

# DECISION AND ORDER

**Decision Issue Date**      Tuesday, January 22, 2019

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

Appellant(s): DAVOOD MORAD

Applicant: DAVOOD MORAD

Property Address/Description: 319 HORSHAM AVE

Committee of Adjustment Case File Number: 17 257755 NNY 23 CO, 17 257762 NNY 23 MV, 17 257768 NNY 23 MV

TLAB Case File Number: **18 155272 S53 23 TLAB, 18 155273 S45 23 TLAB, 18 155274 S45 23 TLAB**

**Hearing date:**      Monday, October 01, 2018

**DECISION DELIVERED BY GILLIAN BURTON**

## APPEARANCES

Name	Role	Representative
Davood Morad	Applicant/Appellant	Amber Stewart
Annelise Bork	Owner	
City of Toronto	Party	Ellen Penner/Ben Baena
Franco Romano	Expert Witness	
Yishan Liu	Expert Witness	

## INTRODUCTION

This is a decision on appeals to the Toronto Local Appeal Body (TLAB) by the owner of 319 Horsham Ave., Annalise Bork, by her agent Davood Morad, from decisions of the

Committee of Adjustment (COA) dated April 18, 2108. The COA refused a consent to sever the existing parcel, and related minor variances for proposed two storey dwellings on the resulting lots. The City of Toronto (City) became a party to the appeals, as it opposes them.

## **BACKGROUND**

The subject parcel is located on the south side of Horsham Avenue, which is south of Finch Avenue West, east of Bathurst Ave. and west of Senlac Road in the former North York. As the applicant/appellant stated through its counsel in the TLAB hearing, Senlac Road is a busy 3-lane north-south street bisecting the block between Finch Avenue West and Sheppard Avenue West. The subject parcel is located one long block west of Senlac. It is designated Neighbourhoods under the City of Toronto Official Plan (OP). It is zoned R4 in the former City of North York Zoning By-law No. 7625 (NY By-law) and RD (f15.0;a 550)(x5) in the City of Toronto Zoning By-law No. 569-2013 (New By-law).

The following facts were not in dispute. The minor variance applications each requested 12 variances from the combined provisions of the New By-law and the NY By-law, to allow for the proposed dwellings on the resulting lots. (Subsequent appeal decisions have reduced some previously required.) The applicable zoning standards call for a minimum lot frontage of 15.0 m and a minimum lot area of 550.0 sq. m. The existing parcel has a frontage of 19.51 m and a lot area of 793.6 sq. m. It presently contains a detached dwelling and an integral garage, with a circular drive. The proposed lots would each have a frontage and width of 9.75 m, and an area of 396.6 and 396.8 sq. m. A two-storey dwelling with an integral garage would be constructed on each of the lots. Proposed coverage for each would be 31.3%, rather than the By-laws' limitation to 30% of the lots.

An oral hearing was held on October 1, 2018. It ran well beyond the usual TLAB closing hour. It was agreed that written argument would then be exchanged and filed by the counsel for the owner, Ms. Stewart, and those for the City, Ms. Penner and Mr. Baena. This process was finally completed on January 11, 2019.

## **MATTERS IN ISSUE**

The essential issue for the parties appeared to be whether there would be compliance with the OP Policies governing the Neighbourhoods designation. The City principally opposed the reduced frontage and area for the proposed lots, arguing that these did not meet those Policies. The other variances required are for coverage and side yard setbacks. The owner believes the proposal to represent a desirable form of intensification, and that it meets all applicable Policies.

## **JURISDICTION**

On an appeal of a consent application, the TLAB must be satisfied that the relevant provisions on subsection 51(24) of the Act are satisfied. Subject to my editorial

deletions of some of the clauses for this matter (based on my assessment of the evidence provided) the subsection reads:

"(24)... regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan .....
- (d) the suitability of the land for the purposes for which it is to be subdivided;...
- (f) the dimensions and shapes of the proposed lots;...
- (i) the adequacy of utilities and municipal services;.....

Respecting the variance appeals, the TLAB must ensure that each of the variances sought meets the tests in subsection 45(1) of the Act. This involves a reconsideration of the variances considered by the Committee in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

- maintains the general intent and purpose of the official plan;
- maintains the general intent and purpose of the zoning by-law;
- is desirable for the appropriate development or use of the land, building or structure; and
- is minor.

These are usually expressed as the “four tests”, and all must be satisfied for each variance.

In addition, TLAB must have regard to matters of provincial interest in section 2 of the Act, and the variances must be consistent with provincial policy statements and conform to provincial plans (s. 3 of the Act). A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (PPS) and conform to (or not conflict with) any provincial plan such as the Growth Plan for the Greater Golden Horseshoe (Growth Plan) for the subject area.

Under s. 2.1(1) of the Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body.

## **EVIDENCE**

Planning evidence in favour of the proposal was provided by Mr. Franco Romano, who was qualified as an expert witness of significant experience, especially in the location in question. In his Expert Witness Report (Exhibit 2), he illustrated by aerial photos the location of the property, and performed a lot study as shown on the third page. The area he chose was from the Beecroft Road closure in the east (four streets east of Senlac), south to the south side of Ellerslie Ave., west to Wynn Rd., and north to the north side of

Hounslow Ave. (one block north of Horsham). Some deviations were explained by different zoning pockets and lot patterns.

He stressed that planners can choose differing parameters for a “neighborhood”, and that this could amount to only a partial or half block. He had expanded his study area beyond this to where Horsham now terminates in the east in a cul-de-sac, caused by recent Beecroft right-of-way reconstruction. This is just to the west of Yonge Street and, as he stated, within walking distance of the subject site. Since detached dwellings had been removed here, they should be replaced by gentle intensification. This was occurring within the neighbourhood, as the provincial policies and the OP required. An additional reason for including Horsham east of Senlac is that, absent this portion, a critical component of the neighbourhood needed for a planning evaluation would be removed. If you resided west of Senlac, you would have to access and utilize community facilities on the east side of this street.

He testified that the neighbourhood is also well served by transit, with surface buses on Senlac, Finch and Bathurst. Both North York Centre and Finch stations are within walking distance. His east study limit is adjacent to the North York Centre, along the Yonge/Beecroft corridor. This is a designated intensification area and an urban growth centre. The “neighbourhood interface” nearby has undergone a transition from a detached residential to a mixed low-rise residential. Some twenty detached residences had been removed to make way for the City’s Beecroft Road realignment and new park construction. Some had also disappeared to permit more intense development approvals (townhouses on Churchill Avenue). This proposal in his opinion offers an opportunity to replenish the lost detached residential housing stock within the same neighbourhood where it has been removed, through this form of gentle intensification.

He described the road network for his chosen study area as a mixed grid and curvilinear pattern interspersed with many cul-de-sacs and some crescent and private condominium driveways. These access recently constructed townhouse developments. The neighbourhood thus consists of low rise residential interspersed with other forms of development, including school, park and multiple residential, both within and at the edge of the neighbourhood. There are many detached housing replacements within the area, most of these of a newer style, with integral garages, that take up more of the lots, with smaller side yard setbacks.

His larger area comprised 834 lots. 42.1% of these are less than 15 m wide, and 33.9% have a lot area smaller than 550 sq. m. The latter statistic was not clear from the City’s data. In his opinion, undersized lots thus form a noticeable part of the physical character and the lotting pattern within this neighbourhood. This is illustrated on his chart entitled Lot Study and Neighbourhood Context (p. 3, Ex. 2). Here the three smallest categories (shown in blue, purple and pink) are all less than the 15 m width required by the By-laws. Frontages range 5.5 m to 43.4 m in the area.

He also chose a narrower area for evaluation, bounded by Wynn Road to Senlac Road, and Horsham Avenue to Eglinton Avenue, consisting of 373 lots. Here 32.9% are smaller than 15 m frontage (they range 9.1 m to 37.1 m), and 18.2% have a smaller than 550 sq. m area (for those lots with supplied lot area values. The range is 367.9 sq.

m to 2333.7 sq. m). However, when this smaller geographic area is chosen instead as an appropriate neighbourhood for evaluation of the OP test, there is a similar variety. Even when considering an area from Wynn to Senlac along on Horsham itself (about 71 lots), 36.6 % of existing lots are smaller than the required 15 m., and 4 are 9.8 m or narrower. They range here from 9.1 m to 30.4 m. Three of the narrowest are in close proximity to the subject property. Two of those were created by lot addition then consent (272 – 278 Horsham).

Lot patterns here show a great diversity and variety. Because of the road divergences, lot shapes differ significantly. The widest lots, shown in yellow in Ex. 2, p. 3 are few, and have been subject to severance activities. Of the 71 lots in the few blocks of Horsham here, there are about equal numbers of the narrowest and widest lots, as shown on his chart. If the severance is granted, he testified, the narrower lots would actually reinforce the lot sizes and patterns in this smaller neighbourhood area. The rebuilt dwellings at 272/278 Horsham are placed on the same lot size as the proposed, but because of their built form, look more imposing. They have even smaller side yard setbacks and below grade garages. These were created in compliance with the policies for severances in the former NY By-law (that severances must enhance or revitalize the area). There are no severance criteria in the present City OP.

It is nonetheless common to see variances required when lots are severed. His Decision Summary Table in Ex. 2 shows both the degree of redevelopment activity here and the lot widths, in the “other” category. Each decision must be considered on its own merits, so no criteria can be devised for lots even of the same width. He pointed to one decision not shown on the City-supplied decisions chart, for 32 Cobden Street to the west. The resulting frontages are 11.3 m, with areas 518 sq. m. He stated that the difference between these frontages of 11.3 m and the proposed at 9.75 m would be imperceptible. Highlighting the **existing** difference in lot frontage of present 319 and its neighbours (it is over 4.3 m wider than no. 317, and 4.3 m wider than 321), he concluded that width differences already form part of the neighbourhood character. Thus if the application is approved, there would still be a difference, albeit a slightly larger one (5.67 m vs 4.3 m).

