

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): NARGES EHSANI-ARMAKI

Applicant: SHAKERI ALI

Property Address/Description: 476 BRIAR HILL AVE

Committee of Adjustment Case File Number: 17 260559 NNY 16 MV (A0997/17NY)

TLAB Case File Number: **18 111613 S45 16 TLAB**

Hearing date: Thursday, May 31, 2018

DECISION DELIVERED BY S. Gopikrishna

REGISTERED PARTIES AND PARTICIPANTS

Applicant	SHAKERI ALI
Appellant	NARGES EHSANI-ARMAKI
Appellant's Legal Rep.	KELLY OKSENBERG
Participant	KATHARINE DALTON
Participant	CAROLYN JEANNETTE KERNOHAN
Participant	MARGARET BENNET-ALDER
Participant	BEVERLY BIDERMAN
Participant's Legal Rep.	RODGER CUMMINS
Participant	LESLIE MAUREEN C DEMSON
Participant	JUDITH ANNE TINNING

Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 18 111613 S45 16 TLAB

Participant	MICHAEL RYVAL
Participant	CHRISTINA JANE CALI
Party (TLAB)	DAVID MCKINNON
Party (TLAB)	WARREN BARRY CLARK

INTRODUCTION AND BACKGROUND

Narges Ehsani-Armaki is the owner of 476 Briar Hill Ave., located in Ward 16 of the City of Toronto. She applied to the Committee of Adjustment (COA) to construct a new detached dwelling with a garage after demolishing the existing house. The application was heard and refused by the COA on 30 January, 2018. The Applicants, appealed the decision to the Toronto Local Appeal Body (TLAB) on 30 January, 2018.

On 16 April, 2018, the Appellants submitted a Motion returnable on 2 May, 2018, requesting for an Order that would permit the Appellants to submit new disclosure materials to be relied upon at the time of the oral hearing, scheduled for 31 May, 2018. The Motion for disclosure of new materials was approved through a Decision issued by me on 2 May, 2018, which allowed for the submission of an updated Site Plan, and new but reduced variances. These updated Site Plans and variances were the topic of the Appeal, heard on 31 May, 2018. The principal changes resulting in the updated variances listed below, are as follows:

- a. Relocation of the driveway entrance to the east side of the Property
- b. Narrowing of the driveway to approximately 3.0 m
- c. Reduction of the garage from a double to single- car garage
- d. Reduction to the length of the dwelling by approximately 0.46 m resulting in a reduction to the Gross Floor Area to 248.44 sq. m.

MATTERS IN ISSUE

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Section 6(3) Part I1, Zoning By-law 438-86

Maximum permitted gross floor area (GFA) is 0.35 times the lot area. Proposed GFA is **0.617** times the lot area.

2. Section 6(3) Part II8, Zoning By-law 438-86

Maximum permitted height of rear platform is 1.2 m above adjacent grade. Proposed rear platform is 2.18 m above grade.

3. Section 6(3)Part IV 3, Zoning By-law 438-86

The by-law does not permit an integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line. The proposed integral garage is below grade.

4. Chapter 10.20.40.40, Zoning By-law 569-2013

Maximum permitted floor space index (FSI) is 0.35 times the lot area. Proposed FSI is **0.617** times the lot area.

5. Chapter 10.5.40.10 (5), Zoning By-law 569-2013

A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall.

Proposed first floor within 4 m of the front main wall is 3.25 m².

6. Chapter 10.20.40.10(6), Zoning By-law 569-2013

Maximum permitted height of the first floor is 1.2 m above established grade. Proposed first floor is 1.41m above established grade.

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

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

EVIDENCE

At the hearing held on 31 May, 2018, the Appellants were represented by Ms. Kelly Oksenberg, a lawyer and Mr. Andrew Ferancik, a land use planner, and Expert Witness. Mr. Jonathan Clarke was the only Party present in opposition to the Appeal, though many of the neighbours appeared in opposition to the Appeal as Participants.

Ms. Oksenberg provided a brief opening statement on behalf of the Appellants. She stated that her clients wanted to demolish the existing 2 storey house at 476 Briar Hill Avenue and replace it with a 2 storey dwelling with an integral garage. She said that the foot print of the house would not change, and that her clients would build the house such that it would not destabilize the established neighbourhood on Briar Hill Avenue. She also stated that in response to concerns vocalized by the neighbours at the COA hearing, the GFA had been reduced to an FSI of 0.617 x lot area, which now had the support of the City. There were a total of 6 variances to be ruled on by the TLAB, which related to GFA and FSI, height and the below grade integral garage.

In his opening statement, Mr. Jonathan Clark stated that there was vigorous and united opposition in the community to the Appeal at 476 Briar Hill Avenue. Declaring that the

opposition was not predicated on NIMBYism (Not in My Back Yard) and decrying the Appellant's lack of effort to engage with the community to discuss their proposal, Mr. Clark said that the Appeal should be refused because it failed the tests of compatibility with the Official Plan, desirable development and being minor.

Ms. Oksenberg introduced Mr. Andrew Ferancik, land use planner, and after reviewing the highlights of his education and work history, asked that he be qualified as an Expert Witness. Seeing that there was no opposition from Mr. Clark, I qualified Mr. Ferancik as an Expert Witness.

Mr. Ferancik began with a description of the neighbourhood in which the property is located. He said that the subject site is municipally known as 476 Briar Hill Avenue, and is located on the north side of Briar Hill Avenue, approximately 230 metres west of Avenue Road and 90 metres east of Mona Drive. The subject site is within an established neighbourhood that has a number of amenities within walking distance, including Allenby Junior School, Eglinton Park and the Yonge Street and Eglinton West commercial strips. Describing the street, Mr. Ferancik said that Briar Hill Avenue is a residential street consisting of almost exclusively single detached dwellings, with the housing stock dominated by two-storey pre-war dwellings. He then remarked that the area is "mature, with significant vegetation and tree coverage throughout, and is marked by a modest dip in elevation to the west of the subject site". Mr. Ferancik considered the area to be "highly desirable", as experienced through ongoing revitalization and reinvestment in the form of renovations, additions and replacement dwellings

Mr. Ferancik referred to his study area next, which was bounded on the north by Starthallan Boulevard, east by Avenue Road, south by Roselawn Avenue and west by Cladow Road, and rationalized the selection of this study area because it "generally represents a walkable distance from the subject site that one might experience on a regular basis". The property has a frontage of 10.18 m, a depth of 40.67 metres, a total site area of 414.07 square metres and a front yard with a soft landscaping element, described as "generous" by Mr. Ferancik, in addition to a narrow paved driveway which can accommodate two vehicles front-to-back.

Highlighting the history of the proposal, Mr. Ferancik discussed the comments from the City when the proposal was originally submitted to the COA. The City had recommended approval of the proposal if the FSI was limited to 0.617, permanent opaque screening or fencing along the east edge of the rear platform with a minimum height of 1.5 metres from the floor of the platform, and a driveway that would maintain a minimum 2% positive slope from the street to the entry of the integral garage. However, there was considerable opposition to the proposal at the COA hearing, resulting in its refusal.

Mr. Ferancik then discussed the compatibility between the proposal and higher level provincial plans, such as the Growth Plan and the Provincial Policy Statement (PPS). Mr. Ferancik opined that the proposal is consistent, and conforms with the Growth Plan and PPS policies in that it represents new development and modest intensification (in terms of additional floor area) in a built-up area, that is well-served by transit and other municipal infrastructure.

Addressing the issue of compatibility with the Official Plan (OP) , Mr. Ferancik pointed out that the subject site is designated *Neighbourhoods*, which permits a full range of residential uses within lower scale buildings up to four storeys, as well as parks, schools, local institutions and small-scale stores . He then referred to Section 2.3.1.1 of the OP, which emphasizes that “development in neighbourhood respect and reinforce the existing physical character”, and Section 4.1.5. of the OP, which states that “Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular with respect to the proposed development”. Discussing criteria (c), (d) and (f) of Section 4.1.5, which respectively address the height , massing, scale, dwelling type of nearby residential properties, prevailing building types and prevailing patterns of rear and side yard setbacks, Mr. Ferancik explained that the proposed building respects the existing setbacks, allows adequate light, respects privacy and casts appropriate shadows on the surrounding dwellings. Mr. Ferancik then emphasized that many developments in the vicinity had been approved by the COA with FSIs similar to what had been requested, and these houses did not appear to be out of character after being built. This observation, supported by the City’s report recommending a FSI of 0.617, resulted in a re-design of the original proposal with an FSI of 0.615. Elaborating on the first floor height variance, Mr. Ferancik stated that the requested increase from 1.2 m to 1.41 m would relate well to the street with 5 stairs leading up to a front porch , and entry in a manner , consistent with neighbouring dwellings. He then stated that in the case of the below grade garage variance, the variance is technical in nature given the grading of the lot., and emphasized that the garage would maintain a positive slope consistent with other dwellings on the street and will not have the appearance of a below grade garage. Based on this discussion, Mr. Ferancik concluded that the proposal was consistent with the general intent and purpose of the OP.

He then discussed the compatibility between the proposal and the zoning by-laws.

Mr. Ferancik stated that Zoning By-laws 438-86 (former City of North York by-law) and 569-2013 (City Wide by-law) are in effect for the property at 476 Briar Hill. Under By-Law 569-2013, the subject site is zoned RD (f9.0; d0.35) (x961) which indicates a Residential Detached Zone, while under By-Law 438-86, the subject site is zoned R1 Z0.35 or Residential, both of which allow for a maximum FSI of 0.35 X the Lot Area for a detached house. He explained that the overall purpose of the zoning by-laws is to provide consistent standards to guide growth within neighborhoods, with respect to matters such as lot size, building type, height, density, landscaping, and setbacks from lot lines. Specifically referring to the variances regarding the proposed FSI, Mr. Ferancik said that the purpose of the density regulation is to prevent the construction of additions or new dwellings that are out-of-scale with the surrounding neighbourhood character, but pointed out that it is only one metric of consideration in determining appropriate scale. Mr. Ferancik discussed COA decisions which had granted FSIs in excess of 0.35 in the study area. There were 114 properties which had been granted FSIs between 0.4 and 1.1 in the neighbourhood. Reiterating that the density of 0.617 x had been suggested by the City staff, Mr. Ferancik cited the lack of a planning report from the City for the proposal before the TLAB, as support for the proposal, and concluded that the FSI variances complied with the intent of the zoning by-laws.

