

1420110 ONTARIO LIMITED

(WAIVER)

Agent:

CRAIG HUNTER

Ward:

Trinity-Spadina (20)

Property Address Legal Description:

359 DAVENPORT RD (PARTS 2-7) PLAN M6 PT LOTS 225 & 226

Community:

Ferbando Costa

Heather Gardiner

Kay Gardger

Corinne Muccilli

DATE DECISION MAILED ON: Tuesday, September 20, 2011

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Tuesday, October 4, 2011

CERTIFIED TRUS COPY

Anita M. MacLeod

Manager & Dopoty Secretary Treasurer

Toronto and East York Panel

To appeal this deciden to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Transver, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appoilant. To obtain a copy of Appoilant Form (A!) and other Information about the appeal process please visit the Onterio Municipal Board web site at www.omb.gov.on.ca.



Toronto Building

Ann Borocah, Chief Building Official and Executive Director

100 Queen Street West 16th Floor, East Tower Toronto, ON M5H 2N2 Peter Raynes
Zoning Examiner

Phone: (416) 392-4945
Fax: (416) 392-7536
Email: praynes@toronto.ca

Date: February 17, 2011

Building Application No: 09 126698 PSP 01 ZR

Multiple-Use Building - New Building

At 359 DAVENPORT RD Ward: Trinity-Spadina (20)

Zoning bylaw Notice

ITEM DESCRIPTION

Toronto Zoning by-law

Your property is located in the former municipality of Toronto and is subject to Zoning By-law No. 438-86, as amended. Based on Zoning By-law No. 438-86, the property is zoned CR T2.0 C2.0 R1.5. The property is not subject to the Toronto Harmonized Zoning By-law 1156-2010.

Project Description: Proposal to sever the lands into two lots and to retain the existing building on a reduced lot; construct new four-storey rowhouse block containing three live-work units on severed lot, with parking access via a shared right-of-way across 149 Dupont Street.

NOTE: Consent to sever the property, which was granted conditional approval under B0047/09TEY, has lapsed. Consent to sever the property into 2 lots is required to be obtained from the Committee of Adjustment. This review assumes that Consent will be obtained, and that a legal right of way for access purposes to vehicular parking on site will be provided. The "lot" is deemed to be comprised of Parts 2 through 7 as shown on Drawing SL-1.2.

The scope of review is limited to the new building on the severed lot only. For a review of alterations to the existing building on the retained lot, please refer to 07 267544 ZR.

Application Number: 09 122772 STE SA

Planner: Sipo Maphangoh

Date of Circulation: Tuesday, January 25, 2011

Plans dated: January 25, 2011

Plans prepared by: Coolearth Architecture Inc.

- Committee of Adjustment considered, jointly, 3 applications: CO B002/08TEY, MV A0027/08TEY and MV A0028/08TEY. Consent to sever the property, which was granted conditional approval under B002/08TEY, has lapsed. Minor Variances under MV A0027/08TEY and MV A0028/08TEY were granted conditional approval upon the applicant's complying with conditions imposed in B002/08TEY. These conditions have not been met: the proposal cannot avail itself of the variances.
- 2. The By-law requires that the residential gross floor area be not more than 1.5 times the area of the lot: 603.8 square metres. The proposed residential gross floor area of the building is approximately 1.67 times the area of the lot: 673.8 square metres. [8(3) Part I 3(a) Residential Gross Floor Area]
- 3. The By-law limits building height to a maximum of 14.0 metres. The proposed building height to the highest point of the roof structure is approximately 16.1 metres. [Section 4(2)(a) Height Limits; Buildings and Structures]



Toronto Building Ann Borooah, Chief Building Official and Executive Director 100 Queen Street West 16th Floor, East Tower Toronto, ON M5H 2N2 Peter Raynes Zoning Examiner

Phone: (416) 392-4945 Fax: (416) 392-7536 Email: praynes@toronto.ca

Date: February 17, 2011

Building Application No: 09 126698 PSP 01 ZR

Multiple-Use Building - New Building

At 359 DAVENPORT RD Ward: Trinity-Spadina (20)

Zoning bylaw Notice

ITEM DESCRIPTION

18-6

- 4. The By-law defines a row house as one of a series of more than two buildings, each building located on a lot. The proposal consists of 3 rowhouses, all located on a single lot. [2(1) Definitions: Row House]
- 5. The By-law requires that where a parking space is accessed by means of a drive aisle less than 6m wide and obstructed by a wall within 0.3m of the side of the parking space, the parking space shall be at least 3.3m x 5.6m. The proposed parking spaces for Units 1 and 2 are approximately 2.6m x 5.9m, and the proposed parking space for Unit 3 is approximately 2.9m x 4.6m. [Section 4(17) (a-e)- Parking Space Dimensions]
- 6. The proposed benches and trellises appear to encroach the south property line. Encroachments are not permitted.

 Note: The plans show decks with steps giving access to a walkway on the adjacent lot (the "retained lot"), and benches straddling the lot line along the walkway, but the plans don't indicate that a right-of-way will be provided on the adjacent lot.
- 7. The By-law permits a live-work-unit, provided the work component is restricted to office, workshop, studio, personal grooming establishment or tailoring shop. The use of the work component of each unit has not been specified. [Section 8(2).14 Qualifications]
- 8. The By-law requires the window of a dwelling unit to be set back at least 5.5 metres from a wall, or from a lot line that is not a street line. Windows in the proposed dwelling units are set back 4.0 metres from the south side lot line, 0.5 metres from the north side lot line, and 1.5 metres from a wall on the same lot. [8(3) Part II 1(a)(ii) 5.5 m Window Separation, CR District]

The Zoning review is based on statistics provided in accordance with terms as defined in the Zoning Bylaw. Statistics will not be verified during this process and will not ensure zoning compliance at the building permit stage.