His photos of dwellings nearby also illustrate this variety. He referred to them in detail, with correspondence to the Decision Summary chart. One benefit of this proposal versus the redevelopments at 272 and 278 is the retention of the present curb cuts and the mature tree – other properties had more resulting hard surfaces.

He emphasized the immediate surroundings of the subject property, just to the west of Hazelglen Ave., a sharply diagonal one block street running between Churchill Ave. to the south and Horsham Ave. This interjection leaves only three properties on the south side of Horsham, between Hazelglen and the street to the west, Cobden Street.

Mr. Romano described the subject property as occupied by a split level detached dwelling with an integral two-vehicle garage, accessed by a circular driveway. The front yard is now dominated by the driveway, with landscaping along the edges and in the boulevard (which does not have a sidewalk). The proposal would see construction of a new two storey detached dwelling on each new lot. The dwellings would overlap the

existing site footprint. He testified that severance into two lots would require minor variances to the minimum lot frontage and lot area. Minor variances are also proposed for lot coverage, side yard setbacks and the foyer floor area (the latter no longer needed). In all other respects the proposal complies with the applicable zoning. The actual variances requested are found in Attachments 2 and 3 to this decision. Good front yard alignment along Horsham would be preserved. The new dwellings would not be as long as the existing dwelling, and no length or depth variances are required.

Specifically, the side yard setbacks are mainly 1.22 m (requiring variances from the required 1.8 and 1.5 m). The slightly smaller measurement on the west side (0.9 m) relates only to the front one storey garage portion near the front of each dwelling.

He highlighted the fact that there is no overall or main wall height variances, nor a front yard landscape variance, as are typical in other new dwellings. The GFA proposed is within the By-law requirements as well.

He included photos of many nearby properties, with locations on his chart for relevant COA and appeal decisions for those properties (mainly for [former] Ontario Municipal Board [OMB] decisions.)

No City staff had commented adversely to the COA except the Planning Staff (meaning that Transportation and Development Engineering had no objections to the severance.) Planning had supplied no specific area for their review, making his assessment difficult. In their April 10, 2018 memo, this was their conclusion:

“Staff conducted analyses of the frontages, depths and areas of lots found in the surrounding neighbourhood. It is the opinion of planning staff that the lot in its current form is consistent with the character of the area and complies with the requirements of the Zoning By-law. Approval of a consent into two undersized parcels would be incompatible with the established character of the neighbourhood and lead to other similarly configured severances. As such, it is the opinion of planning staff that the applications should be refused in order to respect and reinforce the existing lot pattern and frontages in the neighbourhood.”

### **Provincial Policies**

Respecting applicable provincial policy documents, Mr. Romano testified that the proposal is consistent with the 2014 PPS. In particular, as in Policy 1.1.1., it contributes to achieving an appropriate mix and range of housing, optimizing the use of land and making better, more efficient use of existing infrastructure. It meets clause e) – “promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.” and Policy 1.1.2 : “Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. ....Within settlement areas, sufficient land shall be made available through intensification and redevelopment .....

Within Settlement Areas (as this proposal is), 1.1.3.2 and 1.1.3.3 require that:

“1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

1. efficiently use land and resources;

2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;....

4. support active transportation;

5. are transit-supportive, where transit is planned, exists or may be developed; and.....

b) [provide] a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3,.....

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated.....

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The implementation sections (1.4, 4.0) are also satisfied, in Mr. Romano's opinion. He pointed out that the properties across at 272 and 274 Horsham were not decided under these policies, as the PPS is more recent (2014).

Mr. Romano also finds compliance with the Growth Plan. This Plan is focused on better utilization of land within delineated built-up areas (2.2.2), so as to avoid urban sprawl and result in complete communities as defined. This is within a "settlement area" as defined, that is, the City of Toronto. It is not within a strategic growth area.

Intensification is to be encouraged throughout a delineated built up area (2.2.2.4). By clause f), this is to be implemented by the OP. The City OP has not yet been amended to address this policy. Nonetheless, in Mr. Romano's opinion, the Growth Plan specifically encourages intensification to reflect the desired urban structure which, in this case, is implemented here by detached residential. The proposal appropriately addresses the intensification policies that achieve the objective of complete communities. These include transit-oriented growth within settlement areas in delineated areas, where a diverse range and mix of residential land uses is to be achieved.

### **The Official Plan**

The OP designates this site Neighbourhoods. The Plan is to be interpreted as policy that implements provincial policies. In Mr. Romano's opinion, the proposal conforms to and maintains the general intent and purpose of the OP, satisfying both the Planning Act consent criteria and the "four tests" for variances.

The introduction to Policy 3.2.1.1. in the Housing policies, says that ownership housing, especially condominium, is in abundant supply. "What is needed is a healthier balance among high rise ownership housing and other forms of housing, including ..... affordable low-rise ownership housing for large households with children and multi-family households". Policy 3.2.1.2 speaks to the replenishment of existing stock (such as those dwellings lost to the reconstruction at Beecroft Rd.). He found an inventory of existing housing types in the census tract (Ex. 2. para. 36). The increase in single detached over a ten-year period has been the smallest, with multiple dwellings

increasing the most. The OP policy for maintenance of existing single dwellings is not met, and would be by this proposal, for one replacing one lost down the street.

Respecting the Healthy Neighbourhoods policies in Chapter 2.3, the explanatory text emphasizes that neighbourhoods will not stay frozen in time..... “Some physical change will occur over time as enhancements, additions and infill housing occurs on individual sites. A cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.” While Policy 2.3.1.1 says that Neighbourhoods are to be physically stable areas, development there “will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.” No single criterion is highlighted here; all contribute to a desirable variety of features.

Change is also anticipated in the Built Form policies. Considering 3.1.2.1, these homes would “fit” because of good front wall alignment, front door close to grade, existing trees preserved, vehicle parking, and access via existing curb cuts, with appropriate exterior design features for this neighbourhood. There would be no privacy, shadowing or wind concerns.

Chapter 4 of the OP, Neighbourhood policies that deal with growth strategies, do not apply directly to this retention and replenishment of dwellings that used to be within the neighbourhood. Mr. Romano addressed the proposal in light of section 4.1.5, Development Criteria in Neighbourhoods:

“Development in established Neighbourhoods will respect and reinforce the **existing physical character** of the neighbourhood, including in particular:...

- b) size and configuration of lots; (this is, he stated, within the diversity of lot sizes and configurations, and respects what exists in the neighbourhood and on the street);
- c) heights, massing, scale and dwelling type of nearby residential properties; (the proposed would be proportionate to those nearby);
- d) prevailing building type(s); (detached residential prevails);
- e) setbacks of buildings from the street or streets; (similar);
- f) prevailing patterns of rear and side yard setbacks and landscaped open space; (provides a tight to modest side yard pattern, and meets other setback requirements);.....

4.1.5 continues: “No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.” Mr. Romano opines that this would not be atypical of the physical characteristics of the neighbourhood.

Similarly, respecting policy 4.1.8, implementation by zoning standards, the proposals here are as mentioned within the great variety that is typical of this area. The character of the neighbourhood is one where very few lots or structures fully comply with the zoning requirements.

He also considered the possible effect of OPA 320, which does not apply to this application but indicates Council’s most recent direction on the concept of “neighbourhood”. The modifications in OPA 320 are met here, in his view. The

proposal respects and reinforces the physical characteristics of the neighbourhood and even the smaller existing geographic area as he described. OPA 320 introduces the term 'prevailing' to apply to more of the development criteria found in Section 4.1.5. It also establishes parameters for the neighbourhood and both sides of the block containing the subject site. It does not alter Section 4.1.8 (zoning criteria), or the explanatory text, namely: "A key objective of this Plan is that new development respect and reinforce the general physical patterns in a Neighbourhood." OPA 320 does not impose physical limits, nor provide any feature that may be considered to prevail. In other words, OPA 320 does not create a mathematical exercise for a planning evaluation that would impose a single majority attribute. As an example, he stated, "the majority of lot sizes are X, therefore any new lot must be at least the equivalent of size X in order to respect and reinforce the physical context." There must still be a balanced consideration of physical character surrounding the proposal. Neighbourhoods can have more than one prevailing physical character, in whole or in part.

Therefore in his opinion the proposal conforms to OPA 320 and meets its general intent and purpose.

### **Zoning By-laws**

The two applicable By-laws permit more than just detached residential, but the proposal meets the goal of compatible site design and built form for this type. Requested side yard setbacks are small extensions, with the 0.9 m requested only for the garage, permitting reasonable access, and also the front porch, ensuring its subordinate position. The increase in lot coverage amounts to only about 4.5 sq. m., and does not amount to overdevelopment. The variance for the amount of first floor has been deleted, as it is no longer required in the By-law. His conclusion on the test of meeting the general intent of the zoning by-laws was that the proposed lot sizes and lot areas are appropriate here within this physical context. They are reasonably represented in the neighbourhood. The existing lot is one of the larger in the area. The other variances are indeed minor.

### **Desirable**

Mr. Romano's conclusions here were similar. These dwellings would complement those existing, without requiring extraordinary zoning relief.

### **Minor**

The division of this larger lot in the area would have no unacceptable planning results. The resulting lots and dwellings were of a reasonable order of magnitude.

### **Criteria for Severance**

Mr. Romano considered all the criteria for severance approval, as found in subsection 51(24) of the Act (Ex. 1, Tab 1, and set out in Jurisdiction, above). In his opinion all relevant criteria are met.

- (a) matters of provincial interest under section 2 are satisfied;
- (b) The application is not premature and is in the public interest;
- (c) It conforms to the official plan .....
- (d) the land is suitable for the purposes for which it is to be subdivided;...