Discussing the case of the below-grade integral garage next, Mr. Ferancik stated that the restriction is intended to preclude below grade garages generally, given their perceived impact on safety (including vehicles backing out onto a sidewalk); storm water drainage; and general appearance. Stating that this was a “technical” variance concerning measurements from the grade, and where the grade had been established, Mr. Ferancik provided examples of three other properties within the study area which had been approved for below grade garages, both of a technical and “true” below grade variety. Based on this information, Mr. Ferancik concluded that the below grade integral garage variances met the intention and purpose of the By-Law.

He then discussed the issue of the variance related to the first floor height. According to Mr. Ferancik, the purpose of the 1st floor height limit is to maintain first floors and front entrances that have an appropriate relationship to the street. He then pointed out that the proposed variance related to first floor height represents a 21 cm (or approximately one step riser) difference in height from what is permitted as-of-right, and that this difference arose from the design of the dwelling which includes living space above the proposed integral (and effectively at-grade) garage. He opined that the proposed increase from 1.20 m to 1.41 m will be visually negligible and imperceptible from the street, and would therefore be in character with surrounding dwellings which have similar relationships between grade and the front entrance. Given the variance’s lack of impact from what is as of right, Mr. Ferancik concluded that the 1st floor height variances complied with the purpose of the zoning By-laws.

Mr. Ferancik then discussed the variances regarding 1st Floor area within 4 m of the front main wall. He pointed out that this variance arose out of the need to accommodate living space above an integral garage while precluding the need for a long set of external stairs. Mr. Ferancik justified the variance by pointing out that other properties within his study area, such as 492 Briar Hill, 355 and 550 Castlefield and others, had been approved for similar variances.

Lastly, Mr. Ferancik discussed the variances related to rear platform height, where the underlying intention is to preclude overly tall rear decks that could create impacts associated with overlook. Pointing out that the proposed variance is for a rear platform 2.18 m above grade whereas 1.2m is permitted, Mr. Ferancik stated that the rear deck would consist of a small landing and stairs leading to the back yard from the main floor. In his opinion, the size of the small landing minimizes the potential for impact, while providing an access to the rear yard from the main living area. By way of comparison, Mr. Ferancik pointed out that at 550 Castlefield Avenue, a rear platform had been approved with a height of 3.2 m, a full 2 m above the permitted 1.2 m and over 1 m taller than the request for 476 Briar Hill. Based on these observations, Mr. Ferancik concluded that the rear platform variances satisfied the intention and purpose of the Zoning By-laws.

Mr. Ferancik then discussed how the project was consistent with the test of desirability for the appropriate development of the site. According to Mr. Ferancik, the proposed development would facilitate development of a house with modest level of additional density, within the same building type as the existing structure, and without adverse

impact on the prevailing neighbourhood character. The proposed house would also maintain existing standards relating to height, setbacks, and building length, among other standards and thereby maintain desirability and vitality of the neighbourhood for continued investment. Based on these observations, Mr. Ferancik concluded that the proposal fulfilled the test of desirable development.

Lastly, he addressed the test of the development being “minor” in nature. Mr. Ferancik stated that the test of determination of a variance being minor requires an assessment of impact: that is, whether or not an unacceptable adverse impact would arise from developing the lands with the proposed variances in place. Mr. Ferancik pointed out that the proposed built is consistent with recent variance approvals in the neighbourhood. He said that there are no adverse impacts because there are no encroachments into any of the required setbacks, nor would there be shadow impacts due to the absence of height related variances. The only variance with a discernable impact would be the rear deck variances, which will be addressed through the placement of privacy screen. Given these observations, Mr. Ferancik concluded that the proposal satisfied the test of being minor.

Based on the proposal’s satisfying the 4 tests under Section 45.1, Mr. Ferancik recommended approval of the proposal with the attached conditions.

Mr. Clark commenced his cross examination of Mr. Ferancik by asking if he was aware of Daniel Moynihan, to which Mr. Ferancik said that the name sounded familiar but that he wasn’t aware of what Moynihan had done. (By way of editorial comment, Daniel Patrick Moynihan was an American politician, who served as an advisor to President Nixon, before being elected as a Senator from New York). Mr. Clark stated that one of the famous quotations attributed to Moynihan was “One is entitled to their opinions, but not the facts”, and asked Mr. Ferancik if he agreed with the quote. Mr. Ferancik replied that he generally agreed with the quote, but wasn’t entirely sure of what the connection was to the matter at hand. Ms. Oksenberg objected to the question, and I advised Mr. Clark of the importance of demonstrating a connection between the question and the matter at hand. Mr. Clark’s next question to Mr. Ferancik was if the latter knew about the “scientific” method of coming to conclusions? Mr. Clark explained that the “scientific method” consisted of constructing a hypothesis, followed by designing an experiment to prove the hypothesis, and the analysis of data from the experiment which proves or disproves the hypothesis. Mr. Ferancik responded by saying that he familiar in a general way with the scientific method, though his training as a planner had taught him that “planning was part art and part science”. Mr. Clark then asked Mr. Ferancik if the latter agreed with the statement “words matter”, to which Mr. Ferancik again responded that he agreed in a very generic way. Mr. Clark then asked Mr. Ferancik to explain the expression “massing”, which Mr. Ferancik explained the expression to mean “deals with the size and shape of a building”. The next question referred to the expression “eclectic nature” in Mr. Ferancik’s witness statement, and what was meant by the expression. Mr. Ferancik said that it referred to the simultaneous presence of various architectural styles in a community. Mr. Clark then referred Mr. Ferancik to the latter’s witness statement where he had referred to the variances as “minor and are not impactful”, and asked the latter to explain the expression “minor”. Mr. Ferancik said that this meant that the changes are not impactful. Mr. Clark then asked if changes could be classified as

being minor, based on a significant numerical change to a variance, even without a significant and accompanying impact? Mr. Ferancik said that in his opinion, impact was more important than numbers. Mr. Clark then referred to the *De Gasperis* decision and asked if a change could be classified as not being minor, based on the numerical change to the variance. Ms. Oksenberg objected to the question because “Mr. Ferancik isn’t a lawyer, nor has he claimed to be one” and that he should not be asked questions about jurisprudence. I allowed the question notwithstanding the objection, and Mr. Ferancik replied that consideration of the impact still dominated the discussion of “minor versus not minor”, as opposed to mere numbers.

Mr. Clark asked how could Mr. Ferancik defend the introduction of a “900 sq. ft. façade”, as proposed, with being consistent with the prescription for massing in Section 4.1.5 of the OP ? Mr. Ferancik responded by saying that the determination of massing came from volume, as opposed to area. Mr. Clark then asked if the FSI of 0.617 suggested by the City, was more the average or an anomaly? Mr. Ferancik pointed to the volume of decisions from the COA, which had approved FSIs of more than 0.615, and said that the requested FSI was not an anomaly. Mr. Clark wanted to know if the magnitude of change being proposed was not indicative of the need for a rezoning application, to which Mr. Ferancik disagreed.

Referring next to the decisions of the COA approvals referenced by Mr. Ferancik, Mr. Clark asked how many applications many had been refused and not approved, to which Mr. Ferancik said that he didn’t know the answer.

Ms. Oksenberg briefly re-examined Mr. Ferancik, and asked the latter if he always used the same methodology as he had use in this case to determine appropriateness of fit. She also asked if the City had used properties with an FSI of 0.6 time the lot size or higher, to issue its report where the FSI of 0.615 as being appropriate had been suggested? Mr. Ferancik answered both questions in the affirmative. Ms. Oksenberg then asked if the local Municipal Councillor had sent in any correspondence regarding the proposal, or if the City had sent a representative to oppose the proposal at the TLAB hearing? Mr. Ferancik responded to both questions in the negative.

Mr. Clark said that he would make a very brief statement at the very end to indicate why he was in opposition to the project.

I then requested the Participants, all of whom were in opposition, to present their witness statements. The first person to speak in opposition was Ms. Christina Cali, of 458 Briar Hill. She said that there were more than 30 community members opposed to the application, and that these were people who “raise our families, walk our dogs and children in the community,” and therefore “experienced it differently, than those who looked at the community abstractly, on the basis of numerical analysis. Ms. Cali then stated that the adjacent street of Castlewood had been practically “bulldozed”, where 100 year old bungalows had been replaced with infill buildings. She then questioned the need for a 0.617 FSI stating that it was completely out of character of the community, and pointed to 454 Briar Hill, which had been approved by the COA, with an FSI of 0.5 times the lot size. She also referenced 28 applications approved by the COA, of applications between Briar Hill and Hillhurst Avenues, which had been approved for

FSIs of 0.5 or less. Ms. Cali reiterated that “they were not opposed to revitalization, if it were carried out in agreement with the OP, Zoning By-Laws, and the 4 tests.”

Ms. Oksenberg’s cross examination of Ms. Cali began with asking the latter to define the community she had referenced in her remarks. Ms. Cali said that this was where she walked her dog, and took her children to school. Ms. Oksenberg then referred to 492 Briar Hill, which had been approved with an FSI of 0.617, and asked Mr. Cali if this wasn’t a short walk from Ms. Cali’s house, to which Ms. Cali agreed. Ms. Oksenberg then asked Ms. Cali about 522 Briar Hill (which was listed in the list of COA decisions), and asked if this was part of the neighbourhood. Ms. Cali said that she did not walk west of Mona Avenue, and did not consider houses there part of her community. Ms. Oksenberg then stated that she had completed her cross examination, when Ms. Cali asked to make one more comment, which I allowed. Ms. Cali then took issue with Mr. Ferancik’s evidence about the community as being “eclectic”. She opined that the houses were uniformly sized, 2 windows on the front, and pitched roofs. Ms. Oksenberg then asked Ms. Cali if she agreed that if the community had become eclectic with the construction of newer buildings, to which Ms. Cali disagreed.

The next speaker was Mr. Michael Arpin, who lived at 462 Briar Hill. Mr. Arpin objected to the size of the house, and said that many of the COA decisions had approved FSIs of 0.5 when the proposal here was for a FSI of 0.617. He then referred to the COA decision respecting 476 Briar Hill, where there had been a “unanimous” decision refusing the application, which had to be upheld in Mr. Arpin’s opinion.