This review is to determine compliance or non-compliance with the City's Zoning By-law only and did not include a review of Other Applicable Law referred to in Section 1.1.3.3.(1) of the Ontario Building Code.

The Building Division offers more comprehensive reviews under our Zoning Certificate and Preliminary Project Review programs.





Part 1: Case File Information

RECEIVED

By Toronto Local Appeal Body at 3:49 pm, Jun 25, 2018

Affidavit Form 10

Questions or concerns about this form or process can be directed to the Toronto Local Appeal Body by telephone 416-392-4697 or by email at tlab@toronto.ca.

The information collected on this form is considered to be a public record. The legal authority to make the information public is section 1.0.1. of the Planning Act. As stated at Section 27 of the Municipal Freedom of Information and Privacy Act, the privacy provisions of Part 2 of the Act would not apply to any information collected on the form. Questions of this collection can be directed to the Manager of Planning & Liaison, Court Services, 137 Edward Street, 2nd Floor, Toronto, Ontario M5G 2P1 or by telephone at 416-338-7320.

TLAB Case File Number(s) 17 279551 S45 20 TLAB	Hearing Date (yyyy-mm-dd) 2018-06-26
Part 2: Affidavit Filad on bahalf of Part (P	
Part 2: Affidavit Filed on behalf of Party (Party (Party (Participant) First Name	Party (Participant) Last Name
1921313 Ontario Inc. (Ben Mudry)	Faity (Faiticipant) Last Name
Certificate of Change of Name Certificate bearing	ot apply to you because you have either a registered Birth a Single Name. Provide your name below.
Party (Participant) Single Name	
Part 3: Affidavit	
I, (Full Name - First, Middle, Last Name or Single Nam	e) Professional Affiliation or Position Title
Jessica Farber	Associate at McMillan LLP
Of (municipality) City of Toronto	•
Make (make oath) (solemnly affirm) and say as follow	vs: (Number paragraphs and identify attachments)
	, , , , , , , , , , , , , , , , , , , ,
See attached Schedule "B".	
,	
	(continued on page 2)

the City of Toronto (City, Town, etc.) (Name of City, Town, etc.) the (County, Regional Municipality) of (Name of County, Regional Municipality) is 25th day of June 2018 (MontDavid Porter Fanjoy, a Commissioner, etc.) Province of Ontario, while a Student-et-Lans. Expires August 12, 2021.	Make (make oath) (solemnly affirm) and say as follows: (Number paragraphs (Continued from Page 1)	and identify attachments)
the City of Toronto (City, Town, etc.) (Name of City, Town, etc.) the (County, Regional Municipality) of (Name of County, Regional Municipality) is 25th day of June 2018 (MontDavid Porter Fanjoy, a Commissioner, etc.) Province of Ontario, while a Student-et-Lans. Expires August 12, 2021.		
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the City of Toronto (Name of City, Town, etc.) the (County, Regional Municipality) of (Name of County, Regional Municipality) is 25th day of (MontDavid Porter Fanjoy, a Commissioner, etc.) Province of Ontario, while a Student-et-Law. Expires August 12, 2021.	Sworn before me,	Affiant Signature
the	it the of	
(County, Regional Municipality) (Name of County, Regional Municipality) is 25th day of June 2018 (Date) (Mont David Porter Fanjoy, a Commissioner, etc., Province of Ontario, while a Student-at-Law. Expires August 12, 2021.		1 - All
is 25th day of June 2018 (Date) (Mont David Porter Fanjoy, a Commissioner, etc., Province of Ontario, while a Student-at-Law. Expires August 12, 2021.		
(Montitavid Porter Fanjoy, a Commissioner, etc., Province of Ontario, while a Student-at-Larg. Expires August 12, 2021.	25th lune 2048	
Commissioner etc.	(Date) (Mont David Porter Fanjoy, a Commissioner, etc., Province of Ontario, while a Student-at-Lave.	
This form must be sworn before a Commissioner if the person submitting the form is not a solicitor. A Commissioner make: Lawyer, Notary Public, Justice of the Peace, Local municipal/town Clerk, Deputy Clerk, Treasurer, and others	A Commissioner etc.	

TORONTO LOCAL APPEAL BODY

PROCEEDINGS COMMENCED UNDER subsection 45(12, subsection 45(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant(s):

EDWARD ROSEMAN

Applicant(s):

GLEN SCHNARR & ASSOCIATES INC.

Subject(s):

45 (1) and 45(12)

Property Address/Description:

361 DAVENPORT ROAD

Committee of Adjustment File

Number(s):

17 210976 STE 20 MV

TLAB Case File Number(s):

17 279551 S45 20 TLAB

AFFIDAVIT OF JESSICA FARBER

I, JESSICA FARBER, of the City of Toronto, in the Province of Ontario MAKE OATH AND SAY:

- I, Jessica Farber, have been retained to provide real estate evidence by the owner of the
 property municipally known as 361 Davenport Road in the City of Toronto, in connection
 with a TLAB hearing for file number 17 279551 S45 20 and as such have knowledge of
 the matters hereinafter sworn.
- I currently hold the position of Associate with McMillan LLP in the Commercial Real Estate Group.
- Javenport Road and 361 Davenport Road along with the relevant title documents, which are attached hereto as Exhibit "A" and include parcel registers 2126-0266 (LT), 21216-0353 (LT) and 21216-0352 (LT); Instrument No. AT3034449; Instrument No. AT3036084; and reference plan 66R-25808.