(f) the dimensions and shapes of the proposed lots are found within the neighbourhood and are a reasonable size;...  
The others have no direct application.

Similarly, section 2 of the Act has been satisfactorily addressed.

In cross examination he reiterated that there has been significant redevelopment in the study area in the last ten years, more so than the prior years. 9% of the lots have seen redevelopment, a notable number, and these occurred even within his smaller area (bounded by Wynn to Beecroft, Hounslow to Ellerslie). On the south side of Horsham from Senlac almost to Hazelglen, 16 properties are zoned for only a 9 m frontage. He admitted that the figure of 32.9% of the lots in this area having less than 15 m frontage included those in RD 9 zones. The dozen dwellings removed by the Beecroft reconstruction should be replaced in this same neighbourhood, he opined. Detached residential uses were not encouraged in the City's growth strategies to locate in areas covered by secondary plans or by the North York Centre. This area west of Senlac is the logical location for replacement housing lost nearby.

He rejected a virtual lot by lot assessment of the inclusion/exclusion of property frontages on nearby streets, saying that his percentages were valid – If the 16 lots referred to were removed, 24% of the lots on Horsham alone would still be undersized. For similarly zoned lots (15 m frontage), 26.5% of lots would be undersized according to the By-laws. Additional examination of many nearby streets and homes was undertaken, during which Mr. Romano largely had to repeat and reinforce his earlier testimony. The lots appearing there now are part of the existing neighbourhood, he emphasized, and must be considered in applying the tests of respecting and reinforcing the existing neighbourhood. He did agree that 4 narrowest lots, out of 373, would amount to only 1%. Nonetheless, similar proposals for severance for the larger lots illustrated in his chart would be desirable. There is such a diversity in lot sizes in this neighbourhood that small differentiations in lot frontages would not be perceived. They are part of the existing neighbourhood. Also part of it is the variety in lot shapes - rectangular, square, wide, narrow, deep and shallow lots, and unusual lot configurations, such as triangular or otherwise irregular lots. As Mr. Romano opined, the proposed consent would only contribute to the diversity that already exists in the neighbourhood as a whole, and the immediate vicinity of this property.

He was questioned about his statement (Ex. 1, para 29) that maintaining the existing dwelling/lot does not advance the PPS policy thrust. He clarified that it would not create necessary, compact development, or use land efficiently. It is an oversized lot where infrastructure is available for adding to detached dwelling supply. Its existing context must be considered.

There have been redevelopments here. There have been fewer than 20 consents in the area in the last ten years. He was closely questioned on the activity within his smaller area, which he chose because of the disparate zoning categories elsewhere, permitting different frontages (9 m and 12 m). He stressed the relatively low turnover of consent activity.

## **City of Toronto**

The City's expert planning evidence was provided by Ms. Yishan Liu, an Assistant Planner there who became responsible for this file only recently. She is not yet a Registered Professional Planner, but was qualified to provide expert evidence in any event as she has been put in charge of many files. She will be able to acquire full membership of OPPI and the CIP in 2019, and has been qualified as an expert by the former OMB.

She filed an Expert Witness Statement (Ex. 3), together with a Lot Frontage Chart (recently amended, Ex. 4), a Lot Study Large Lots (Ex. 5) and Schedule Q to the former North York By-law (Ex. 6).

She testified that the City would challenge only the severance and the requested variances for frontage and lot area. She mentioned especially the failure to meet the subsection 51(24) considerations of: c) conforms to the official plan, and f) dimensions and shapes of the proposed lots.

She chose a somewhat different study area than Mr. Romano's, and not the same as that chosen by her predecessor, Mr. Pressick. Her criteria were based on the classic five-minute walk- his was too far to the north, she stated. She had included a portion of the larger Yorkview Neighbourhood as identified in Schedule Q to the NY By-law (Ex. 6). This was created after zoning amendments by North York in the early 90's, and was attached to the By-law to distinguish the zoning criteria on a neighbourhood level. In her opinion the study area should be bounded by Yorkview Boulevard to the north, Ellerslie Avenue to the south, Senlac Road to the east, and Stafford Road to the west (Ex. 6, Aerial Map following CV). West of Stafford has different zoning.

She focused on the lot frontages, although there were deeper lots on Ellerslie. This area includes approximately 545 detached residential properties. Condominium and townhouse areas were excluded, as lot frontage requirements differ. Beyond Yorkview Blvd to the north is a different street network as well as the Central Finch Secondary Plan, with different land use designation and zoning. South of the distant Ellerslie Avenue is the York Cemetery. She did not agree with Mr. Romano's choice of Wynn Rd. as his western boundary, as it is an interior street with no distinguishing feature from a zoning perspective. She chose Senlac Road at the east because it is a minor arterial, and is the boundary between the Edithvale and Yorkview neighbourhoods in Schedule Q. She would not go further east into Edithvale as Mr. Romano did because Senlac, as a minor arterial, is too busy a road to permit easy access there. She also disagreed with Mr. Romano's inclusion of streets further to the east on the ground that it would be more like a 15 minute or longer walk to Yonge Street from the site.

She chose Stafford Road to the west as it is at a similar distance from the subject site as Senlac Rd. is to the east, and because of the zoning changes west of Stafford Road. The zoning is illustrated in her Report following the aerial photo of the site (Ex. 3). She elaborated:

"This neighbourhood study area is .....subject to the same or similar zoning standards under both the New Zoning By-law and the NY Bylaw:

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- (a) Minimum lot frontage of 15.0 metres;
- (b) Minimum lot area of 550 square metres;
- (c) Maximum lot coverage of 30%; and
- (d) Minimum side yard setbacks of 1.5 metres.”

She nevertheless highlighted the differing zoning categories here. Most is zoned R4 under the NY By-law, with some R7 and R6. Under the New Zoning By-law most is zoned RD (f15.0;a550) (x5), with some RD (f9.0; a275) and RD (f12.0; a370). She pointed out the specific standards for side yard setbacks here, as Exception 5 requires a 1.8 m setback rather than the usual 1.5 m.

Ms. Liu then discussed her Lot Study – Frontages to show that all lots in her study area comply with their required frontage, with few exceptions. Only 1% of the properties are at or less than the requested 9.75 m. On the north side of Horsham, there are two lots created by lot addition and severance that are smaller than the proposed. There are only a few smaller lots created historically, such as 312 and 314. She stated that one can distinguish visually between a lot 9.75 m wide from one 12.1 m wide, unlike Mr. Romano had testified. She saw only 20 lots created by consent in the past 20 years. In 10 years there have been only 4 applications, with 2 refusals, and the smallest width permitted was 10.66 m.

Her conclusion is that there has been little severance activity in the study area in 20 years, and so little reinvestment by this method. Thus the neighborhood has been quite stable. She said that two thirds of the lots are still 15 m wide or greater. Of those zoned RD15, three quarters comply with the frontage. The other quarter has a majority of lots wider than 12 m. Ms. Liu concluded that the neighbourhood is stable, with frontages and areas that predominately comply with the zoning requirements. Her numerical analysis led her to conclude that 91 % of the lots are wider than 12.19 m, nearly 2.5 m wider than the proposed. She found a total of 22 lots similar in width to the existing lot here, and opined that if this were approved, there would be a cascading effect as a result of the precedent set. Lots less than 12 m wide are not a characteristic of the neighbourhood. While there are smaller frontages along Horsham, they are all east of this site, in a different zoning category. She discussed 219 Churchill which is 9.15 m wide, but it was created historically and not by consent. Most lots on Horsham respect the zoning for frontages and area. Only three lots in her area have lot areas less than what is sought here (304 A and B Churchill and 276 Horsham). 87% of lots in the R15 zone comply with the area requirement. Permitting the smaller areas here would risk destabilizing the neighbourhood, in her opinion.

It was difficult to assess what might be the immediate area here, and the block, because of the abbreviated number of lots on the south side surrounding the subject.

Ms. Liu disagreed with Mr. Romano’s interpretation of the intensification goal in the provincial policies, saying it was not applicable to all locations. She also stated that Growth Plan policies do not prevail over specific OP policies, and this is not within an area designated for intensification in the OP. In her opinion this proposal does not respect and reinforce the OP policies, and thus does not meet the tests in subsection 51(24) c) or f) in the Act. Such a deviation from the existing lotting pattern would be

destabilizing. She opined that a 12.19 m width would be acceptable, but not a lesser frontage as proposed.

Ms. Liu testified that the few lots within the neighbourhood with small frontages have different physical characteristics from other lots there. They have reduced front yard landscaping, more prominent garages, reduced side yard setbacks, and less area between main walls and eaves. Those created by consent are obvious due to these features. The smaller fronts do not share the general physical character of the neighbourhood, and in her opinion destabilize the character and pattern of the neighbourhood.

Ms. Liu also finds noncompliance with the wording of section 4.1 of the OP. The explanatory text states: "Physical changes to our established Neighbourhoods must be sensitive, gradual and generally "fit" the existing physical character. A key objective of this Plan is that new development respect and reinforce the general physical patterns in a Neighbourhood." She opined that the 9.75 width proposed would not fit the existing character across the street, consisting mainly of 40-foot lots, and thus would not be a sensitive or gradual change. It would interrupt the streetscape pattern, and neighbourhoods should not be altered incrementally as in this proposal. It would not meet Policy 4.1.5's requirement to respect and reinforce the existing physical character of the neighbourhood, including the size and configuration of lots. Respecting housing policies in 3.2.1, she disagreed with Mr. Romano's interpretation of policies for replacement of single dwellings. She stated that there was no requirement to replace lost dwellings in the vicinity where they were removed, especially at the expense of the physical character of the neighbourhood. They could be built in Scarborough, for example.

Ms. Liu considered OPA 320's wording of "prevailing" as "most frequently occurring", in her view, most common, more than just a few examples. It could be calculated as a numeric exercise, unlike what Mr. Romano had stated. The proposed is not prevailing in any sense.