The next speaker was Ms. Katherine Dalton, who lived at 488 Briar Hill. Ms. Dalton said that the houses on the north side of Briar Hill had lower densities, and that many of the approvals were from the south of the street, where densities were higher, making it easy to approve a house with an even larger FSI, if the underlying context were not considered. Ms. Dalton said that what had to be looked at were not the FSIs themselves, but the percentage increases in FSI when compared to the 0.35 FSI that was of right. She stated that her analysis of the COA approvals from the study area demonstrated that the average increase in FSI was 47% with the reference point at 0.35 FSI, and that the requested 71% increase in FSI (from 0.35 to 0.617) for the proposal at 476 Briar Hill was unacceptable. Ms. Dalton then stated her concern with the City study that had recommended an FSI of 0.617, and said that the basis for this figure were the 9 properties that had been approved for FSIs of more than 0.6, out of a total of 89 properties in the area. Ms. Dalton did not find this sample to be representative of the change in the community. She referenced the OMB decision respecting 404 Briar Hill from 2013, where the requested FSI of 0.67 times the lot size had been rejected by the OMB. Ms. Dalton referenced the comments of the presiding member who took issue with the argument that the requested variance of 0.67 could be supported when properties on the north and south side of Briar Hill and Avenue Road were considered as part of the study area. Ms. Dalton interpreted this comment to mean that only houses on the north side of Briar Hill had to be considered as part of the study area, which concurred with her perspective. She also referred to 454 Briar Hill, which had been approved by the COA in late 2017, with an FSI of 0.5.

The next speaker was Mr. Michael Ryval who lived at 416 Briar Hill. Mr. Ryval discussed the green space and character of the neighbourhood, and stated that the new proposal, if approved, “would dwarf everything”. He said that the flat roof of the proposed building set a “dangerous precedent” for the community. Pointing to the fact that even a FSI of 0.5 was refused at 404 Briarhill, Mr. Ryval proclaimed the residents to be “custodians of the community”, and said that the proposal was both dismissive of their concerns and Section 4.1.5 of the OP. Ms. Oksenberg asked Mr. Ryval what he meant by “overshadow”, to which he said that this was a figurative expression, meaning “dominating”. When asked how he would be directly impacted by the building given the distance, Mr. Ryval said that this construction would make the community “vulnerable” to development, and discussed one of his neighbours whose health situation was such that Mr. Ryval was concerned about his passing away in the not too distant future. Mr. Ryval then wondered what would happen of his neighbours house, and if a big house like the one proposed for 476 Briar Hill be constructed there?

The next speaker was Ms. Leslie Demson, who lived at 459 Briar Hill, the property opposite 476 Briar Hill. Ms. Demson recited the “Context” sections from Chapter 3 of the OP, and stated that the section of Briar Hill between Avenue Rd and Mona Avenue constituted the reference community from her perspective. She said that Mr. Ferancik had referred more to the exceptions than the rule when referring to newer constructions in his testimony, and said that “anomalies don’t make a pattern”. She then referred to Section 3.1.2.1 which discusses new development and harmonious fits, and stated that there had been no discussion about the design of the house. She spoke next to how the section “zeroed on visible façade “from the road, including the placement of doors, door roofs, windows”, and said that the placement of the doors on the proposed building would be at 10 feet above the ground, and that the decorative entrance would be at 12 feet. She said that nothing in the neighbourhood had an entrance that high because the average was around 6 feet 8 inches. She found that the entrance, which was right into the living room, was neither harmonious nor friendly or accessible. Ms. Demson asserted that houses with entrances such as the one proposed at 476 Briar Hill, “belong on the Bridle Path”, and were definitely not consistent with the other entrances, which were “scaled to human bodies, intimate and neighbourly”. Ms. Demson disagreed with the need for an integral garage and pointed to the integral garage as the “real reason” for the house’s “Titanic, intimidating look”.

She then referred to the 3”heavy” cornices spanning the front, and drew attention to how they demarcated the mass of the house. She likened them to rungs on a ladder, and how they “got the observer’s attention by going higher and higher to the next level, emphasizing the vertical and horizontal dimensions of the ponderous building”. Ms. Demson referenced the hearing before the COA, where the Chair had apparently asked the Appellant ‘s (then Applicants) architect to point to “architectural features which respected the OP, to which the architect had no answer”, and then followed up by saying that “Mr. Ferancik had steered clear of this issue”, in his evidence . She contrasted this lack of “plasticity” in the house with 481 Briar Hill, where the owners had built a huge house, but the façade had been designed such that there were interrupting vertical step backs every few feet, with the result that “the eye was tricked about the size of the house because it couldn’t locate a firm reference point” to eyeball the size of the house. Ms. Demson then concluded that the façade of the proposal at 476 Briar Hill

was not consistent with the prescriptions of Section 4.5.1 about fitting into the neighbourhood, and contrasted this with the examples of 472 and 421 Briar Hill, which exemplified “smart design” from her perspective. She decried the lack of dialogue between the neighbours and the Appellant, which could have resulted in a house that was “commodious, but exemplified clever design”. (By way of editorial note, plasticity is an expression architects use to describe a “rich, three-dimensional or sculptural presence of a building”.) When asked about the other tests, Ms. Demson said that she was “less confident” about speaking to other tests, but did opine that the proposal was not “desirable”.

Ms. Oksenberg’s questions began with asking Ms. Demson if she was an architect. Ms. Demson said that she was not an architect, but had formally studied the history of architecture. When asked the reason for restricting her definition of neighbourhood just to Briar Hill, Ms. Demson said that this was the community to which invitations were restricted when there was a Halloween party, or a potluck supper. Ms. Oksenberg then asked Ms. Demson if she agreed that the area had not been designated as a Heritage area, to which Ms. Demson agreed. Ms. Oksenberg then asked Ms. Demson if 481 Briar Hill had an integral garage and an elevated front floor, to which the former agreed. However, Ms. Demson clarified, that this garage did not have a “monolithic feel” about it, and that the entrance felt “intimate and friendly”. Ms. Oksenberg pointed out that the language of “intimate and friendly” was not found in the OP, to which Ms. Demson agreed. She then asked Ms. Demson if FSI figured into the front doors and facades to which Ms. Demson answered in the negative, and pointed out that her objections did not focus on the FSI of the house. Ms. Oksenberg then asked Ms. Demson if she would consider a hypothetical scenario where no changes were made to the front of the house, but the rear of the proposed house was eliminated completely, (resulting in a house compliant with the FSI as specified in the By-laws), and asked if this would be considered “overdevelopment”? Ms. Demson replied that such a house would be an example of overdevelopment, based on the appearance of the façade.

Ms. Judith Tinning, who resides at 469 Briar Hill, was the next witness to speak. She said that she had lived in the area for 43 years, and had witnessed a lot of change, most of which was “positive”, because the prevailing architectural tradition had been respected. However, the proposed changes at 476 Briar Hill was different, in her opinion, did not respect the prevailing eaves, roof lines, and the privacy of the neighbours through a large platform. She referenced Sections 2.3.1 (Healthy Neighbourhoods) and 3.1.2 (Built Form) of the OP, applied them to appearance of the façade of the building, proposed setbacks, and concluded that the proposed building did not fit into the neighbourhood. Ms. Tinning also had concerns about the impact that the building would have on a “majestic maple” tree owned by the City of Toronto.

The next witness was Ms. Caroline Kernohan, who lives at 471 Briar Hill. Ms. Kernohan objected to the “massive, imposing” building proposed at 476 Briar Hill, and stated that the house “did not seem welcoming”. She quoted the Chair of the COA panel, which had heard the application on 11 January, 2018, whose remarks included “the house is too big for the lot”. She stated that the entrance was several feet higher than the neighbouring houses, and impacted the streetscape. She concluded by stating that the house would stand out like a “sore thumb” on the street, and said that her answer was

an “emphatic no” to all the proposed variances. In her cross examination, Ms. Oksenberg referred her to Section 4.1.5(c) of the OP and asked her if the expression “prevailing” appeared anywhere in the text. Ms. Kernohan agreed that the expression didn’t appear in (c), but it did appear in (d) and (f). Ms. Oksenberg observed that the expression “prevailing” did not appear in the references to heights and massing. She then asked Ms. Kernohan what “prevailing” meant to her, to which Ms. Kernohan stated that it meant “what exists over time”, and added that the expression was implicit in the introduction to 4.1.5 even if it did not appear in 4.1.5 (c).

Ms. Margaret Alder-Bennett was the next witness to present her evidence. She stated that she was born in 1927, and had lived at 490 Briar Hill since 1964, where she and her husband had raised 4 children. She then provided a historical perspective, and stated that the house was built around 1927, and the first family moved there around 1931. From Ms. Alder-Bennett’s perspective, the community was bound by Avenue Rd to the east and Mona to the west, Lytton Park to the north and Allenby to the south. She described the existing houses in this area as being similar to each other with 2 dominant built forms, namely low hanging eaves and pitched roofs. However, the proposed house would have a flat roof, which was out of character when compared to its neighbours. Ms. Alder-Bennett described the houses as all having the same height, with the exception of the new house, which would be 4 feet higher, which given the topography of the area with its highest point at 476 Briar Hill, would make the house look even more imposing. She concluded by stating that the proposal ought to be refused because the proposed house was out of character, and didn’t fit the style, and failed the test of being desirable.

Mr. Cummins then read out a brief statement on behalf of Ms. Biderman, who couldn’t be present for the hearing. Ms. Biderman’s statement stated that she had lived at 439 Briar Hill since 1976. Ms. Biderman said that she agreed with her neighbours, and that they had stated all the reasons why she was opposed to the new building.

The last person to speak was Mr. Warren Clark, who lived at 465 Briar Hill. He said that the purpose of new housing “should not be to dismantle” the community. He said that based on a statistical analysis of COA decisions, the average increase was 41%, which was the basis for opposing the proposed increase in FSI, which was an increase of more 70% of the previous FSI. He then referred to Paragraphs 12 and 13 of the De Gasperis decision ([2005] O.J..No. 2890) , (reproduced below)

12. A minor variance is, according to file definition of "minor" given in the Concise Oxford Dictionary, is one that is "lesser or comparatively small in size or importance". This definition is similar to what is given in many other authoritative dictionaries and is also how file word, in my experience, is used in common parlance. It follows that a variance can be more than a minor variance for two reasons, namely, that it is too large to be considered minor or that it is too important to be considered minor. The likely impact of a variance is often considered to be the only factor which determines whether or not it qualifies as minor but, in my view, such an approach incorrectly overlooks the first factor, size. Impact is an important factor but it is not the only factor. A variance can, in certain circumstances, be patently too large to qualify as minor even if it likely

will have no impact whatsoever on anyone or anything. This can occur, for example, with respect to the first building on a property in a new development or in a remote area far from any other occupied properties.