- 4. The property municipally known as 361 Davenport Road consists of Parts 2-7 on Plan 66R25808.
- 5. The property municipally known as 359 Davenport Road consists of Part 1 on Plan 66R25808.
- 6. The property municipally known as 149 Dupont Street consists of Parts 8, 9 and 10 on Plan 66R25808.
- 7. In reviewing the documents registered on title, I discovered the following:
 - a. The properties municipally known as 361 Davenport Road and 359 Davenport Road enjoy the benefit of an easement for a right of way over a portion of the property municipally know as 149 Dupont Street, more particularly described as Parts 8 and 9 on Registered Plan 66R-25808, for vehicular and pedestrian access to their properties, which is registered on title to 149 Dupont Street, 361 Davenport Road and 359 Davenport as Instrument No. AT3034449.
 - b. The property municipally known as 359 Davenport Road enjoys the benefit of an easement for a right of way over a portion of the property municipally know as 361 Davenport Road, more particularly described as Parts 3 and 6 on Registered Plan 66R-25808, for vehicular and pedestrian access to their property, which is registered on title to 361 Davenport Road and 359 Davenport as Instrument No. AT3036084.
 - c. The property municipally known as 359 Davenport Road enjoys the benefit of an easement for a right of way over a portion of the property municipally know as 361 Davenport Road, more particularly described as Part 4 on Registered Plan 66R-25808, for pedestrian only access to the property, which is registered on title to 361 Davenport Road and 359 Davenport as Instrument No. AT3036084.

I reviewed the title documents and in particular the easement documents and proposal at
 Tab 5 of the Document Book and am satisfied that the proposal respects the easements.

SWORN BEFORE ME at the City of Toronto, in the Province of Ontario, on the 25th day of June, 2018.

Commissioner for taking affidavits

David Porter Fanjoy, a Commissioner, etc., Province of Ontario, while a Student-at-Law. Expires August 12, 2021. JESSICA FARBER

This is Exhibit "A" referred to in the Affidavit of Jessica Farber, sworn before me this 25th day of June, 2018.

David Porter Fanjoy, a Commissioner, etc., Province of Ontario, while a Student-at-Law, Expires August 12, 2021.

A Commissioner for Taking Affidavits etc.

Municipal Address	Owner Transfer No.	PIN	Parts on Plan 66R25808	Easement Particulars (All Parts are Plan 66R25808)
149 Dupont Street	HIGH POINT INVESTMENTS LIMITED Transfer B108722	21216-0266 (LT)	8, 9 and 10	Subject To Easement LT513107 being southern 14 feet of parcel for benefit of Parcel immediately to the West Subject to an easement over Part 9 as in AT3548335 in favour of PIN 0268 adjoining to the west. Subject to an easement over Parts 8 and 9 as in AT3034449 in favour of Part 1 (359 Davenport) Subject to an easement over Parts 8 and 9 as in AT3034449 in favour of Parts 2-7 (361 Davenport)
361 Davenport Road	1921313 ONTARIO INC Transfer AT4476892	21216-0353 (LT)	2-7	Subject to an easement over Parts 3 and 6 as in AT3036084 in favour of Part 1 (359 Davenport) Subject to an easement over Parts 4 as in AT3036084 in favour of Part 1 (359 Davenport) Together with an easement over Parts 8 and 9 as in AT3034449
359 Davenport Road	741476 ONTARIO INC. Transfer AT3036084	21216-0352 (LT)	1	Together with an easement over Parts 3 and 6 as in AT3036084 Together with an easement over Part 4 as in AT3036084 Together with an easement over Parts 8 and 9 as in AT3034449



LAND REGISTRY OFFICE #66

21216-0266 (LT)

PAGE 1 OF 2
PREPARED FOR bmcintyr
ON 2018/06/21 AT 14:31:45

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION:

PCL 227-1 SEC M6; PT LT 227 W/S DAVENPORT RD PL M6 TORONTO; PT LT 228 W/S DAVENPORT RD PL M6 TORONTO COMM AT A POINT IN THE SLY LIMIT OF DUPONT ST DISTANT 184 FT 6 INCHES MEASURED ELY THEREON FROM THE SITE OF THE CENTRE OF THE STONE MONUMENT FORMERLY MARKING THE S ELY ANGLE OF ST. GEORGE ST AND DUPONT ST, THE SAID POINT BEING ALSO DISTANT 44 FT 6 INCHES MORE OR LESS E OF THE N WLY ANGLE OF THE SAID LT 228; THENCE SLY PARALLEL TO THE WLY LIMIT OF LT 228 AFORESAID 112 FT 11 INCHES MORE OR LESS TO THE SLY LIMIT OF THE SAID LT 227; THENCE ELY ALONG THE SAID SLY LIMIT OF LT 227 AFORESAID 105 FT 01/2 INCH MORE OR LESS TO THE WLY LIMIT OF DAVENPORT RD AS WIDENED BY CITY OF TORONTO BY-LAW NO. 12813 PASSED 6TH OCTOBER 1930 (L.T.O. DOCUMENT 281815); THENCE N WLY ALONG THE SAID WLY LIMIT OF DAVENPORT RD 109 FT 1 3/4 INCHES MORE OR LESS TO THE SLY LIMIT OF DUPONT ST AFORESAID; THENCE WLY ALONG THE LAST MENTIONED LIMIT 46 FT 1 1/2 INCHES MORE OR LESS TO THE POC. S/T A ROW IN FAVOUR OF THE OWNER OR OWNERS OF THE LAND LYING IMMEDIATELY TO THE W OF THE ABOVE DESCRIBED LANDS IN, OVER, ALONG AND UPON THE SLY 14 FT IN PERPENDICULAR WIDTH OF THE SAID ABOVE DESCRIBED LANDS; THE ABOVE DESCRIBED PCL OF LAND BEING SHOWN OUTLINED IN RED ON A WHITE PRINT OF SURVEY MADE BY LOUIS F. EADIE, DEPUTY CITY SURVEYOR, DATED 9TH JANUARY 1951, AS AMENDED 7TH MARCH 1951, THE SAID ROW BEING OUTLINED IN GREEN THEREON AS IN LT513107; SUBJECT TO AN EASEMENT OVER PART 9, PLAN 66R25808 AS IN AT3034449; SUBJECT TO AN EASEMENT OVER PARTS 8 AND 9, PLAN 66R25808 IN FAVOUR OF PART LOTS 225 AND 226, PLAN M6, PARTS 2 TO 7 PLAN 66R25808 AS IN AT3034449; SUBJECT TO AN EASEMENT OVER PARTS 8 AND 9 PLAN 66R25808 AS IN AT3034449; CITY OF TORONTO