Ms. Liu's conclusion was that the lot division is not a sensitive or gradual change, and it would be discernable from the street. None of the tests in subsection 45(1) were met with the proposed variances. She stated that while the massing of the proposed may be appropriate, the narrow lots would not be a fit in the neighbourhood.

In her cross examination Ms. Stewart outlined the hierarchy of planning instruments, stressing that zoning by-laws merely implemented policies created by policy instruments higher up. Flexibility exists in the policies, while strict development standards are found in zoning requirements. Many policies conflict with one another, so that the documents must be read together, and then competing policy objectives must be balanced (environmental policies, for example, may conflict with the encouragement of development). Ms. Stewart suggested to Ms. Liu that in interpreting the OP, which is to reflect provincial policies (by 4.7 of the PPS), one must try to do so in a way that implements provincial policy rather than thwarting it.

Creating complete communities, she said, as the Growth Plan promotes, means intensification could occur by consents within built up areas. (“Complete communities” are defined as “...Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities....may take different shapes and forms appropriate to their contexts.” (Ex. 2, Definitions in Growth Plan, s. 7). The reference to other areas means that the focus is on local areas within municipalities, so that a full range of housing is encouraged at the local level, even at a neighbourhood level. The proposed would contribute to this policy objective. There is as yet no Housing Strategy within the Toronto OP as the Growth Plan requires (2.2.6), but the present proposal would provide an addition to the available detached dwellings, and not merely a replacement. It must therefore contribute to the goal of complete communities, and in this neighbourhood where it was lost. Ms. Liu disagreed, saying that there had been no loss of such housing within her study area or neighbourhood. Lost housing could be replaced anywhere in the City, she said.

Ms. Liu testified that her interpretation of “prevailing” or “most frequently occurring” in the existing OP and in OPA 320 is that it is equal to a numeric majority. She utilized this in devising her evidence in this appeal.

## **ANALYSIS, FINDINGS, REASONS**

### **Study Area**

The City lawyers argued that Ms. Liu’s study area boundaries should be preferred over Mr. Romano’s. While I agree that Mr. Romano’s inclusion of the easterly segment of Horsham over to Yonge seems to be somewhat wide, Ms. Liu did end up agreeing that residents of the proposed dwellings, and other in the neighborhood, might well walk over to Yonge Street. The City argued that Mr. Romano over-relied on a range in lot frontages and areas as justification for expanding his study boundary until he could capture lots with low-enough frontage to support the application. This appears to me to be the opposite to the exercise he conducted. While his larger study area does have that appearance when first considered, I am satisfied that his walkable area is more realistic than the smaller one chosen by Ms. Liu. In addition, one does not have to stray too far from Horsham itself here. The evidence provided that in the area from Wynn to Senlac along on Horsham itself (about 71 lots), 36.6 % are smaller than the required 15 m., and 4 are 9.8 m or narrower. The range is from 9.1 m to 30.4 m. Three of the narrowest are within a block of the subject property. They now form part of the existing neighbourhood.

In support of this view is the 2008 decision of the OMB for 272-278 Horsham, located similarly west of Senlac [PL071 236]. The Board accepted the extension of the planners’ study areas to the east of Senlac:

“The Board prefers the subject area established by Mr. Lowes, and notes that, when speaking of the neighbourhood, Mr. Yeung referred to the property at 293 Hounslow,

east of Senlac Road, as being within the neighbourhood. The Board believes the broader area is more representative of the community in which the Subject Property is located, and finds it somewhat disconcerting that the normal study area was not considered appropriate by the City for the purposes of these applications. The Board also notes that among the properties that most closely resemble the intentions of the applicants for the Subject Property are two the other side of Senlac Road, at 293 Hounslow and 174 Horsham (Exhibit 2).” [p. 4].

It is ironic that Mr. Romano, acting for the City in that earlier matter, had chosen the narrower area, with Senlac as the eastern boundary. However, the passage of time has brought about infrastructure alterations, and he provided good reasons for extending this boundary to Beecroft in this more recent matter. I accept Mr. Romano’s here as more appropriate than Ms. Liu’s. In fact, continuing her study area west to Stafford permitted her to include a greater percentage of wider lots, just as Mr. Romano was said to have in mind by including narrower lots east of Senlac. The inclusion in his study area of streets east of Senlac was predicated on the likelihood of persons on Horsham west of Senlac walking to Yonge. Ms. Liu eventually conceded that one might walk to Yonge to shop, and that this boundary for Mr. Romano’s study was not indefensible. I also reject the City’s claim that he included cul de sacs among his lots studied, as the only one visible has quite wide lots and thus is counter-productive to his assessment.

In studying both the file and the neighbourhood, I encountered the recent TLAB decision for 210 Horsham Ave, a very similar application within the same zoning provisions. It is a corner lot at present, and the severance and variances granted were even greater in number and magnitude. The lot frontages were permitted at 9.14 m, and the areas at 367 sq. m. I agree with my colleague Ms. McPherson’s acceptance of the study area chosen there (it was only to the east of Senlac for that application), and for the reasons she gives:

“The panel considers that the study area used by Mr. Romano with 467 lots represents a reasonable and relevant sampling of the immediate area surrounding the subject lands.

The study area data demonstrates that the area contains a variety of lot frontages with almost 50% of the lots are below the Zoning By-law standard for lot frontage. This member has indicated previously that there are limitations in a strictly numeric analysis of a lot study to determine neighbourhood character as it may not differentiate between the immediate area and the broader context. While it is important to assess the neighbourhood as a whole, it is also important to assess patterns of development at a finer level to ensure “fit” within a specific context as the physical character is not always the same. In terms of lot size and configuration, the Official Plan directs that development in established Neighbourhoods respect and reinforce the existing physical character of the Neighbourhood. The applicable criteria for fit, found in Section 4.1.5 of the Official Plan at this time does not direct an evaluation based on the prevailing size and configuration of lots in a neighbourhood.” ( TLAB, 17 206112 S53 23; 17 206113 S45 23; 17 206114 S45 23, June 28, 2018, p. 21).

In *Mahmoudi v. Toronto(City)*, PL120799, 2013, the Member stated:

“[T]he Board notes that the OP neither defines ‘neighbourhood’ to assist

with determining compliance nor stipulates that a neighbourhood, once defined, can be anatomized or otherwise treated in terms of which of its characteristics predominate and which do not. On the face of the text employed, the policies speak to the notion of a neighbourhood as a unitary or singular construct, despite the accepted reality that any neighbourhood will contain diversities. Indeed, such diversities, however subtle, are a part of a neighbourhood's character. The Board, therefore, finds that conformity with OP policies requiring new development to respect and reinforce the existing physical character of the neighbourhood, buildings, streetscapes, and open space patterns must include and be based on all properties in the neighbourhood, or, in such matters as those before the Board, the study area identified as a suitable proxy for assessing compliance. Stated differently, the Board cannot find any policy basis supporting a determination of neighbourhood character based on percentages or majorities. **Existing physical character—of a neighbourhood, buildings, streetscapes, and open space patterns—is to be regarded as character in toto. OP conformity in this context is not reducible to some notion akin to majority rules and any appropriation of predominance as a metric for determining conformity—or, in this case, its absence—is to read an intention into the policies that simply does not exist.**" [para 60 - emphasis added]. I agree with this analysis.

The recently-approved severance at 210 Horsham is now part of the planned context for this neighbourhood. In the instant appeal there was an exhaustive review of the study areas, large and small, street by street, dwelling by dwelling, much of which I did not find useful in evaluating the proposal as a whole.

There are indeed few lots of the proposed frontage, even within the smaller study areas. The evidence was that 14.7% of the lots within the study area are 9.9 m to 11.9 m, similar to the proposed lot frontages in this case. Many are located in close proximity to the subject property. However, I accept the evidence of Mr. Romano that a significant differential in lot frontage from one lot to the next is part of the character of the neighbourhood, and does not destabilize it. Ms. Liu conceded this when several examples were provided. For example, at 30 and 32 Cobden Street two lots of 11.3 m were created by consent in 2011, in a 15 m frontage zone. These are situated next to 34 Cobden Street, a 22.6 m lot, double the frontage of the lot beside it.

The City relied on Ms. Liu's expert opinion that the proposed lots, and similarly shaped existing lots, were "discernible" for not respecting or reinforcing the existing physical character of the neighbourhood. She also testified that the proposed lots would cause an interruption in the streetscape. It argued that this analysis is in keeping with that required by the OP to assess development within the Neighbourhood designation. While this may be true in general, the application as a whole here does not in my opinion offend this principle. The differences in widths are seen so extensively in this neighbourhood, even on the opposite side of this very block, that this proposal would not cause a significant interruption in the streetscape as claimed.

There was a great deal of evidence on how lot data were obtained from the City records – again, not a helpful use of TLAB hearing time. We do not evaluate the proposal on

percentages, as mentioned, as the OP does not require that a majority be calculated in order to determine the character of the neighbourhood.

### **Zoning**

Ms. Liu said initially that her neighbourhood study area is subject to the same or similar zoning standards under both the New Zoning By-law and the NY Bylaw, yet went on to judge the planning merits based on the fact of *differing* zoning categories surrounding the subject site. For example, the smaller frontages on the north side further to the east were distinguishable, she said, because of the zoning requirement of 9.0 m across on the south side. I accept the owner's argument that it is what is built on the ground in the neighbourhood that becomes the test of OP compliance, and not the zoning category across the street. Ms. Liu based almost all of her testimony on what frontages actually existed nearby. There is no doubt that there are many larger frontages in the neighbourhood, especially to the west on Horsham. However, across and east from the subject are lots with small frontages comparable to the present application.