13. Accordingly, in my view the Board was required, at the outset, to examine each variance sought and to determine whether or not, with respect to both size and importance, which includes impact, it was minor

Mr. Clark then stated that a variance could be refused on the basis of numerical increases, even if no new and adverse impact was established. He concluded that the proposal failed the test of being compatible with the Official Plan because the massing of the building did not respect the neighbourhood. The proposal, according to Mr. Clark, failed the test of desirability, because approving such a building would set a “precedent” where the percentage increases of FSI would increase in “geometrical progression”. (As an editorial note, a geometric progression is an algebraic expression where the relationship between 3 integers a, b and c is such that a times c equals b squared.). Based on the FSI increase and how huge the house would look from the street, Mr. Clark concluded that the change was “not minor”. I then asked Mr. Clark about his assessment of the proposal’s complying with the zoning, to which he stated it probably didn’t comply. I then asked Mr. Clark to specifically discuss other possible impact the proposal may have on the neighbourhood, even one accepted that it was a “sore thumb” and the “biggest and ugliest building on the street”. Mr. Clark said that there was no other impact.

Ms. Oksenberg then said that she had no questions for Mr. Clark, and no further questions to re-examine Mr. Ferancik. The Appellants and the Opposition then presented their summary during oral argument.

Ms. Oksenberg’s closing statement commenced with her pointing out that Mr. Ferancik had provided uncontroverted, expert evidence, about the compatibility of the proposal and Section 45(1) of the Planning Act, as well as higher level Provincial Policies. Ms. Oksenberg stated that there was evidence of change occurring throughout the community, and that the proposed house, with an integral garage, improved the street view and aligned with the neighbouring houses. She then stated that the test of impact is not one of mere impact, but acceptable impact. Stating that the impact of the extra FSI has to be assessed to determine its being minor or not minor, Ms. Oksenberg referred to the case of (**Toronto Standard Condominium Corp. 1517 vs. Toronto City (COA) (2006 Carswell Ont. 3996, 54 O.M.B.R. 102)**) where Member Lee relied on the “leading case **ReNamara Corporation Ltd. and Colekin Investments Ltd. (1977), 15 O.R. (2d) 718**”, which discussed the relationship between variances and performance standards

“The Legislature by s. 42(1) confided to committees of adjustment and ultimately to the Municipal Board the authority to allow “minor variances”. The statute does not define these words and their exact scope is likely incapable of being prescribed. The term is a relative one and should be flexibly applied: Re Perry et al. and Taggart et al., [1971] 3 O.R. 666, 21 D.L.R. (3d) 402 (Ont. H.C.). No hard and fast criteria can be laid down, the question whether a variance is minor must in each case be determined in the light of the

particular facts and circumstances of the case. In certain situations total exemption from a by-law will exclude a variance from falling within the category of "minor variances". But not necessarily so. In other situations such a variance may be considered a minor one. It is for the committee and, in the event of an appeal, the Board to determine the extent to which a by-law provision may be relaxed and a variance still classed as "minor".

Ms. Oksenberg then referenced the paragraphs from the De Gasperis decision that was relied upon by Mr. Clark earlier in his testimony (and reproduced earlier in this Decision), and then read out Paragraph 13 of the **Toronto Standard Condominium Corp. 1517** decision:

The dicta of Re: Namara have not been overruled or overturned by the most recent DeGasperis case. This is not surprising as the ratio decidendi of Re: Namara has stood the test of time because the judgment recognizes and pays homage to two very important underlying principles. Firstly, whether it is "minor" or not cannot be regarded as a robotic exercise of the degree of numeric deviation, but must be held in light of the fit of appropriateness, the sense of proportion, a due regard to the built and planned environment, the reasons for which the requirement is instituted, the suggested mitigation conditions to address the possible concerns and last, but not the least, the impact of the deviation. Secondly, Re: Namara recognizes that the performance standards of the zoning-law are not an end, but a means to an end. The decision maker must therefore chase after the question whether the planning objectives would be fulfilled if the variance were to be allowed. She must not embark on a tautological and circular exercise of why one cannot abide by the requirements. Neither should she use a yardstick of means, median or any singular numeric approach as a measurement for an appropriate minor variance. Furthermore, a long line of Board cases has held that the assessment of whether it is minor or not cannot be fathomed on an a priori basis. It has been our consistent practice that the question of minor is best to be assessed on an empirical, a concrete and fact-specific basis. In other words, a seemingly "small" deviation may not qualify as "minor". On the other hand, a seemingly "large" deviation or an obliteration of the numeric requirement may be quite appropriate. In short, the numbers themselves are devoid of meaning unless the context is known and rationale for those numbers are known.

Ms. Oksenberg then said that "minor is in the fit of the community", and that numbers don't tell the whole story, and that the difference between FSIs of 0.5 and 0.6 wasn't discernable. She pointed to the predilection of the opposition for focusing on numbers, and how their use of an average FSI of 0.5 times the lot area demonstrated nothing but "mathematical gymnastics". The FSI itself, according to Ms. Oksenberg, had to be interpreted in the context of the community; drawing inferences from the ratio of one FSI divided by another, as was the case with the opposition, resulted in a number that could not be interpreted physically. Declaring that "sentimentality is not appropriate for decision making", Ms. Oksenberg asked that all the variances be approved, and the Appeal be allowed in its entirety.

In his closing remarks, Mr. Clark reiterated that the proposal failed at least 3 out of 4 tests of Section 45(1). Proclaiming the residents to be the custodians of the community,

he said it was important that the community be heard and acknowledged in the decision. He argued that the De Gasperis decision be followed and the project be refused on the basis of numerical increases to variances. He said that there was “something in its nature, that makes it a jewel in the community”, and that this had to be preserved.

I thanked both sides for their patience and commended them on the civility of the proceeding, notwithstanding its contested nature. I then said that I would reserve my decision, and that the decision would be served on all Parties and Participants when it was ready.

ANALYSIS, FINDINGS AND REASONS

I must start by acknowledging the obvious love and affection demonstrated by the local residents for their community, as could be discerned through the impressive turnout at the TLAB hearing, on a working day. There was ample evidence of the close bonds that existed between the residents, which had developed over decades of co-existence, in “a jewel in the community”, to paraphrase Mr. Clark.

I would also like to commend all the witnesses for the civility throughout the proceeding. Notwithstanding occasional acerbity, the language used by the opposition members was nuanced, refined and dignified in how they articulated their opposition.. While all witnesses who spoke in opposition are commended, I believe that I would be remiss not to mention Ms. Margaret Alder-Bennett specifically. I was as impressed as I was moved, by the testimony of a sprightly 91 year old lady who has borne witness to all changes to the community since 1964, state in no uncertain terms why she disagreed with the proposal at 476 Briar Hill.

Notwithstanding my observations in the previous paragraphs, I have taken care to follow Ms. Oksenberg’s advice in eschewing sentimentality for the purposes of decision making.

It is reasonable to conclude that the new proposal at 476 Briar Hill will occupy a very significant place on Briar Hill if approved, by virtue of the imposing façade, as well as topography, since it is located at the highest point on Briar Hill Avenue between Mona Ave. and Avenue Rd. The question is whether the building will merely dominate the streetscape or will it domineer adversely from an impact point of view. A close reading of the witness statements demonstrates that the common denominator in the majority of the statements, is the lack of perceived fit into the community based on the requested FSI. Despite my asking a specific question of what other impact the project would have besides its standing out like “a sore thumb”, Mr. Clark specifically said that he could not think of any other impact.

The opposition to the proposal was notable for its focus, indeed fixation, with averages and percentages using FSI numbers, and related calisthenics. I agree with Ms. Oksenberg’s observation that the FSI numbers are important, but are not conclusive of themselves, and don’t automatically denote overdevelopment. As an example, in a

community with varying lot sizes, the FSIs on smaller lots would be higher than FSIs on bigger lots, in order to achieve the larger goal of mutual compatibility amongst houses. I note that besides Ms. Dalton who referenced the difference in lot sizes between the north and south sides of Briar Hill Ave in passing, neither the Appellants nor the Opposition presented any evidence about the lot sizes, an important determinant of the FSI numbers, precluding the establishment of a basis for an apples-to-apples comparison. Ms. Dalton did not back up her statement with a reliable source of information to demonstrate the stated difference in lot sizes between the north and the south sides of the street.

The opposition relied not merely on FSI numbers to disagree with the proposal, but went on to obtain ratios of approved FSIs, and use the derived parameter, to comment on what constituted ideal development, and how the proposal at 476 Briar Hill was consequently overdevelopment. The parameter utilized by deriving one FSI by another, has no name, definition, and most importantly, not interpretable from a planning perspective, and represents no more than an arbitrary numerical value. The other issue with reliance on averages, and statistical variances, is that it detracts from the context of the proposal, which can be localized, and change continuously as one traverses a given street.

Mr. Clark's observations about "scientific methodologies" raise a very interesting question, including their possible use to determine planning issues. Besides the remarks of Mr. Ferancik, who referred to planning as "part art and part science", it may be pointed out that the analytical technique Mr. Clark refers to assumes a hypothesis, or a supposition based on limited evidence as a starting point, followed by further experimentation, investigation and data analysis which then proves or disproves the hypothesis. The determination of whether a proposal is compliant with Section 45(1) of the Act, on the other hand, requires no such supposition or assumption. The variances may be thought of as a sludgy substance, which is poured down a series of four funnels representing the four tests in Section 45(1) of the Planning Act, to determine successful compatibility. What emerges below the funnels are the equivalent of variances which have successfully passed the tests, while the sludge that is left behind on any of the funnels, represents variances have effectively failed the tests of Section 45(1). What is important to note is that the methodology of decision making in planning to determine whether is a "variance" is minor is closer to empiricism, rather a theoretical hypothesis.

The other interesting criticism was provided by Ms. Demson, who concentrated on how imposing the façade looked, and how it was neither "welcoming", nor "intimate", and how the façade lacked "plasticity", as defined in architecture. However, she agreed with Ms. Oksenberg, that adjectives used by her to describe the proposed house did not appear in the Official Plan, and comes across as a subjective reading, with interpolations about "smart" design. Thus, while the thrust of Ms. Demson's arguments about the lack of the fit of the façade are subjective and are not supported by the Official Plan, it is important to note that her evidence focused only one of the tests respecting the OP, and did not venture to speculate about the other tests. Procedurally speaking, the philosophical approach behind restricting the evidence to just one test and demonstrating failure needs to be appreciated, since such a demonstration ensures failure of the proposal, even if compliant with other tests. This approach contrasts with

the “Take no prisoners” philosophy often used by the opposition, which attempts to demolish a proposal on all four tests.

I also appreciate the panoramic nature of the evidence provided by the opposition, which spanned multiple spectra from the architectural concept of plasticity to geometric progressions, to wisdom about the importance of words and the relationship between opinions and facts.