PROPERTY REMARKS:

ESTATE/QUALIFIER:

HIGH POINT INVESTMENTS LIMITED

RECENTLY:

FIRST CONVERSION FROM BOOK

2001/04/23

PIN CREATION DATE:

FEE SIMPLE ABSOLUTE

OWNERS' NAMES

CAPACITY SHARE

BE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT	INCLUDES ALI	L DOCUMENT TYPES AND I	DELETED INSTRUMENT	S SINCE 2001/04/20 **		
B108722	1963/08/01	TRANSFER			HIGH POINT INVESTMENTS LIMITED	С
C624265	1990/01/22	CHARGE		*** COMPLETELY DELETED ***	ROYAL TRUST CORPORATION OF CANADA	
C624266	1990/01/22	NOTICE		*** COMPLETELY DELETED ***		
REI	MARKS: C62426	5				
E180424	1998/07/08	CHARGE		*** COMPLETELY DELETED ***	CANADA TRUSTCO MORTGAGE COMPANY	
E180425	1998/07/08	NOTICE		*** COMPLETELY DELETED ***		
REI	MARKS: RENTS,	E180424				
AT99009	2003/02/10	TRANSFER OF CHARGE		*** DELETED AGAINST THIS PROPERTY *** CANADA TRUSTCO MORTGAGE COMPANY	THE CANADA TRUST COMPANY	
REI	MARKS: MULTIP	LE CHARGES. SEE DOCUM	MENT			
AT218271	2003/07/11	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL TRUST CORPORATION OF CANADA		
REI	MARKS: RE: C6			 		



21216-0266 (LT)

PAGE 2 OF 2
PREPARED FOR bmcintyr
ON 2018/06/21 AT 14:31:45

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

	1	_	CER	PTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESE	ERVATIONS IN CROWN GRANT	
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
AT226115	2003/07/22	CHARGE		*** COMPLETELY DELETED *** HIGH POINT INVESTMENTS LIMITED	THE CANADA TRUST COMPANY	
AT226116	2003/07/22	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE CANADA TRUST COMPANY		
RE	MARKS: RE: E.	180424				
AT1433880	2007/05/01	TRANSFER OF CHARGE		*** DELETED AGAINST THIS PROPERTY *** THE CANADA TRUST COMPANY	THE TORONTO-DOMINION BANK	
RE	MARKS: MULTI					
	2009/01/15 MARKS: AMEND	LR'S ORDER THUMBNAIL DESCRIPTIC	N TO ADD: "AS IN L1	LAND REGISTRAR 513107"		С
66R24141	2009/01/22	PLAN REFERENCE				С
AT2465214	2010/07/30	CHARGE	\$900,000	HIGH POINT INVESTMENTS LIMITED	THE TORONTO-DOMINION BANK	С
AT2465259 REI	2010/07/30 MARKS: AT246	NO ASSGN RENT GEN		HIGH POINT INVESTMENTS LIMITED	THE TORONTO-DOMINION BANK	С
66R25808	2011/10/24	PLAN REFERENCE				С
	1	TRANSFER EASEMENT	\$2	HIGH POINT INVESTMENTS LIMITED	1420110 ONTARIO LIMITED	С
AT3034450	1	POSTPONEMENT 5214 AT AT3034449		THE TORONTO-DOMINION BANK	HIGH POINT INVESTMENS LIMITED	С
AT3038276	2012/06/05	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
RE	MARKS: AT226.	115.				
	2012/10/17 MARKS: AMEND	LR'S ORDER THUMBNAIL DESCRIPTIO	N	LAND REGISTRAR, LRO NO. 66		С
AT3548355	2014/03/31	TRANSFER EASEMENT	\$2	HIGH POINT INVESTMENTS LIMITED	BARTLETT, KENNETH ROY BARTLETT, GILLIAN CAROL	С
AT3554600	2014/04/08	POSTPONEMENT		THE TORONTO-DOMINION BANK	BARTLETT, KENNETH ROY BARTLETT, GILLIAN CAROL	С
RE	MARKS: AT246	5214 TO AT3548355				



21216-0352 (LT)

PAGE 1 OF 2 PREPARED FOR bmcintyr ON 2018/06/21 AT 14:16:47

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION:

PART OF LOT 225, PLAN M6, DESIGNATED AS PART 1, PLAN 66R-25808,; TOGETHER WITH AN EASEMENT OVER PART OF LOTS 225 AND 226, PLAN M6, DESIGNATED AS PARTS 3 AND 6, PLAN 66R-25808 AS IN AT3036084; TOGETHER WITH AN EASEMENT OVER PART OF LOT 225, DESIGNATED AS PART 4, PLAN 66R-25808 AS IN AT3036084; TOGETHER WITH AN EASEMENT OVER PART LOT 227, PLAN M6, PARTS 8 AND 9 PLAN 66R25808 AS IN AT3034449; CITY OF TORONTO

PROPERTY REMARKS:

PLANNING ACT AT3036084.