Similar widths can be considered as part of the test of compliance. Ms. Liu would reject the proposed widths because of zoning differences on the south side of Horsham, but as Ms. Stewart said, there is no street sign indicating zoning changes in this area. The test to be applied, and I agree with her, is that of the general pattern in the area. Here it is one of great variety, with larger lots next to smaller. Many examples of this were provided in the evidence. Ms. Liu emphasized the block context as an important part of the test for this "south side portion" of the area. She would accept a 9.75 m frontage, she stated, if the subject property were in the existing block to the east, where the zoning is for a 9 m frontage. Ms. Stewart rightly pointed out that if Hazelglen had not interrupted this block of Horsham, the subject site would be close to this R9 zoning on the east side of Hazelglen, and in essentially the same block. It is difficult to argue then that the narrower frontages there are not in the same neighbourhood.

It is only similar lot sizes that have precedence value. Ms. Liu stated that while the massing of the proposed may be appropriate, the narrow lots would not be a fit in the neighbourhood. She stated that this street would feel different from other streets in the area. I disagree, based on the variety of existing lots in the accepted study area, and the modern dwellings constructed in this immediate area and even across the street.

Again, on the effect of zoning on the tests to be applied, the City reiterates that lots with noticeably different zoning should be considered differently. It offered a 2010 OMB decision with respect to the appropriate study area for a proposal at 2-4 Neville Park and 438-440 Lake Front (PLOB 1443). The panel found that built form, physical characteristics, *and* zoning were acceptable means of distinguishing the neighbourhood study area. I distinguish this finding on the zoning issue, because the neighbouring zoning rejected in that matter allowed for much more intensive uses. The panel in effect had to reject the nearby neighbourhood as inappropriate for assessing the proposal, and did so by relying on the fact of different zoning. Contrary to the City's claim, Mr. Romano did raise the issue of the smaller lots in the southerly block caused by the differing zoning, resulting in different built form characteristics and planned context for that block. He emphasized that they were nonetheless part of this existing neighbourhood for evaluation purposes. I find that zoning is indeed a factor when

applying OP tests to a proposal. However, just because the south side is zoned differently here is not an adequate reason for ignoring existing narrower lots on the opposite side of the very same street.

### **Charts as evidence**

Mr. Romano was correct in saying that it is not just a numerical exercise when considering categories in a chart – he should not have had to respond to inquiries about how many lots were just below the categories chosen. The City argued that Mr. Romano had provided the data set for his lot study, but did not provide a concise summary table indicating the distribution or frequency of lots between different intervals of frontage and area. I agree with Mr. Romano that there are no requirements in the OP or Zoning By-laws to provide an infinite number of categories or ranges in a chart illustrating lot sizes. Such ranges do not give the entire picture of the increments in lot frontages that might exist in the neighbourhood.

The exhaustive review of individual lot frontages, shapes and sizes I found not to be helpful in applying the statutory tests. Its value lay only in proving the lack of uniformity in lot frontages and configurations. Ms. Liu agreed that it is not uncommon to see a differential of 4 to 6, even up to 11 m in frontage between properties nearby. The subject lot is about 4 m wider than the adjacent lots at 321 and 317 Horsham. If severed as proposed, the lots will be about 5 m smaller than the adjacent lots, a not unusual difference in width. Ms. Liu described this as a more “uncomfortable” differential. This subjective interpretation is difficult to accept, as there is no preference for larger lots in the OP. The largest lots, she agreed, were not the largest category, and are spread throughout the neighbourhood. Diversity is part of this neighbourhood’s existing pattern, then, for the exercise of applying the statutory tests. I also note that neither neighbour objected to the proposal.

I agree with Ms. Stewart’s submission that the City’s position that the proposed lots cannot fit if they are 1) not within the “prevailing” lot frontages, and 2) discernible from the street, is not the test in the OP. On the question of whether the test is “prevailing” lot size, the development criteria in s. 4.1.5 (b) with regard to size and configuration of lots does not use the descriptor “prevailing” as the OP does elsewhere [(d) prevailing building type(s), and (f) prevailing patterns of rear and side yard setbacks and landscaped open space]. I agree with the finding of the OMB in *Korkmaz v. Toronto (City)*, PL160495, that it is not necessary for a lot to be within the prevailing size of lots existing in a neighbourhood to meet the intent and purpose of the plan. I find that the proposed development respects and reinforces the existing physical character of this neighbourhood, which includes a broad range of sizes and configurations of lots.

The OP policies should be interpreted in a way that implements provincial policy objectives to the extent possible. I agree with the City’s conclusion that it is the OP that is to set the policies for location of housing, following the PPS’s direction. However, I do not agree that the Toronto OP proscribes this development in the proposed location, given the variety of lot sizes nearby.

### **Built Form**

Differences in lot widths can also be perceived depending on the built form on the lots. Mr. Romano did illustrate lot frontages and areas from a numerical perspective, but he gave that numeric evidence appropriate weight. The OP requires that neighbourhood character be based on many factors. Built form (s. 3.1.2) and the development criteria [4.1.5 (a) through (h)] must be evaluated as well as a numerical assessment.

Mr. Romano provided a detailed review of the built form characteristics of the neighbourhood, both by photographs and a summary of approved variances. This included an assessment of architectural styles, massing and scale, side yard setback patterns and landscaped open space patterns. It was not merely a numerical comparison. Ms. Liu appeared to focus on the factors of the size and configuration of lots (s. (s. 4.1.5(b) of the OP) and did not seem to consider adequately the other policies in her evaluation. The City submitted that Mr. Romano placed too much emphasis on the acceptability of the built form as justification for allowing the severance. They argued that the correct analysis is not whether proposed lots *could* physically carry two detached dwellings, but rather *whether it is appropriate to accommodate the lot division and variances necessary at the location*. This is a valid principle, but in my opinion this is exactly what Mr. Romano did. I am convinced that this consent and the proposed dwellings are desirable for this location.

The City argued that Ms. Liu did not merely consider the built form policies, but she even agreed that the proposed houses were in proportion to the proposed lots. However, she did strongly object to the size of the lots, and the City submitted that built form is intrinsically tied to the size of the lot. This linkage was noted by TLAB member D. Lombardi in the decision for 686 Cosburn Ave., which cites the decision for 116 Poplar Rd:

“In the TLAB Decision Re 116 Poplar Road, Member Lord found that fundamental to the dispute in issue in this appeal were the requests generated by the lot division and the resultant consequences for parcel dimensions and, in particular, whether those dimensions and the resultant permissible built form maintain the policy of the Official Plan to respect and reinforce the character of the neighbourhood.

Member Lord wrote in paragraph 29 that, “Planning at its fundamental best is to consider the best long term interests of the site, in the context of its surroundings and the public interest, expressed in authorized planning instruments and generally accepted principles of proper community planning.”

I note that in that earlier decision (116 Poplar Rd, TLAB 17 170515 853 43), Chair Lord had also stated:

“48. Apart from the Applications themselves, I find that there are no distinguishing characteristics, history or compelling public interest that warrant that special consideration be given to the subject lands as distinct from any other similarly sized lot in the neighbourhood consisting of a minimum 12 m lot frontage, 464 sq. m lot area, or greater. No evidence was called to differentiate the subject lands from its neighbours in either of the defined study areas. While there is little doubt that the subject lands could

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physically carry the development of two detached dwellings, the issue is whether it is appropriate to accommodate the lot division and variances necessary at this location.”

The TLAB had also refused a consent to sever two lots into three at 105-107 Churchill Ave, on the street to the south of this site [TLAB17 170515 853 43]. The City cites the following with approval:

“On a strictly quantitative basis, the results would support a conclusion that there is a variety of lot frontages in the area. However, I recognize that there are limitations in a strictly numeric analysis of a lot study to determine neighbourhood character as it does not differentiate between the immediate area and the broader context and does not take into account the site specific or application specific circumstances. Within any given study area, there may be a pattern of development that varies from one street to the next which is not obvious in a summary. The averaging the statistics (sic) over the study area does not necessarily provide a meaningful comparison for determining the merits of an application. I find that a finer level of analysis is required to assess the criteria of the Official Plan in relation to this proposal.” (p. 19).

I agree with this statement, but find that there has been the desired finer level of analysis here, and that in the circumstances of this proposal, the applicable OP policies are met.

Respecting the proposed built form of the structures, Mr. Romano stated that in evaluating new development, the OP also places importance on the built form and resulting impacts. This includes a consideration of landscape characteristics, parking solutions, dwelling typologies and architectural styles in the neighbourhood, and an assessment of potential impacts arising from a development. As Ms. Stewart submitted, a consent is not implemented through lot frontages and areas alone; rather, it is implemented through two houses that will ultimately be built on two lots. The proposed built form is quite similar to that already found in new developments in the area. It would not be “new” or “unusual”, or have any unacceptable adverse impact of a planning nature. Ms. Liu found the proposed built form acceptable, yet as Ms. Stewart stated, she did not factor the appropriateness of the built form into her opinion on the proposed consent. As Mr. Romano stated, the appropriateness of the built form reinforces the appropriateness and stabilizing effect of the consent. I find that this conclusion is reinforced by the fact that few of the dimensions required variances. This application differs substantially from the number of variances granted by TLAB at 210 Horsham.

His opinion is consistent with the Board’s findings in several cases, including:

“As part of his review of his Lot Study, Mr. Romano also provided a photo board and detailed commentary on the particular properties shown in the images. There was a focus on properties on Barker Avenue. As existing built form is a policy factor which weighs heavily in the question of the appropriateness of the proposed severance and variances, this evidence proved to be valuable to the Board...

Consequently, especially based upon the photographic evidence and property data, the Board is inclined to agree with Mr. Romano that the character of this area is not being undermined by lots with lesser frontage as the built form occurring on these lots is

entirely in keeping with the single family detached building type and is massed, located and height controlled to be in keeping with the developments on the neighbouring lands, which are primarily lots with 15.24 m frontages (and therefore deficient with respect to the zoning standard for frontage). [*Ages v. Toronto (City)*, PL160648, para.18 and 22].