Mr. Ferancik’s uncontroverted expert planning evidence explained the fit between the proposal and the 4 tests to be considered under Section 45(1) of the act. He relied heavily on previous COA decisions to demonstrate compatibility between the proposal, and many of the tests; however, this emphasis does not remove or subtract from the conclusion of compatibility. Mr. Ferancik’s definition of the study area is grounded in planning principles while the opposition’s definition of a smaller area restricted to a section of Briar Hill street was based on social interaction such as invitations to Halloween parties, or potluck, as opposed to planning reasons. For these reasons, the planning evidence of Mr. Ferancik is preferred. Mr. Ferancik demonstrated the fit between higher level provincial policies, and Section 45(1) of the Act.

Lastly, it is important to comment on the authorities cited by the Appellants and Opposition in support of their cases. The Opposition relied on the landmark De Gasperis case, conceded that the building had no impact besides an ungainly look, and argued that the proposal be denied exclusively based on the consequence of the numerical changes proposed. On this note, it is important to pay close attention to specific circumstances when numerical changes can be considered by themselves, as stated in Paragraph 12 of the said decision “*A variance can, in certain circumstances, be patently too large to qualify as minor even if it likely will have no impact whatsoever on anyone or anything. This can occur, for example, with respect to the first building on a property in a new development or in a remote area far from any other occupied properties.*”. The proposal respecting 476 Briar Hall is not the first development to request variances similar to what is before the TLAB within the study area, nor is it in a remote area. The opposition did not provide any objective rationale to demonstrate that the circumstances were so unique that the proposal could be turned down, merely on the basis of numerical considerations. I conclude that the circumstances of the proposal at 476 Briar Hill are distinguishable from the scenarios discussed in the De Gasperis decision.

I have followed the *ratio decidendi*, as discussed by of Member S.W. Lee of the OMB in his decision ***Toronto Standard Condominium Corp. 1517 vs. Toronto City (COA)***. By way of an obiter remark, it may also be pertinent to point out how much water has flowed under the bridge, after the DeGasperis decision was issued in 2005, and that jurisprudence has evolved to place more emphasis on the actual impact rather than the numerical changes.

The City of Toronto’s Planning staff had recommended conditions of approval in their original discussion of the proposal, as presented to the COA, which involved the installation of privacy screens to address privacy issues, and the need to maintain a 2% positive slope. While the privacy issue was raised only by Ms. Tinning, I would like to

impose the suggested conditions, with an abundance of caution, as well as a standard condition, which requires Appellants to build in substantial agreement with the submitted Plans and Elevations.

The biggest failure of the Appellants is the lack of dialogue with their future neighbours, as described and decried by both Mr. Clark and Ms. Demson. Indeed, one of the interesting features that I observed in the Motion introduced by the Appellants in late March 2018 to revise the Site Plans, as well as Ms. Oksenberg's introductory remarks at the hearing, was the fact that the Appellants made the changes to their proposal on the basis of feedback received at the COA hearing. Clearly, they had not engaged with the neighbours to provide explanations or obtain feedback; had there been dialogue between the Appellants and the neighbours, it is possible that they could have resolved their differences resulting in a proposal that corresponded to the Appellants' aspirations while being responsive to the neighbours' concerns about fit into the community. On this matter, I fully agree with the opposition.

Given the reasoning above, The Appeal is allowed in its entirety. The earlier decision of the COA dated 11 January, 2018, is set aside, and all the variances, as canvassed at the hearing on 31 May, 2018, are approved.

DECISION AND ORDER

1. The Appeal respecting 476 Briar Hill Avenue is allowed in its entirety, and the decision of the Committee of Adjustment dated 11 January, 2018, is set aside.

2. The following variances are approved:

1. Section 6(3) Part I1, Zoning By-law 438-86

Maximum permitted gross floor area (GFA) is 0.35 times the lot area. Proposed GFA is **0.617** times the lot area.

2. Section 6(3) Part II8, Zoning By-law 438-86

Maximum permitted height of rear platform is 1.2 m above adjacent grade. Proposed rear platform is 2.18 m above grade.

3. Section 6(3)Part IV 3, Zoning By-law 438-86

The by-law does not permit an integral garage in a building where the floor level of the garage is located below grade and the vehicle access to the garage is located in a wall facing the front lot line. The proposed integral garage is below grade.

4. Chapter 10.20.40.40, Zoning By-law 569-2013

Maximum permitted floor space index (FSI) is 0.35 times the lot area. Proposed FSI is **0.617** times the lot area.

5. Chapter 10.5.40.10 (5), Zoning By-law 569-2013

A minimum of 10.0 m² of the first floor must be within 4.0 m of the front main wall. Proposed first floor within 4 m of the front main wall is 3.25 m².

6. Chapter 10.20.40.10(6), Zoning By-law 569-2013

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TLAB Case File Number: 18 111613 S45 16 TLAB

Maximum permitted height of the first floor is 1.2 m above established grade. Proposed first floor is 1.41m above established grade.

3. The following conditions are imposed on the approval.

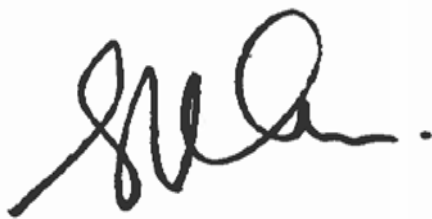
1. That the building be built in substantial compliance with the Site Plan and Elevations, prepared by Arcica Inc and dated April 9, 2018. The Site Plan survey appearing on the first page of the Site Plans and Elevations has been prepared by A. Aziz. The Site Plans and Elevations are attached to this Decision.

2 The Appellants are required to provide permanent opaque screening or fencing along the east edge of the proposed rear deck with a minimum height of 1.5 metres from the floor of the platform.

3. The Appellants are required to ensure that the driveway maintains a minimum 2% positive slope from the street line to the entry of the garage.

So orders the Toronto Local Appeal Body.

X



S. Gopikrishna

Panel Chair, Toronto Local Appeal Body

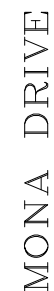


Figure 1 is a map showing the locations of three astronomical objects, LOT 141, PIN 21162-0050, PIN 21162-0049(LT), and PIN 21162-0048, relative to the Virgo Cluster. The map includes a coordinate grid with Right Ascension (RA) and Declination (Dec) values. The objects are marked with 'x' symbols. A scale bar indicates distances in arcminutes (').

REGISTERED PLAN M-25

AREA: 414.07

LOT 195

PIN 21162-0057
PIN 21162-0056



IB
(C
181.43

S-W ANGLE OF
LOT 141

Plan view of the proposed road layout. The diagram shows a horizontal center line of pavement with two existing curb cuts. Key features include:

- Center Line of Pavement:** Indicated by a dashed line with elevations of 181.30, 181.24, and 181.21.
- Existing Curb Cuts:** Two locations marked with 'X' and labeled 'EXIST. CURB CUT'.
- Survey Points and Elevations:**
 - Point 181.22 at the left curb cut.
 - Point 181.21 between the curb cuts.
 - Point 181.18 at the right curb cut.
 - Point 181.14 further to the right.
 - Point 181.28 at the far right.
 - Point 181.11 near the 'HP' label.
- Other Labels:** 'O/H WIRES' at the top, 'HP' (Hydro-Pneumatic) at the right, and '0.10%' indicating a slope.

BRAIAR HILL AVENUE
(BY REGISTERED PLAN M-25)
PIN 21162-0205 (LT)

IB	DENOTES	IRON BAR
N.T.S	"	NOT TO SCALE
O/H WIRES	"	OVERHEAD WIRE
HP	"	HYDRO POLE
OU	"	ORIGIN UNKNOWN
MS	"	MEASURED
 DT.	"	DECIDUOUS TREE
 DT.	"	DECIDUOUS TREE TRUNK
DS	"	DOOR SILL

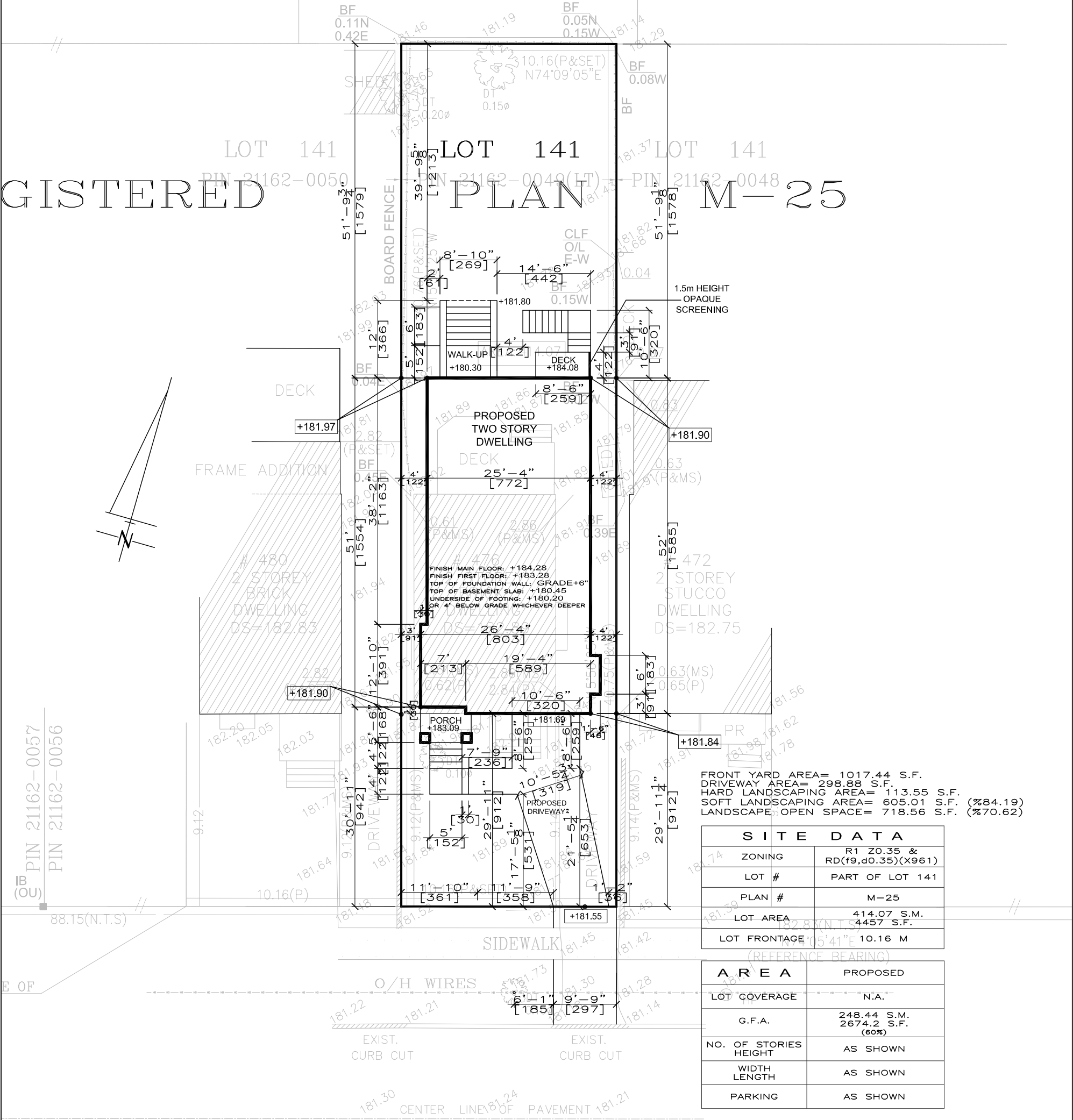
PROJECT NUMBER		PROJECT	
17-384		476 BRAIR HILL AVENUE (SR-PR)	
DRAWN BY	S.H	CHECKED BY	A.A

THIS PLAN IS NOT VALID
UNLESS IT IS AN EMBOSSED
ORIGINAL COPY
ISSUED BY THE SURVEYOR.
In accordance with
Regulation 1026, Section 29(3).