ESTATE/QUALIFIER:

FEE SIMPLE ABSOLUTE

RECENTLY:

DIVISION FROM 21216-0267

2012/06/21

PIN CREATION DATE:

OWNERS' NAMES

CAPACITY SHARE

741476 ONTARIO INC.

						CERT/
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CHKD
** PRINTOUT	INCLUDES AL	L DOCUMENT TYPES AND	DELETED INSTRUMENT.	S SINCE 2012/06/21 **		
AT1133088	2006/05/09	CHARGE		*** DELETED AGAINST THIS PROPERTY *** 1420110 ONTARIO LIMITED	THE TORONTO-DOMINION BANK	
66R25808	2011/10/24	PLAN REFERENCE				С
	2012/06/01 MARKS: PLANNI	TRANSFER NG ACT STATEMENTS	\$3,500,000	1420110 ONTARIO LIMITED	741476 ONTARIO INC.	С
AT3036196	2012/06/01	CHARGE		*** DELETED AGAINST THIS PROPERTY *** 741476 ONTARIO INC.	ROYAL BANK OF CANADA	
AT3036219	2012/06/01	NO ASSGN RENT GEN		*** DELETED AGAINST THIS PROPERTY *** 741476 ONTARIO INC.	ROYAL BANK OF CANADA	
REI	MARKS: AT3036	196				
AT3133738	2012/09/21	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REI	MARKS: AT1133	088.				
AT3320888	2013/06/11	CONSTRUCTION LIEN		*** COMPLETELY DELETED *** O'DONNELL, ANTHONY		
AT3858427	2015/04/16	APL GOVT ORDER		*** COMPLETELY DELETED *** CITY OF TORONTO		
AT3859495	2015/04/17	APL GOVT ORDER		*** COMPLETELY DELETED *** CITY OF TORONTO		
AT4103353	2015/12/23	CONSTRUCTION LIEN		*** COMPLETELY DELETED *** T & M PLUMBING AND MECHANICAL INC.		



21216-0352 (LT)

PAGE 2 OF 2
PREPARED FOR bmcintyr
ON 2018/06/21 AT 14:16:47

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
AT4120445	2016/01/18	APL DEL CONST LIEN		*** COMPLETELY DELETED ***		
				T & M PLUMBING AND MECHANICAL INC.		
REI	MARKS: AT4103	353.				-
AT4667575	2017/08/30	APL (GENERAL)		*** COMPLETELY DELETED ***		
	MARKA. DELEGI	7,77222222		741476 ONTARIO INC.		
REI	MARKS: DELETE	AT3320888				
AT4667597	2017/08/30	APL (GENERAL)		*** COMPLETELY DELETED ***		
ם ביו	MARKS: DELETE	772050127		CITY OF TORONTO		
K.E.I	MARKS: DELETE	A13030427.				
AT4667598	2017/08/30	APL (GENERAL)		*** COMPLETELY DELETED ***		
REI	MARKS: DELETE	AT3859495.		CITY OF TORONTO		
AT4670989	2017/08/31	CHARGE	\$4,999,425	741476 ONTARIO INC.	MCAP FINANCIAL CORPORATION	С
AT4670990	2017/08/31	NO ASSGN RENT GEN		 741476 ONTARIO INC.	MCAP FINANCIAL CORPORATION	С
REI	MARKS: AT4670	989.				
AT4690312	2017/09/26	TRANSFER OF CHARGE		*** COMPLETELY DELETED ***		
				ROYAL BANK OF CANADA	MINDEN GROSS LLP	
REI	MARKS: AT3036	196.				
AT4690313	2017/09/26	NO ASSGN RENT GEN		 *** COMPLETELY DELETED ***		
				ROYAL BANK OF CANADA	MINDEN GROSS LLP	
REI	MARKS: AT3036	196, AT3036219				
AT4732007	2017/11/14	DISCH OF CHARGE		*** COMPLETELY DELETED ***		
				MINDEN GROSS LLP		
REI	MARKS: AT3036	196.				



21216-0353 (LT)

PAGE 1 OF 1 PREPARED FOR bmcintyr ON 2018/06/21 AT 14:22:57

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION:

PART OF LOT 225 AND 226, PLAN M6, DESIGNATED AS PARTS 2 TO 7, PLAN 66R-25808,; SUBJECT TO AN EASEMENT OVER PARTS 3 AND 6 PLAN 66R 25808 IN FAVOUR OF PART OF LOT 225 PLAN M6 DESIGNATED AS PART 1 PLAN 66R 25808 AS IN AT3036084; SUBJECT TO AN EASEMENT OVER PART 4 PLAN 66R 25808 IN FAVOUR OF PART OF LOT 225 PLAN M6 DESIGNATED AS PART 1 PLAN 66R 25808 AS IN AT3036084; TOGETHER WITH AN EASEMENT OVER PART LOT 227, PLAN M6, PARTS 8 AND 9 PLAN 66R25808 AS IN AT3034449; CITY OF TORONTO