I also rely on the 2008 OMB decision for 272 and 278 Horsham Avenue. This was a severance on the north side in the same block along from the subject property. It created two lots out of two existing properties, using a 1.22 m lot addition from one of the lots. Each has a frontage of 9.75 m. That application was considered under similar OP policies, at a time when there were fewer smaller lots and replacement dwellings. The OMB based its approval on all of the properties in the neighbourhood, which included properties both east and west of Senlac Road. I agree with the result and the reasoning in this matter. I find that Ms. Liu's statement that she would not object to severance of 275 Horsham into two 9.75 m lots because this would comply with the zoning by-law, to be inconsistent with her opinion against the proposed. 275 Horsham is only a half block away. Thus the proposed lots would also reflect the planned context of the neighbourhood, as this includes zoning for 9 m frontages in close proximity.

Member McPherson was correct in stating in the decision for 105-107 Churchill Ave. (above) that:

"Taken together, while supporting intensification, the legislative framework directs that the Official Plan is the primary policy document to provide direction for the consideration of new development. I base my decision within this context."

I agree with Mr. Romano that in this instance, the proposed lot frontage, lot depth and lot area fit in well with those found in the neighbourhood. As well, the proposed building siting, size, height, scale and massing is appropriately proportionate in each proposed lot and compatible with the neighbourhood. The rear and side yard setbacks fit within the prevailing neighbourhood patterns. The Official Plan places an emphasis on new development respecting and reinforcing the physical characteristics of buildings, streetscapes and open space patterns in the neighbourhood. The proposal appropriately addresses the built form policies, which effectively direct a compatibility assessment. The proposed built form would respect and reinforce the character of those buildings and streetscape (as set out in policy 2.3.1 of the OP).

The City appears to be able to meet its overall housing target. However, its ability to satisfy the detached residential component of that objective will be assisted by the approval of restrained intensification proposals such as this. It is only available within the City's neighbourhoods.

### **Precedent**

It does not seem apparent that Ms. Liu's fears of a "cascade" of other severance applications has occurred, following other approvals for reduced lot frontages. The neighbourhood, especially the larger one of 545 lots, would not be destabilized in this way. Ms. Liu had performed a study of the notional results of a subdivision of every large lot (either 17 or 22), and concluded that this would indeed be a great change to the neighbourhood. She qualified this by saying that whether this would cause

destabilization would depend on the time frame. Each application would be considered in the context, as this was, and not all would be automatically approved. However, I conclude that even over the last 20-year period she cited, there were in fact very few severances even applied for, never mind approved, in the statistics in her testimony. Indeed, in the past 10 years as she provided, she stated that 4 consents were approved and only two refused. I see no cascade or destabilization in these numbers, and thus there is compliance with the OP Neighbourhood requirements.

I note with approval the OMB decision in *Grigoriev v. Toronto (City)*, PL141254, wherein the member found:

“The Board was unpersuaded by [the City planner’s] opinion that the creation of two 9.14-metre-wide lots would somehow destabilize the neighbourhood. The information in the previous paragraph establishes that all of these lots of by-law compliant and non-compliant frontages in fact form part of the neighbourhood character and the Board heard no persuasive evidence from the City witness that smaller lots have destabilized the neighbourhood. It is evident to the Board that significant regeneration and reinvestment is taking place in this neighbourhood through the replacement of existing housing stock with predominantly larger single family homes with double-car garages but this is not the only type of built form development. Development also includes the replacement of the old-style bungalows with larger houses on smaller lots – lots created either through severance or preexisting as part of the earlier public record.” [para. 9]

Similarly, in *Franco v. Toronto (City)*, PL130065, the OMB found, and I agree, “The Board interprets the words “respect and reinforce” the existing physical character in a number of ways. The Board interprets the words “respect and reinforce” and the other terms used in the Official Plan as requiring compatibility of new development with existing character, not as requiring that new development must be exactly the same as existing development **or that there can be no change in the lot fabric**. As noted in policy 4.1.5(b) above, development must respect and reinforce the existing size and configuration of lots. The Board was not made aware of any planning provisions that require the preservation of the existing size and configuration of lots.” [para. 29 – emphasis added].

## **Conclusion**

The wording in the explanatory portion of the OP respecting changes to established neighbourhoods is relevant here. None is to be frozen in time, even though change is to be gradual. New structures should fit harmoniously within the neighbourhood, but do not have to be identical. They just must have no adverse impact of a planning nature, not no impact at all. A new structure should fit the **general** physical pattern, but there can be more than one physical pattern in a neighbourhood. Respecting the existing physical character does not mean replicating what is there. I agree with Ms. Stewart that even under OPA 320 (which is not applicable here), there is no requirement for a numerical evaluation of the percentage or majority of lots in the area. Even if it did have application, the evaluation of this proposal cannot be reduced to a purely mathematical exercise, as Mr. Romano testified, but must be considered as a whole. Subsection 51 (24) does not prioritize criteria such as frontage when considering size under a consent application. Nor does the OP indicate a preference for large lots over small ones.

I find that the proposed consent to sever the subject property is appropriate and conforms to the Official Plan, and that the variances meet the four tests and should be approved, subject to the conditions below.

## **DECISION AND ORDER**

The TLAB orders that:

1. The appeal is allowed and provisional consent is given to sever 319 Horsham Avenue into two Parts in accordance with the Site Plan for Part 1 and Part 2, attached as Attachment 3 to this decision, and subject to the conditions included as Attachment 2 to this decision.

### **CONVEYED - PART 1**

The proposed lot frontage is 9.755m and the proposed lot area is 396.8m<sup>2</sup>

### **RETAINED - PART 2**

The proposed lot frontage is 9.755m and the proposed lot area is 396.8m<sup>2</sup>.

2. The variances to the Zoning By-laws set out in Attachment 1 are authorized.

3. The new detached dwellings shall be constructed substantially in accordance with the Site Plans and Elevations, filed in Exhibit 1, Document Book, pages 212 to 232, and attached as Attachment 3 to this decision.

**Any other variances that may appear on these plans that are not listed in this decision are not authorized.**

## **ATTACHMENT 1: VARIANCES**

### **319 B**

1. Chapter 10.20.30.40, By-Law No. 569-2013

The maximum permitted coverage is 30% of the lot area.

The proposed coverage is 31.3% of the lot area.

2. Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013

The minimum required side yard setback is 1.8m.

The proposed west side yard setback is 0.9m.

3. Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013

The minimum required side yard setback is 1.8m.

The proposed east side yard setback is 1.2m.

4. Chapter 10.5.40.60 (1), By-Law No. 569-2013

The minimum required distance to the east side lot line is 1.8m.

The proposed front porch is 1.2m from the east side lot line.

5. Chapter 10.20.30.20, By-Law No. 569-2013

The minimum required lot frontage is 15m.

The proposed lot frontage is 9.75m.

6. Chapter 10.20.30.10, By-Law No. 569-2013

The minimum required lot area is 550m<sup>2</sup>.

The proposed lot area is 396.8m<sup>2</sup>.

7. Section 13.2.1/6(8), By-Law No. 7625

The minimum required lot frontage and width is 15m.

The proposed lot frontage and width is 9.75m.

8. Section 13.2.2, By-Law No. 7625

The minimum required lot area is 550m<sup>2</sup>.

The proposed lot area is 396.8m<sup>2</sup>

9. Section 13.2.4, By-Law No. 7625

The maximum permitted coverage is 30% of the lot area.

The proposed coverage is 31.3% of the lot area.

10. Section 13.2.3 & 13.2.3A, By-Law No. 7625

The minimum required side yard setback is 1.5m.

The proposed west side yard setback is 0.9m.

11. Section 13.2.3 & 13.2.3A, By-Law No. 7625

The minimum required side yard setback is 1.5m.

The proposed east side yard setback is 1.2m.

### **319A**

1. Chapter 10.20.30.40, By-Law No. 569-2013

The maximum permitted coverage is 30% of the lot area.

The proposed coverage is 31.3% of the lot area.

2. Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013

The minimum required side yard setback is 1.8m.

The proposed east side yard setback is 0.9m.

3. Chapter 10.20.40.70 & Exception RD5, By-Law No. 569-2013

The minimum required side yard setback is 1.8m.

The proposed west side yard setback is 1.2m.

4. Chapter 10.5.40.60 (1), By-Law No. 569-2013

The minimum required distance to the west side lot line is 1.8m.

The proposed front porch is 1.2m from the west side lot line.

5. Chapter 10.20.30.20, By-Law No. 569-2013

**Decision of Toronto Local Appeal Body Panel Member: G. BURTON**  
**TLAB Case File Number: 18 155272 S53 23 TLAB, 18 155273 S45 23 TLAB, 18 155274 S45 23 TLAB**

The minimum required lot frontage is 15m.  
The proposed lot frontage is 9.75m.

6. Chapter 10.20.30.10, By-Law No. 569-2013  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 396.8m<sup>2</sup>.

7. Section 13.2.1/6(8), By-Law No. 7625  
The minimum required lot frontage and width is 15m.  
The proposed lot frontage and width is 9.75m.

8. Section 13.2.2, By-Law No. 7625  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 396.8m<sup>2</sup>

9. Section 13.2.4, By-Law No. 7625  
The maximum permitted coverage is 30% of the lot area.  
The proposed coverage is 31.3% of the lot area.

10. Section 13.2.3 & 13.2.3A, By-Law No. 7625  
The minimum required side yard setback is 1.5m.  
The proposed east side yard setback is 0.9m.

11. Section 13.2.3 & 13.2.3A, By-Law No. 7625  
The minimum required side yard setback is 1.5m.  
The proposed west side yard setback is 1.2m.