80LOT 75PIN 21162-0006LOT 74PIN 21162-0007LOT 73PIN 21162-0008

LOT 141PIN 21162-0050LOT 141PIN 21162-0048(LT)LOT 141PIN 21162-0048

GISTEREDPLANM-25



FRONT YARD AREA= 1017.44 S.F.
DRIVEWAY AREA= 298.88 S.F.
HARD LANDSCAPING AREA= 113.55 S.F.
SOFT LANDSCAPING AREA= 605.01 S.F. (%84.19)
LANDSCAPE OPEN SPACE= 718.56 S.F. (%70.62)


SITE DATA	
ZONING	R1 Z0.35 & RD(f9,d0.35)(X961)
LOT #	PART OF LOT 141
PLAN #	M-25
LOT AREA	414.07 S.M. 4457 S.F.
LOT FRONTAGE	10.16 M

AREA	PROPOSED
LOT COVERAGE	N.A.
G.F.A.	248.44 S.M. 2674.2 S.F. (60%)
NO. OF STORIES HEIGHT	AS SHOWN
WIDTH LENGTH	AS SHOWN
PARKING	AS SHOWN

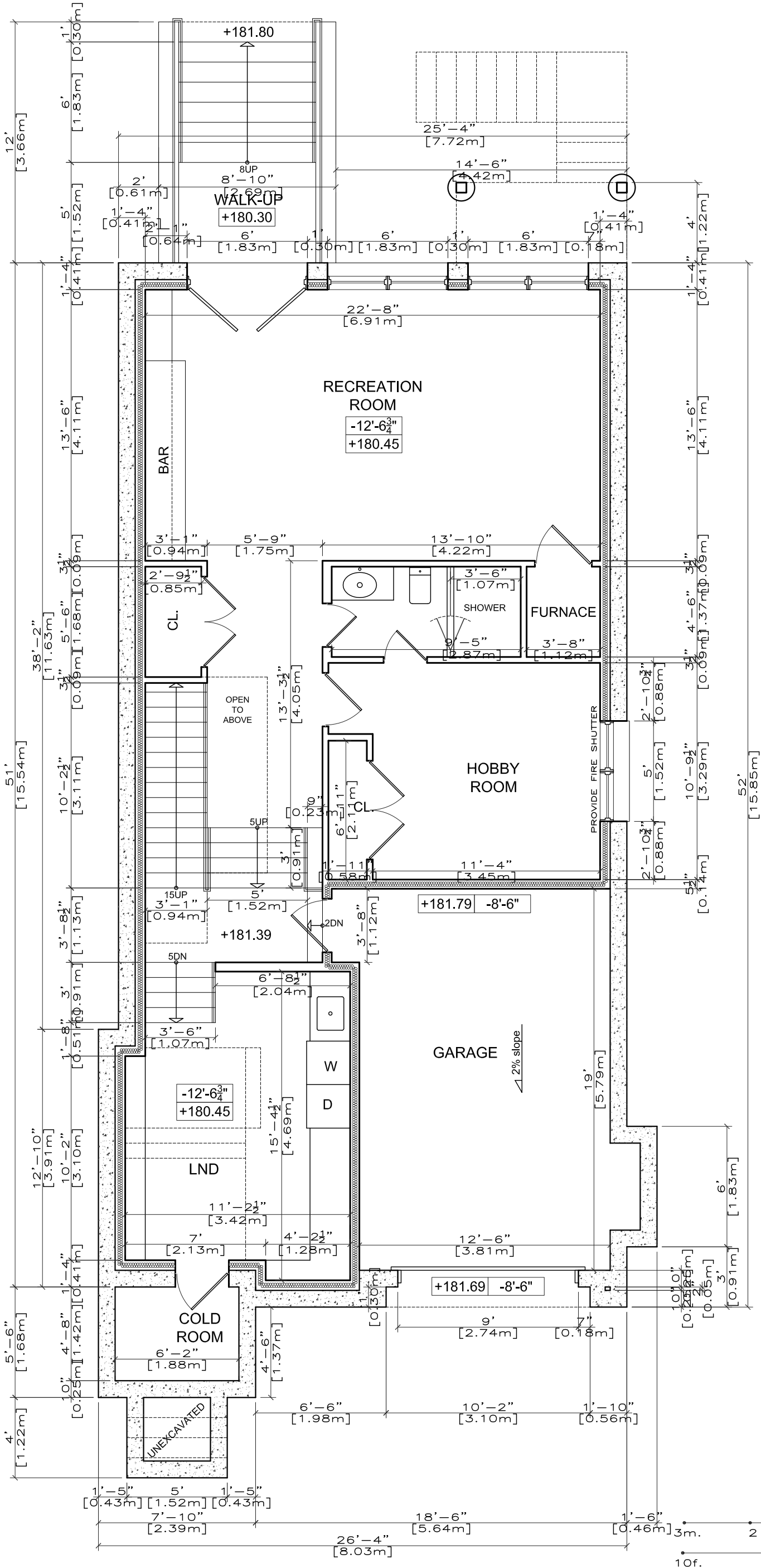
BRIAR HILL AVENUE


(BY REGISTERED PLAN M-25)

PIN 21162-0205 (LT)

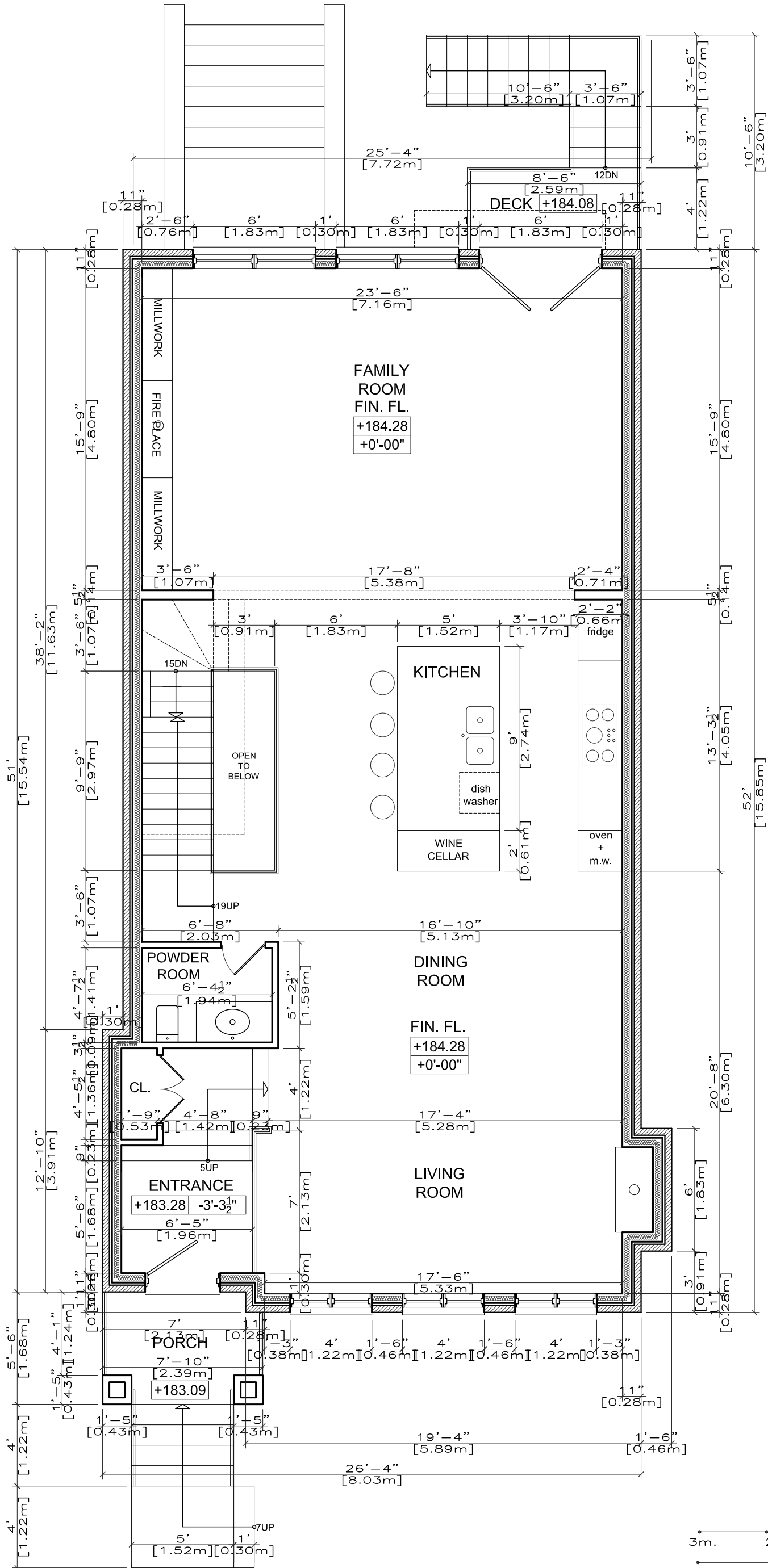
designed by: ALI SHAKERI T.416 8213960 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,	project: 476 BRAIAR HILL AVENUE		revisions: NOV 08, 2017 - ISSUED FOR COA1 JAN 10, 2018 - ISSUED FOR COA2 APR 09, 2018 - ISSUED FOR TLAB1	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION
	drawing: SITE PLAN			
	scale: 1/16"=1'	page: A1	THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri <u>BCIN#24574</u> F&A Associates Ltd. <u>BCIN#30998</u> 	


NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS



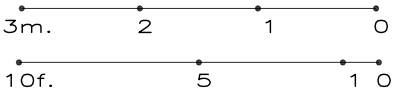
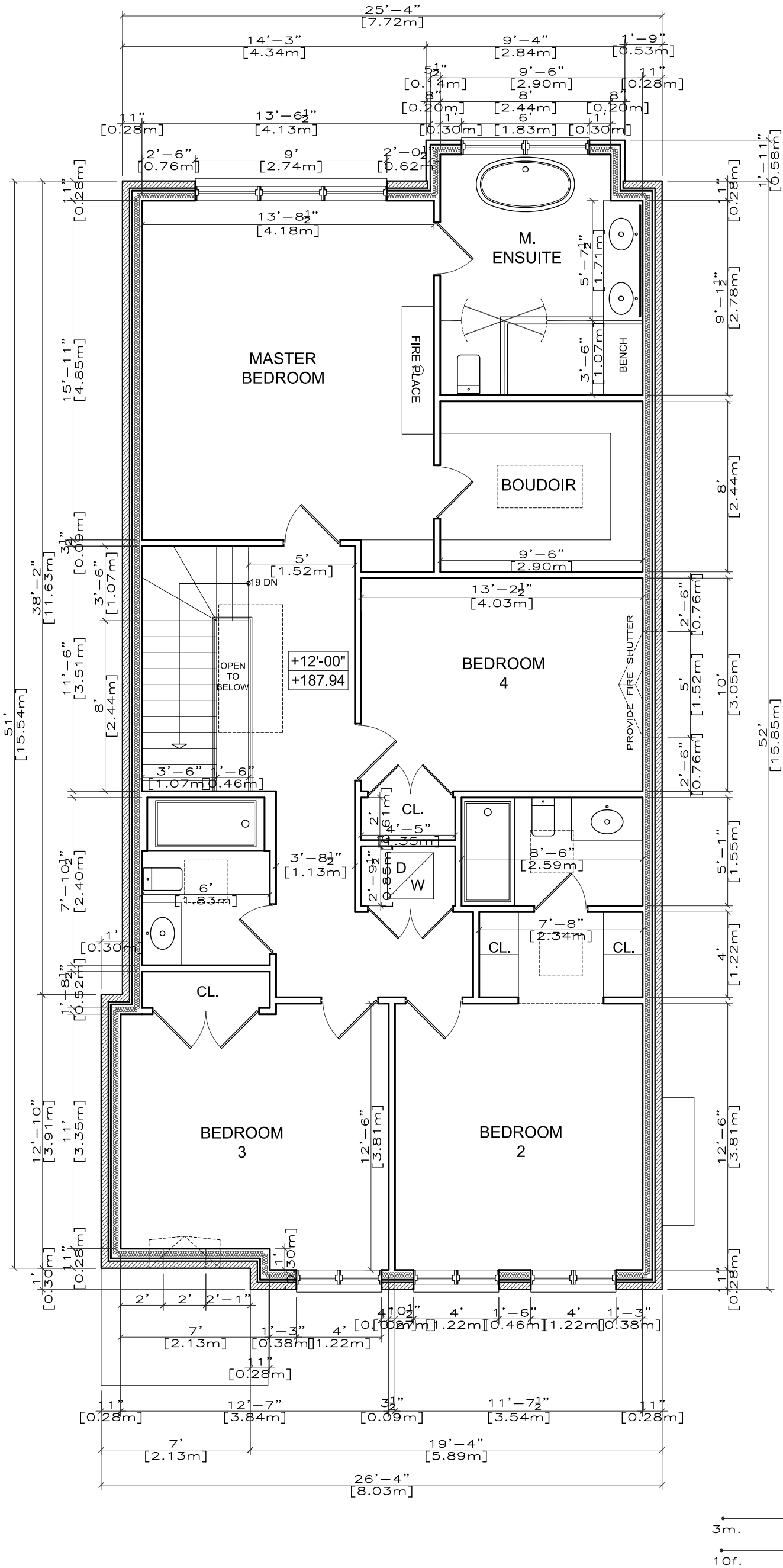
<div>designed by:</div> <div>ALI SHAKERI</div> <div>T.416 8213960 F.416 2508900</div> <div>ARCICA INC.</div> <div>326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,</div>	<div>project:</div> <div>476 BRAIAR HILL AVENUE</div>		<div>revisions:</div> <div>NOV 08, 2017 - ISSUED FOR COA1</div> <div>JAN 10, 2018 - ISSUED FOR COA2</div> <div>APR 09, 2018 - ISSUED FOR TLAB1</div>	<div>1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.</div> <div>2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.</div> <div>3. DO NOT SCALE DRAWINGS.</div> <div>4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.</div> <div>5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".</div> <div>6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION</div>
	<div>drawing:</div> <div>BASEMENT FLOOR PLAN</div>			
	<div>scale:</div> <div>3/16"=1'</div>	<div>page:</div> <div>A2</div>	<div>THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER</div> <div>Ali Shakeri</div> <div>BCIN#24574</div> <div>F&A Associates Ltd.</div> <div>BCIN#30998</div> <div></div>	

NOTE:
ALL INTERIOR
WALL DIMENSIONS
SHOW FACE OF
STUDS



designed by: ALI SHAKERI T.416 8213960 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,	project: 476 BRAIAR HILL AVENUE		revisions: NOV 08, 2017 - ISSUED FOR COA1 JAN 10, 2018 - ISSUED FOR COA2 APR 09, 2018 - ISSUED FOR TLAB1	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION
	drawing: MAIN FLOOR PLAN			
	scale: 3/16"=1'	page: A3	THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri BCIN#24574 F&A Associates Ltd. BCIN#30998 	

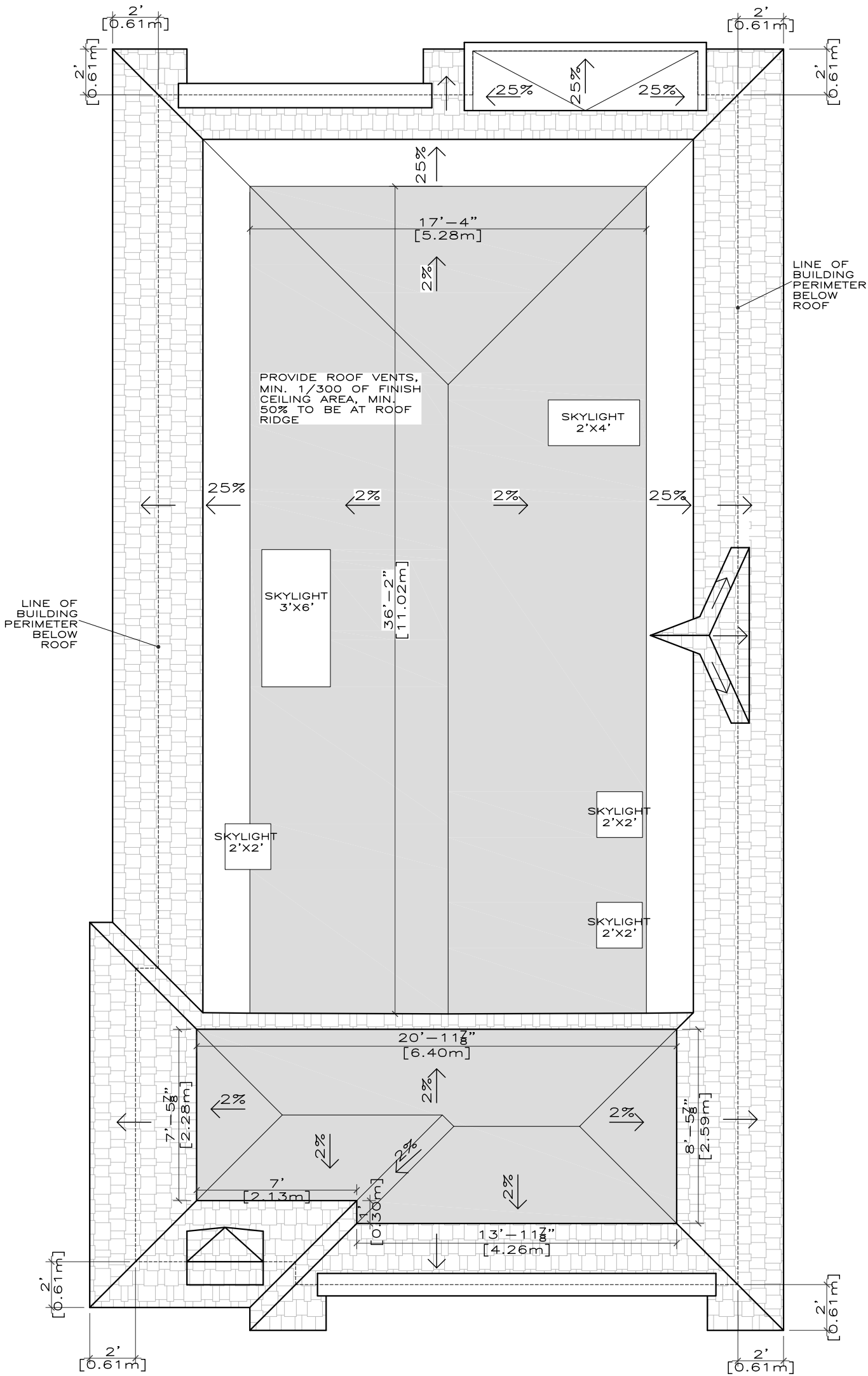
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designed by: ALI SHAKERI T.416 8213960 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,	project: 476 BRAIAR HILL AVENUE		revisions: NOV 08, 2017 - ISSUED FOR COA1 JAN 10, 2018 - ISSUED FOR COA2 APR 09, 2018 - ISSUED FOR TLAB1 THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri BCIN#24574 F&A Associates Ltd. BCIN#30998	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION
	drawing: SECOND FLOOR PLAN	scale: 3/16"=1'	page: A4	

NOTE:
ALL INTERIOR
WALL DIMENSIONS
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STUDS

TOTAL ROOF AREA = 1652.35 S.F.
FLAT ROOF AREA = 796.17 S.F. (48.18%) BY-LAW 7625



designed by: ALI SHAKERI T.416 8213960 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,	project: 476 BRAIAR HILL AVENUE	revisions: NOV 08, 2017 - ISSUED FOR COA1 JAN 10, 2018 - ISSUED FOR COA2 APR 09, 2018 - ISSUED FOR TLAB1	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION
	drawing: ROOF PLAN		
scale: 3/16"=1'	page: A5	THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri BCIN#24574 F&A Associates Ltd. BCIN#30998	