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE

RECENTLY: DIVISION FROM 21216-0267

2012/06/21

PIN CREATION DATE:

ABSOLUTE

OWNERS' NAMES 1921313 ONTARIO INC CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT	INCLUDES ALI	L DOCUMENT TYPES AND	DELETED INSTRUMENTS SINCE 201	2/06/21 **		
E336296	2000/06/22	TRANSFER	*** DELET	ED AGAINST THIS PROPERTY ***	1420110 ONTARIO LIMITED	
RE.	MARKS: PLANNI	NG ACT STATEMENT			TIZOTIO ONTAKIO BIMITED	
AT1133088	2006/05/09	CHARGE	ļ .	ED AGAINST THIS PROPERTY *** NTARIO LIMITED	THE TORONTO-DOMINION BANK	
66R24141	2009/01/22	PLAN REFERENCE				С
66R25808	2011/10/24	PLAN REFERENCE				С
AT3133738	2012/09/21	DISCH OF CHARGE	 	ETELY DELETED *** TO-DOMINION BANK		
RE.	MARKS: AT1133	088.	THE TOKON.	TO BONINION BANK		
AT3179660	2012/11/20	TRANSFER		ETELY DELETED *** VTARIO LIMITED	TLP REAL ESTATE INC.	
RE.	MARKS: PLANNI	NG ACT STATEMENTS		-	- 	
AT4476892	2017/02/01	TRANSFER	\$2,180,000 TLP REAL I	ESTATE INC.	1921313 ONTARIO INC	С

at 09:52

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 5

Properties

21216 - 0266 LT

Interest/Estate Easement

Add Easement

Description SERVIENT LAND:

PART LOT 227, PLAN M6, PARTS 8 AND 9 ON PLAN 66R-25808, CITY OF TORONTO

DOMINANT LANDS:

FIRSTLY: PART OF PIN 21216-0267; PART OF LOT 225, PLAN M6, PART 1 ON PLAN

66R-25808, CITY OF TOROONTO

SECONDLY: PART OF PIN 21216-0267, PART OF PARCEL 225-2, SECTION M6, PART LOTS 225 AND 226, PLAN M6, PARTS 2 TO 7, PLAN 66R-25808, CITY OF TORONTO

Address 149 DUPONT ST

TORONTO

Consideration

Consideration \$2.00

Transferor(s)

The transferor(s) hereby transfers the easement to the transferee(s).

Name HIGH POINT INVESTMENTS LIMITED

Address for Service 151 Dupont Street

Toronto, ON M5R 1V5

I, Spero Bassil, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Transferee(s) Capacity Share

Name 1420110 ONTARIO LIMITED

Address for Service 149 DUPONT ST

TORONTO

Statements

Schedule: See Schedules

Sianed	Bv

Tel

Tel

Lois Mary Stapleton 3100–40 King St. W. acting for First 2012 06 01
Toronto Transferor(s) Signed

M5H 3Y2 4168656600

Fax 4168656636

Lois Mary Stapleton 3100–40 King St. W. acting for Last 2012 06 28

Toronto Transferor(s) Signed

Transferee(s)

Signed

M5H 3Y2

Tel 4168656600

Fax 4168656636

4168656600

I have the authority to sign and register the document on behalf of all parties to the document.

Lois Mary Stapleton 3100–40 King St. W. acting for First 2012 06 01

Toronto

M5H 3Y2

Fax 4168656636

Lois Mary Stapleton 3100–40 King St. W. acting for Last 2012 06 28

Toronto Transferee(s) Signed

M5H 3Y2

Tel 4168656600 Fax 4168656636

I have the authority to sign and register the document on behalf of all parties to the document.

LRO # 80 Transfer Easement

Registered as AT3034449 on 2012 06 01 at 09:52

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 2 of 5

Submitted By

GARDINER ROBERTS LLP 3100–40 King St. W.

2012 06 28

Toronto M5H 3Y2

Tel 4168656600 Fax 4168656636

Fees/	Taxes/Pa	yment
-------	----------	-------

\$60.00
\$0.00
\$0.00
\$60.00

File Number

Transferor Client File Number:

77942

PF	OVINCIAL AND MUNICIP	AL LAND TR	RANSFER TAX STATEMENTS	
In t	he matter of the conveyance of:	21216 – 0266	6 SERVIENT LAND: PART LOT 227, PLAN M6, PARTS 8 AND 9 ON PLAN 66R-25808, CITY OF TORONTO DOMINANT LANDS: FIRSTLY: PART OF PIN 21216-0267; PART OF LOT 225, PLAN M6, PART 1 ON PLAN 66R-25808, CITY OF TOROONTO SECONDLY: PART OF PIN 21216-0267, PART OF PARCEL 225-2, SECTION M6, PART LOTS 225 AND 226, PLAN M6, PARTS 2 TO 7, PLAN 66R-25808, CITY OF TORONTO	
BY	HIGH POINT INVESTME	NTS LIMITED		
ТО	: 1420110 ONTARIO LIMIT	ED		
1.	SPERO BASSIL			
	I am			
	(a) A person in trust for	whom the land c	conveyed in the above–described conveyance is being conveyed;	
	(b) A trustee named in t	the above-descri	ribed conveyance to whom the land is being conveyed;	
	(c) A transferee named	in the above-de	escribed conveyance;	
	(d) The authorized ager	nt or solicitor acti	ting in this transaction for described in paragraph(s) (_) above.	
	(e) The President, Vice- ONTARIO LIMITED de:		nager, Secretary, Director, or Treasurer authorized to act for 1420110 graph(s) (C) above.	
	— 17		() and am making these statements on my own behalf and on behalf of aragraph(_) and as such, I have personal knowledge of the facts herein	
3.	The total consideration for this	s transaction is	s allocated as follows:	
	(a) Monies paid or to be pa	aid in cash		2.00
	(b) Mortgages (i) assumed	d (show principal	all and interest to be credited against purchase price)	0.00
	(ii) Given Ba	ack to Vendor		0.00
	(c) Property transferred in	exchange (detail	ail below)	0.00
	(d) Fair market value of the	e land(s)		0.00
	(e) Liens, legacies, annuiti	ies and maintena	ance charges to which transfer is subject	0.00
	(f) Other valuable consider	ration subject to	land transfer tax (detail below)	0.00
	(g) Value of land, building,	fixtures and goo	odwill subject to land transfer tax (total of (a) to (f))	2.00
	(h) VALUE OF ALL CHATT	ΓELS –items of ta	tangible personal property	0.00
	(i) Other considerations fo	r transaction not	t included in (g) or (h) above	0.00
	(j) Total consideration			2.00
4.				
	Explanation for nominal co	onsiderations:		
	o) Transfer of easement or	r right of way for	no consideration.	
5.	The land is subject to encumbra	nce		
	Statements Pertaining only to M	 unicipal Land Tra	ransfer Tax:	
			sement/right of way for no consideration.	
<u></u>	OPERTY Information Record		ionichinghi of way for no consideration.	
PK		.		
	A. Nature of Instrument:	Transfer Easen		
	- ()		Registration No. AT3034449 Date: 2012/06/01	
	B. Property(s):	PIN 21216 –	- 0266 Address 149 DUPONT ST Assessment 1904052 - 450028 TORONTO Roll No	300
	C. Address for Service:	149 DUPONT : TORONTO	ST	
	D. (i) Last Conveyance(s):	PIN 21216 -	- 0266 Registration No. B108722	
	(ii) Legal Description for	r Property Conve	eyed: Same as in last conveyance? Yes No Not known	
	E. Tax Statements Prepare	310	is Mary Stapleton 00–40 King St. W. ronto M5H 3Y2	

Whereas the Transferor is the owner in fee simple of the lands described in Part of PIN 21216-0266, being the Servient Lands.

And Whereas the Committee of Adjustment of the City of Toronto has consented to a grant of right of way over, upon and along Part of Lot 227, Plan M6, being Parts 8 and 9 on Plan 66R-25808, City of Toronto (the "Servient Lands") in favour of the owners from time to time of Part of Lot 225, Plan M6, City of Toronto being Part 1 on Plan 66R-25808 and Part of Lots 225 and 226, Plan M6, City of Toronto, being Parts 2 to 7 on Plan 66R-25808 (collectively, the "Dominant Lands") for the purposes of pedestrian and vehicular access.

Now therefore witnesseth that in consideration of Two (\$2.00) Dollars paid by the Transferee to the Transferor (the receipt of which is hereby acknowledged), the Transferor hereby grants unto the Transferee, its successors and assigns, a right of way in common with others, for pedestrian and vehicular access, over, along and upon the Servient Lands. The benefit of this right of way shall run with the Dominant Lands.

S:\rks\77942\sale\easeement schedule.doc

FORM 2

Planning Act

CERTIFICATE OF OFFICIAL

Under Subsection 53(42) of the *Planning Act*, I certify that the consent of the Deputy Secretary Treasurer, Committee of Adjustments, Toronto and East York Panel, of the City of Toronto, Province of Ontario, was given on the **20**th **day of September, 2011**, by Decision Number **B0039/11TEY** to a **CONSENT TO CREATE AN EASEMENT/RIGHT OF WAY FOR THE FOLLOWING:**

149 Dupont Street

Right-of-way Lands:

Parts 8 and 9 on Plan 66R-25808 will be subject to a pedestrian and vehicular access right of way in favour of Parts 1 through 7, Plan 66R-25808

Dated this $3^{\mbox{\scriptsize fluy}}$ day of fluy 2012

Anita MacLeod, Manager Deputy Secretary-Treasurer City of Toronto, Committee of Adjustment, Toronto and East York District

Robert Schwartz

Gardiner Roberts LLP

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 5

Properties

21216 - 0267 LT

Interest/Estate Fee Simple

☐ Split

Description

PART OF PIN 21216-0267, PART OF PARCEL 225-2, SECTION M6, PART OF LOT

225, PLAN M6, BEING PART 1, PLAN 66R-25808, CITY OF TORONTO

TOGETHER WITH A RIGHT OF WAY FOR PEDESTRIAN AND VEHICULAR ACCESS

OVER

PART OF PARCEL 225-2, SECTION M6, PART LOTS 225 AND 226, PLAN M6, BEING

PARTS 3 AND 6, PLAN 66R-25808, CITY OF TORONTO

TOGETHER WITH A RIGHT OF WAY FOR PEDESTRIAN ACCESS OVER PART OF

PARCEL

225-2, SECTION M6, PART LOT 225, BEING PART 4, PLAN 66R-25808, CITY OF

TORONTO

Address 359 DAVENPORT RD

TORONTO

Consideration

Consideration \$3,500,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name 1420110 ONTARIO LIMITED

Address for Service 151 Dupont Street

Toronto, ON M5R 1V5

I, Spero Bassil, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Transferee(s) Capacity Share

Name 741476 ONTARIO INC.