**ATTACHMENT 2: CONDITIONS OF CONSENT**

- (1) Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division, Finance Department.
- (2) Municipal numbers for the subject lots indicated on the applicable Registered Plan of Survey shall be assigned to the satisfaction of Survey and Mapping Services, Technical Services.
- (3) Prior to the issuance of a building permit, the applicant shall satisfy all conditions concerning City owned trees, to the satisfaction of the Director, Parks, Forestry & Recreation, Urban Forestry Services.
- (4) Where no street trees exist, the owner shall provide payment in an amount to cover the cost of planting a street tree abutting each new lot created, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
- (5) Two copies of the registered reference plan of survey integrated with the Ontario Coordinate System and listing the Parts and their respective areas, shall be filed with City Surveyor, Survey & Mapping, and Technical Services.

**Decision of Toronto Local Appeal Body Panel Member: G. BURTON**  
**TLAB Case File Number: 18 155272 S53 23 TLAB, 18 155273 S45 23 TLAB, 18 155274**  
**S45 23 TLAB**

- (6) Three copies of the registered reference plan of survey satisfying the requirements of the City Surveyor, shall be filed with the Committee of Adjustment.
- (7) Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions and prepare for electronic submission to the Deputy Secretary-Treasurer, the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) or subsection 53(42) of the Planning Act, as it pertains to the conveyed land and/or consent transaction.

**ATTACHMENT 3 – Plans**

X 

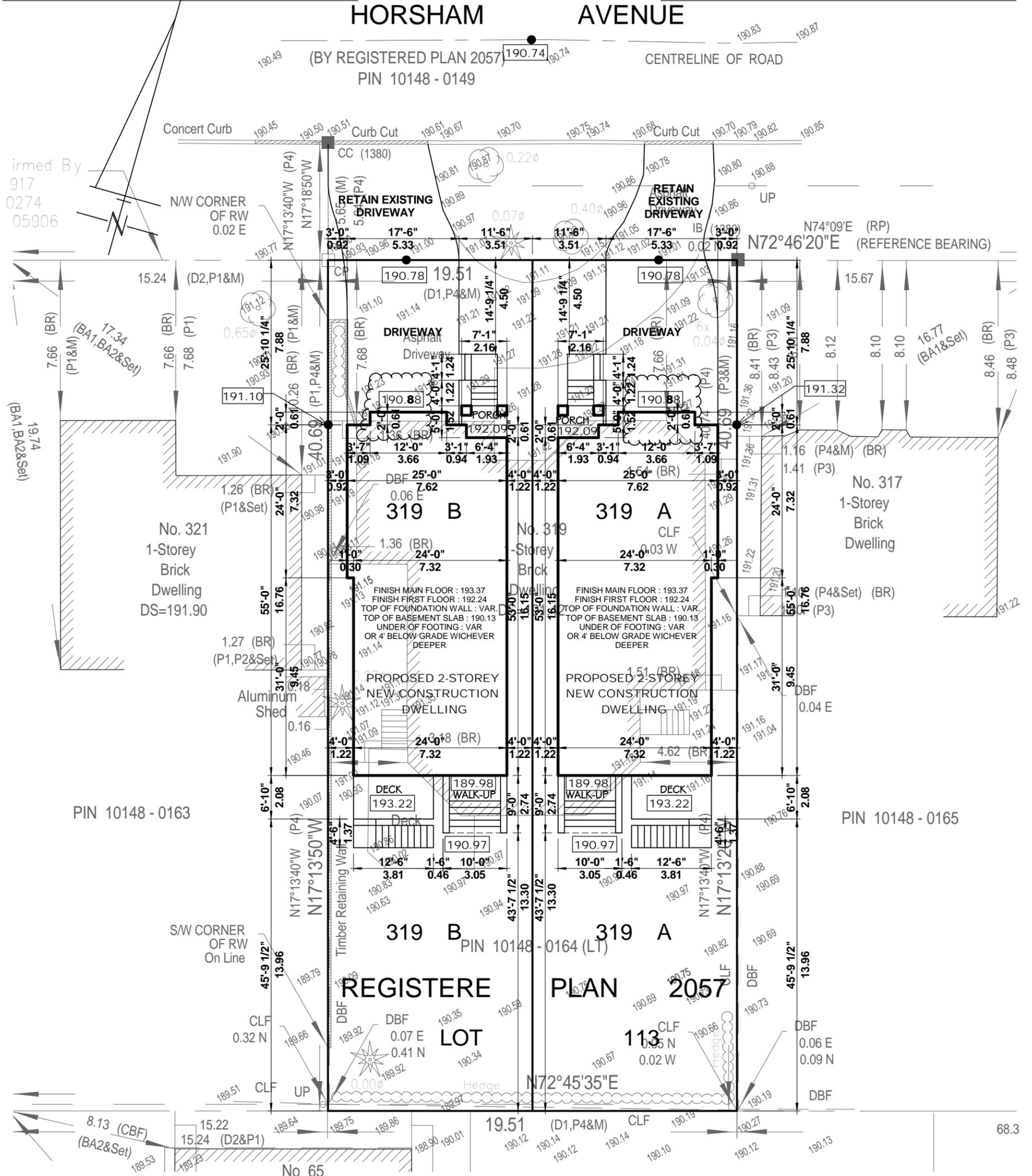
---

G. Burton

Panel Chair, Toronto Local Appeal Body

Zoning Data Matrix	319 B HORSHAM AVENUE
R4 & RD (f15, a550)(X5)	Proposed
Lot #	PART B OF LOT 113
Plan #	2057
Lot Area	4272.5 s.f. - 396.93 m <sup>2</sup>
Front Yard Area	823.97 s.f. - 76.55 m <sup>2</sup>
Driveway Area	429.80 s.f. - 39.93 m <sup>2</sup>
Porch and Walkway Area	74.70 s.f. - 6.94 m <sup>2</sup>
Landscape Open Space Area	355.12 s.f. - 39.62 m <sup>2</sup> (51.75%)
Soft Landscaping Area	280.42 s.f. - 32.68 m <sup>2</sup> (82.48%)
Building Area(Coverage)	1331.28 s.f. - 123.68 m <sup>2</sup> (31.15%)
Main Floor Area	1331.28 s.f. - 123.68 m <sup>2</sup>
Second Floor Area	1321.91 s.f. - 122.81 m <sup>2</sup>
Gross Floor Area	2653.19 s.f. - 246.49 m <sup>2</sup> (62.09%)

Zoning Data Matrix	319 A HORSHAM AVENUE
R4 & RD (f15, a550)(X5)	Proposed
Lot #	PART A OF LOT 113
Plan #	2057
Lot Area	4272.5 s.f. - 396.93 m <sup>2</sup>
Front Yard Area	823.97 s.f. - 76.55 m <sup>2</sup>
Driveway Area	429.80 s.f. - 39.93 m <sup>2</sup>
Porch and Walkway Area	74.70 s.f. - 6.94 m <sup>2</sup>
Landscape Open Space Area	355.12 s.f. - 39.62 m <sup>2</sup> (51.75%)
Soft Landscaping Area	280.42 s.f. - 32.68 m <sup>2</sup> (82.48%)
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Second Floor Area	1321.91 s.f. - 122.81 m <sup>2</sup>
Gross Floor Area	2653.19 s.f. - 246.49 m <sup>2</sup> (62.09%)



designed by: <b>ALI SHAKERI</b> T.416 8213960 <b>ARCICA INC.</b> 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO	project: <b>319 HORSHAM AVENUE</b>	revisions: <b>OCT. 13,2017- ISSUED FOR COA</b>	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: <b>SITE PLAN PART A &amp; B</b>	scale: <b>1/16" = 1'-0"</b>	

# HORSHAM AVENUE

(BY REGISTERED PLAN 2057) CENTRELINE OF ROAD  
PIN 10148 - 0149

## Part 2

NO REGISTERED EASEMENTS OR RIGHTS OF WAY  
NOTE LOCATION OF OVERHEAD UTILITY WIRES AT THE  
REAR OF PROPERTY  
FENCES AS SHOWN  
SURVEY PREPARED FOR MR. D. MORAD

## Notes

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
SOUTHERLY LIMIT OF HORSHAM AVENUE AS SHOWN ON  
PLAN BA-917 HAVING A BEARING OF N72°46'20"E

# SURVEYOR'S REAL PROPERTY REPORT-PART 1 PLAN OF PART OF LOT 113 REGISTERED PLAN 2057 CITY OF TORONTO (FORMERLY CITY OF NORTH YORK)

SCALE 1:300



© COPYRIGHT

**ertl surveyors 2017**

Ontario Land Surveyors

## Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

## Legend

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
WIT	DENOTES	WITNESS
OU	DENOTES	ORIGIN UNKNOWN
M	DENOTES	MEASURED
RP	DENOTES	REGISTERED PLAN 2057
P1	DENOTES	PLAN OF SURVEY BY W. S. GIBSON & SONS O.L.S. DATED JANUARY 11, 1957
P2	DENOTES	PLAN OF SURVEY BY W. S. GIBSON & SONS O.L.S. DATED JULY 02, 1952
P3	DENOTES	PLAN OF SURVEY BY H. C. SEWELL O.L.S. DATED AUGUST 16, 1954
P4	DENOTES	PLAN OF SURVEY BY R. ZIVKO O.L.S. DATED MARCH 07, 1988
BA1	DENOTES	PLAN BA-917
BA2	DENOTES	PLAN BA-2167
BA3	DENOTES	PLAN BA-1966
D1	DENOTES	INSTRUMENT No. TB324794
D2	DENOTES	INSTRUMENT No. TB952960
1380	DENOTES	R. ZIVKO O.L.S.
OH	DENOTES	OVERHEAD UTILITY WIRES
UP	DENOTES	UTILITY POLE
DS	DENOTES	DOOR SILL
DBF	DENOTES	DOUBLE BOARD FENCE
CLF	DENOTES	CHAIN LINK FENCE
RW	DENOTES	RETAINING WALL
BR	DENOTES	BRICK
CBF	DENOTES	CONCRETE BLOCK FOUNDATION
N,S,E,W	DENOTES	NORTH,SOUTH,EAST,WEST
★	DENOTES	CONIFEROUS TREE W/TRUNK DIAMETER
⊙	DENOTES	DECIDUOUS TREE W/TRUNK DIAMETER