FRONT ELEVATION

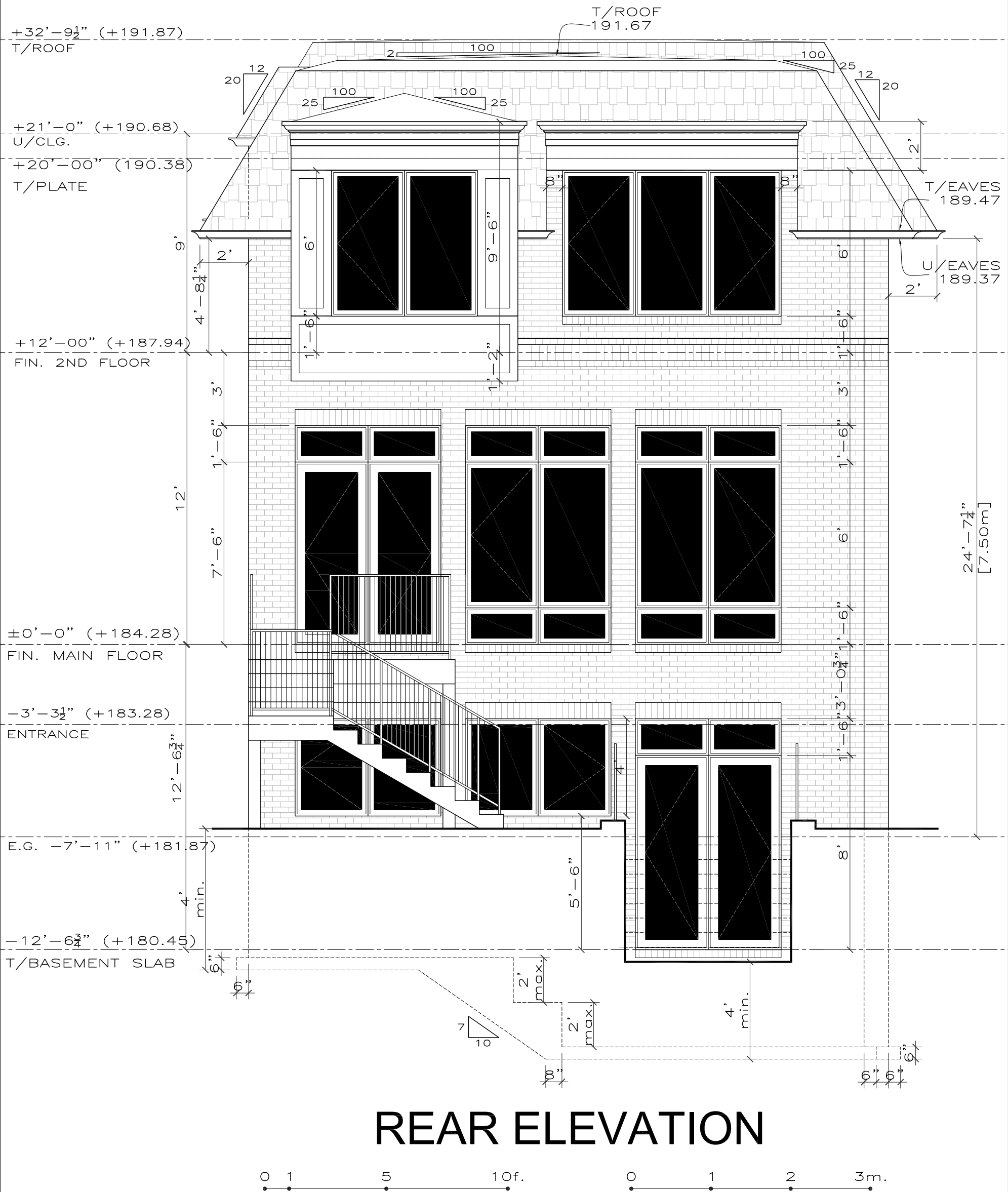
designed by: ALI SHAKERI T.416 8213960 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,	project: 476 BRAIAR HILL AVENUE	revisions: NOV 08, 2017 - ISSUED FOR COA1 JAN 10, 2018 - ISSUED FOR COA2 APR 09, 2018 - ISSUED FOR TLAB1	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION
	drawing: FRONT ELEVATION		
scale: 1/4"=1'	page: A6	THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri BCIN#24574 F&A Associates Ltd. BCIN#30998	




FRONT ELEVATION



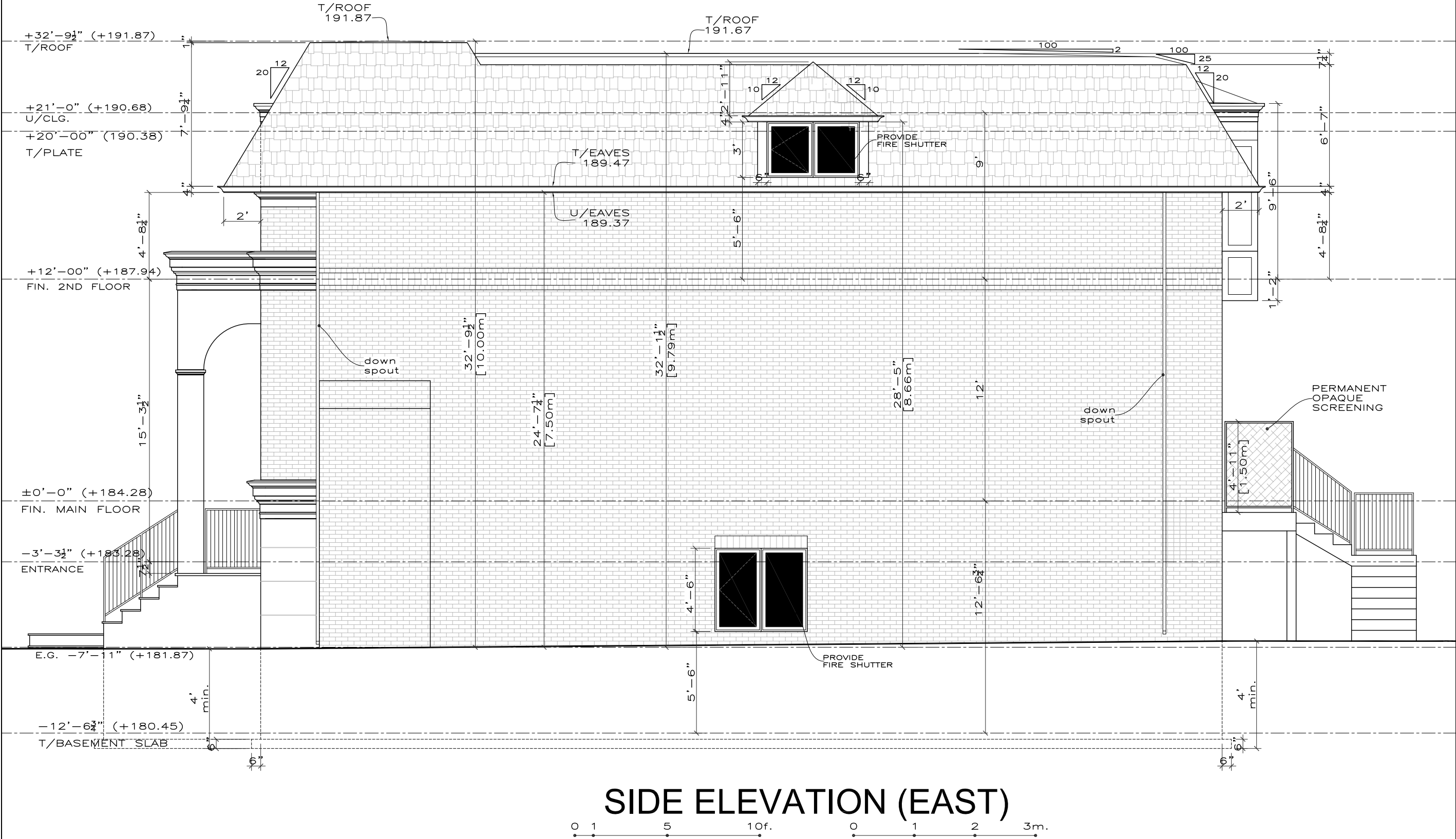
<p>designed by:</p> <p>ALI SHAKERI</p> <p>T.416 8213960 F.416 2508900</p> <p>ARCICA INC.</p> <p>326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,</p>	<p>project:</p> <p>476 BRAIAR HILL AVENUE</p> <p>drawing:</p> <p>COLORED FRONT ELEVATION</p> <p>scale:</p> <p>1/4"=1'</p>	<p>revisions:</p> <p>NOV 08, 2017 - ISSUED FOR COA1 JAN 10, 2018 - ISSUED FOR COA2 APR 09, 2018 - ISSUED FOR TLAB1</p> <p>THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER</p> <p>Ali Shakeri BCIN#24574 F&A Associates Ltd. BCIN#30998</p> <p><i>Ali Shakeri</i></p>	<p>1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE.</p> <p>2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.</p> <p>3. DO NOT SCALE DRAWINGS.</p> <p>4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK.</p> <p>5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION".</p> <p>6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION</p>
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designed by: ALI SHAKERI T.416 8213960 F.416 2508900 ARCICA INC. 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO, CANADA,	project: 476 BRAIAR HILL AVENUE		revisions: NOV 08, 2017 - ISSUED FOR COA1 JAN 10, 2018 - ISSUED FOR COA2 APR 09, 2018 - ISSUED FOR TLAB1	1. ALL WORK SHALL BE CARRIED OUT IN STRICT ACCORDANCE WITH THE REQUIREMENTS OF THE LATEST REVISION OF THE ONTARIO BUILDING CODE. 2. VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. 3. DO NOT SCALE DRAWINGS. 4. ALL DIMENSIONS AND INFORMATION SHALL BE CHECKED AND VERIFIED ON THE JOB AND ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO F&A ASSOCIATES BY PHONE AND SUBSEQUENT WRITTEN CONFIRMATION PRIOR TO COMMENCEMENT OF THE WORK. 5. USE ONLY LATEST REVISED DRAWINGS OF THOSE THAT ARE MARKED "ISSUED FOR CONSTRUCTION". 6. ALL STRUCTURAL DESIGN MUST BE REVIEWED AND APPROVED BY CERTIFIED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION
	drawing: REAR ELEVATION			
	scale: 1/4"=1'	page: A7	THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS & MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER Ali Shakeri BCIN#24574 F&A Associates Ltd. BCIN#30998 	

GLAZED AREAS:

1. AREA OF EXPOSED BUILDING FACE: 1403.37 SQ.FT.
2. PROPOSED GLAZED AREA: 35.81 SQ.FT. (2.55%)



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