Address for Service 359 DAVENPORT RD

TORONTO

Statements

Schedule: See Schedules

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Signed By

Robert Kenneth Schwartz 3100–40 King St. W. acting for Signed 2012 06 01

Toronto Transferor(s)

M5H 3Y2

Tel 4168656600 Fax 4168656636

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).

I have the authority to sign and register the document on behalf of the Transferor(s).

Michael Christopher Cascone 8 Beamish Drive acting for Signed 2012 06 01

Toronto Transferee(s)

M9B 3PS

Tel 4162335737

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 2 of 5

Signed By

4162340154

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

MICHAEL CASCONE BARRISTER & SOLICITOR

8 Beamish Drive 2012 06 01

Toronto

M9B 3PS

Tel 4162335737 4162340154 Fax

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Provincial Land Transfer Tax	\$50,975.00
Municipal Land Transfer Tax	\$50,225.00
Total Paid	\$101,260.00

File Number

Transferor Client File Number:

77942

PROVINCIAL AND MU	NICIPAL LAND TR	ANSFER TAX STATEMENTS	
In the matter of the conveya	nce of: 21216 – 0267	PART OF PIN 21216-0267, PART OF PAR PART OF LOT 225, PLAN M6, BEING PAR OF TORONTO	
		TOGETHER WITH A RIGHT OF WAY FOR ACCESS OVER PART OF PARCEL 225–2 AND 226, PLAN M6, BEING PARTS 3 ANI	2, SECTION M6, PART LOTS 225
		OF TORONTO	D 0, 1 LAN 001X-23000, OTT 1
		TOGETHER WITH A RIGHT OF WAY FOR	
		PART OF PARCEL 225–2, SECTION M6, PLAN 66R–25808, CITY OF TORONTO	PART LOT 225, BEING PART 4,
BY: 1420110 ONTARI	O LIMITED		
TO: 741476 ONTARIO	INC.		
1. EDWARD ROSEMAN			
I am			
		conveyed in the above-described conveyance	•
		ibed conveyance to whom the land is being	conveyed;
	named in the above-de	·	
	-	ng in this transaction for described in	
ONTARIO INC.	described in paragraph(
) and am making these statements on my ov aragraph(_) and as such, I have personal kno	
2. I have read and conside	red the definition of "sin	gle family residence" set out in subsection 1	(1) of the Act. The land being conveyed
herein:			
does not contain a singl	e family residence or co	ntains more than two single family residence	98.
3. The total consideration	for this transaction is	allocated as follows:	
(a) Monies paid or	to be paid in cash		3,500,000.00
	•	and interest to be credited against purchase	
	Given Back to Vendor		0.00
• •	erred in exchange (detai	l below)	0.00
(d) Fair market val	• •	•	0.00
• •	` '	ance charges to which transfer is subject	0.00
(f) Other valuable	consideration subject to	land transfer tax (detail below)	0.00
(g) Value of land, b	ouilding, fixtures and goo	odwill subject to land transfer tax (total of (a)	to (f)) 3,500,000.00
(h) VALUE OF ALI	CHATTELS -items of t	angible personal property	0.00
(i) Other considera	tions for transaction not	included in (g) or (h) above	0.00
(j) Total considerat	ion		3,500,000.00
PROPERTY Information Re	ecord		
A. Nature of Instru	ment: Transfer		
	LRO 80	Registration No. AT3036084 Date: 2	012/06/01
B. Property(s):	PIN 21216 -	- 0267 Address 359 DAVENPORT RD TORONTO	Assessment 1904052 – 45002900 Roll No
C. Address for Ser	vice: 359 DAVENPO TORONTO	DRT RD	
D. (i) Last Conveya	nce(s): PIN 21216 -	- 0267 Registration No. E336296	
(ii) Legal Descri	ption for Property Conve	eyed: Same as in last conveyance? Yes	No Not known
E. Tax Statements	•	chael Christopher Cascone	_

8 Beamish Drive Toronto M9B 3PS

Statement 61

The Committee of Adjustment of the City of Toronto has provided its consent attached hereto. The within conveyance of Part of Lot 225, Plan M6, being Part 1 on Plan 66R-25808, City of Toronto is made pursuant to Section 50 (6) of the *Planning Act*, said lands constituting all of the remaining lands, the other part of which were the subject of the consent.

FORM 2

Planning Act

CERTIFICATE OF OFFICIAL

Under Subsection 53(42) of the *Planning Act*, I certify that the consent of the Committee of Adjustments, Toronto and East York Panel, of the City of Toronto, Province of Ontario, was given on the **20th day of September**, **2011**, by Decision Number **B0038/11TEY** to a **CONSENT TO** CONVEY A PARCEL OF LAND AND TO CREATE AN EASEMENT/RIGHT OF WAY FOR THE **FOLLOWING:**

361 Davenport Road

Conveyance Lands:

Parcel 225-2, Section M-6, Part of Lots 225 and 226, City of Toronto, designated as Parts 2 though 7 on Plan 66R-25808,

City of Toronto.

Right-of-way Lands:

Subject to an easement/right-of-way for pedestrian and vehicular access over Parts 3 and 6 on Plan 66R-25808 in favour of Part 1, Plan 66R-25808.

Subject to an easement/right-of-way for pedestrian access over Part 4, Plan 66R-25808 in favour of Part 1, Plan 66R-

Dated this 31 day of Mc 2012

Anita MacLeod, Manager Deputy Secretary-Treasurer

City of Toronto, Committee of Agjustment,

Toronto and East York District

Robert Schwartz

Gardiner Roberts LLP