## Surveyor's Certificate

I CERTIFY THAT :

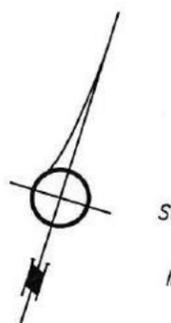
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE OCTOBER 03, 2017

OCT 03 / 2017  
Date

*S.M. Yadollahi*  
S.M. YADOLLAHI  
Ontario Land Surveyor

**ertl surveyors**  
Ontario Land Surveyors  
www.es-ols.com

1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1  
TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com  
DRAWING : 17-418.DWG PROJECT : 17-418



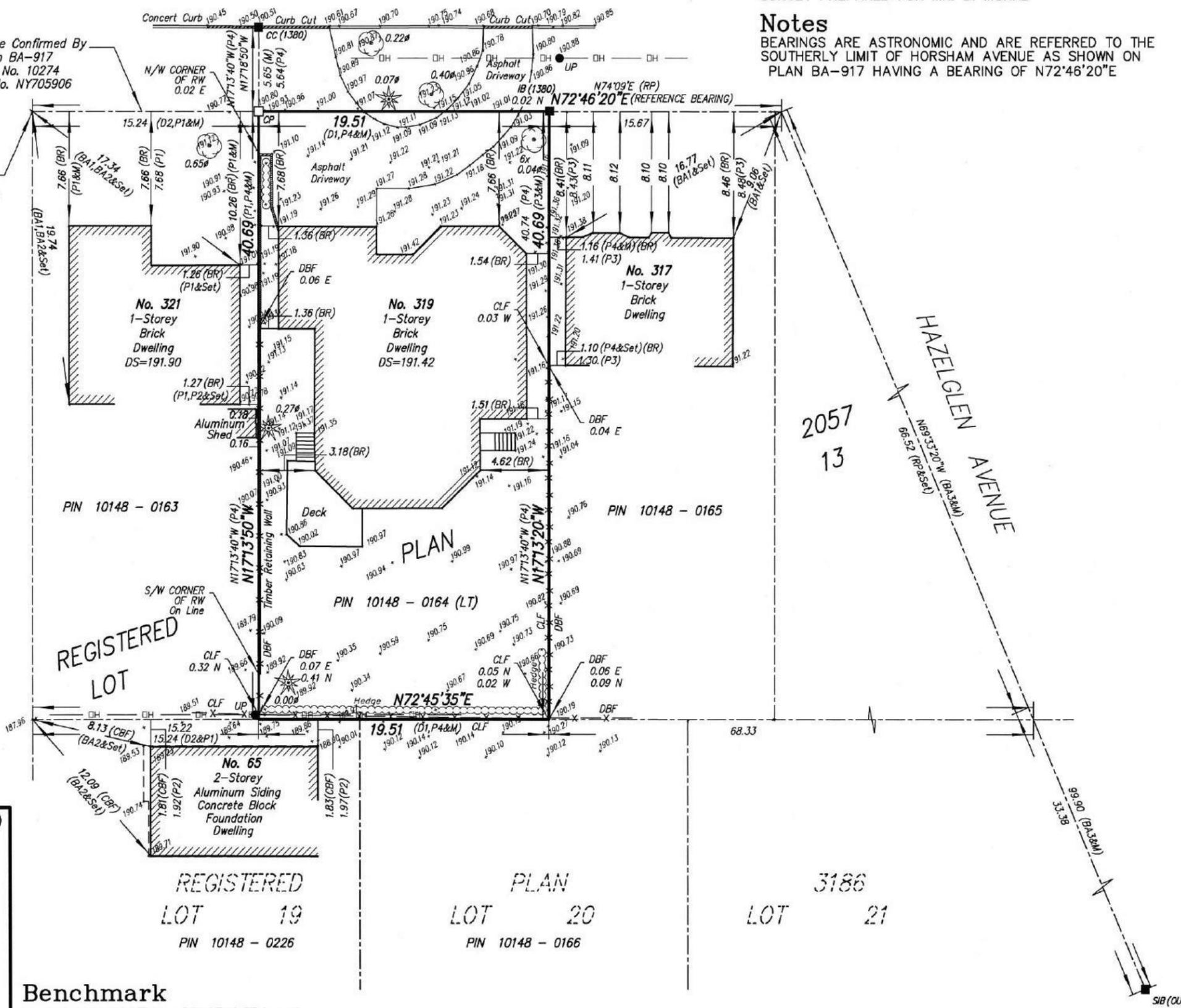
Streetline Confirmed By  
Plan BA-917  
Plan No. 10274  
INST. No. NY705906

N/W CORNER OF  
LOT 113  
REGISTERED PLAN 2057

COBDEN STREET

2057  
13

HAZELGLEN AVENUE



ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2029799

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

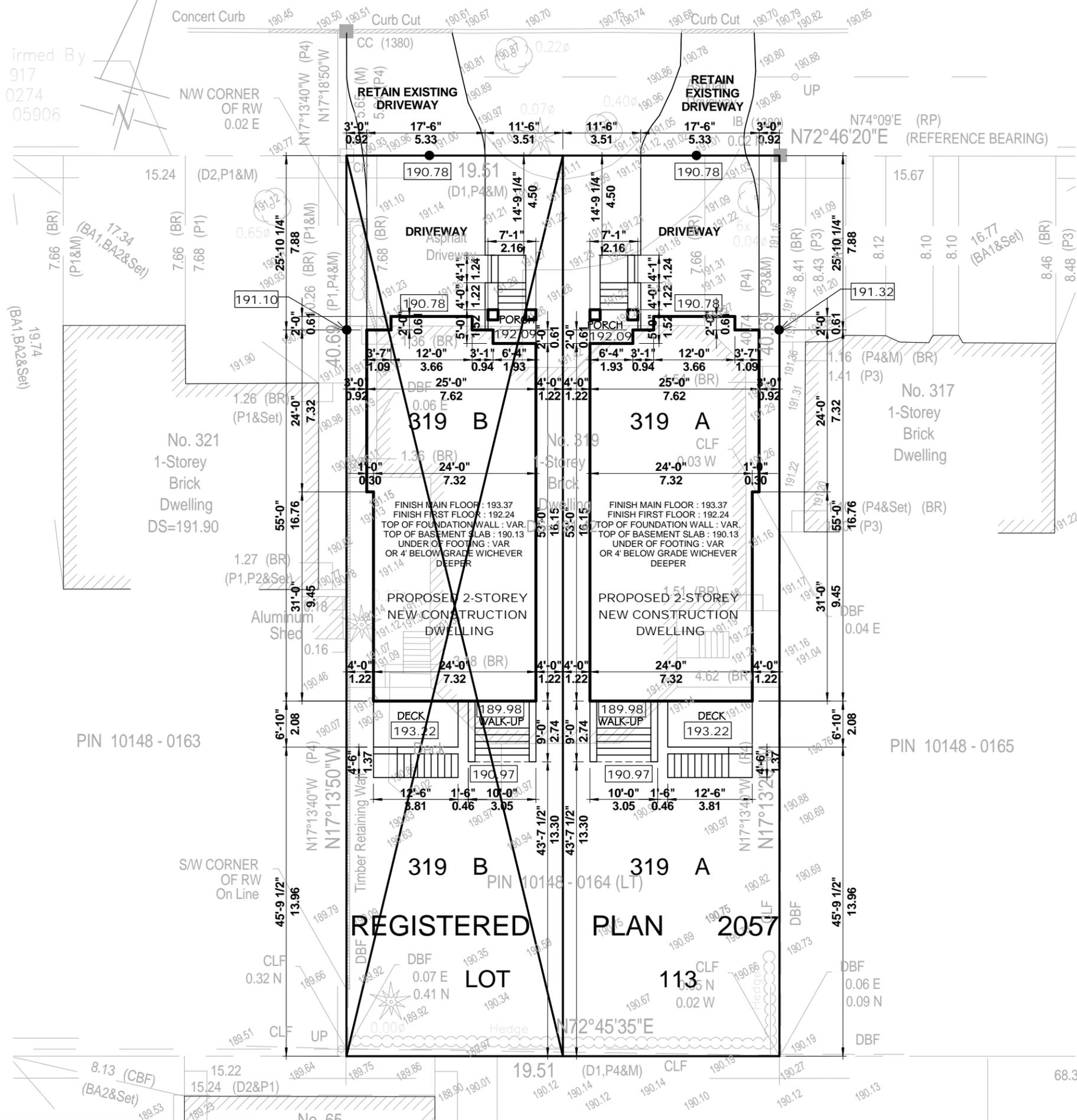
**Benchmark**  
ELEVATIONS HEREON ARE GEODETIC AND  
DERIVED FROM CITY OF TORONTO BM No.  
NY34016; ELEVATION = 187.669 m

Zoning Data Matrix		319 B HORSHAM AVENUE	
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# HORSHAM AVENUE

(BY REGISTERED PLAN 2057) 190.74 CENTRELINE OF ROAD  
PIN 10148 - 0149



designed by:

**ALI SHAKERI**  
T. 416 8213960

**ARCICA INC.**  
326 SHEPPARD AVENUE EAST,  
M2N 3B4 TORONTO, ONTARIO

project: 319A HORSHAM AVENUE

drawing: SITE PLAN

scale: 1/16" = 1'-0"

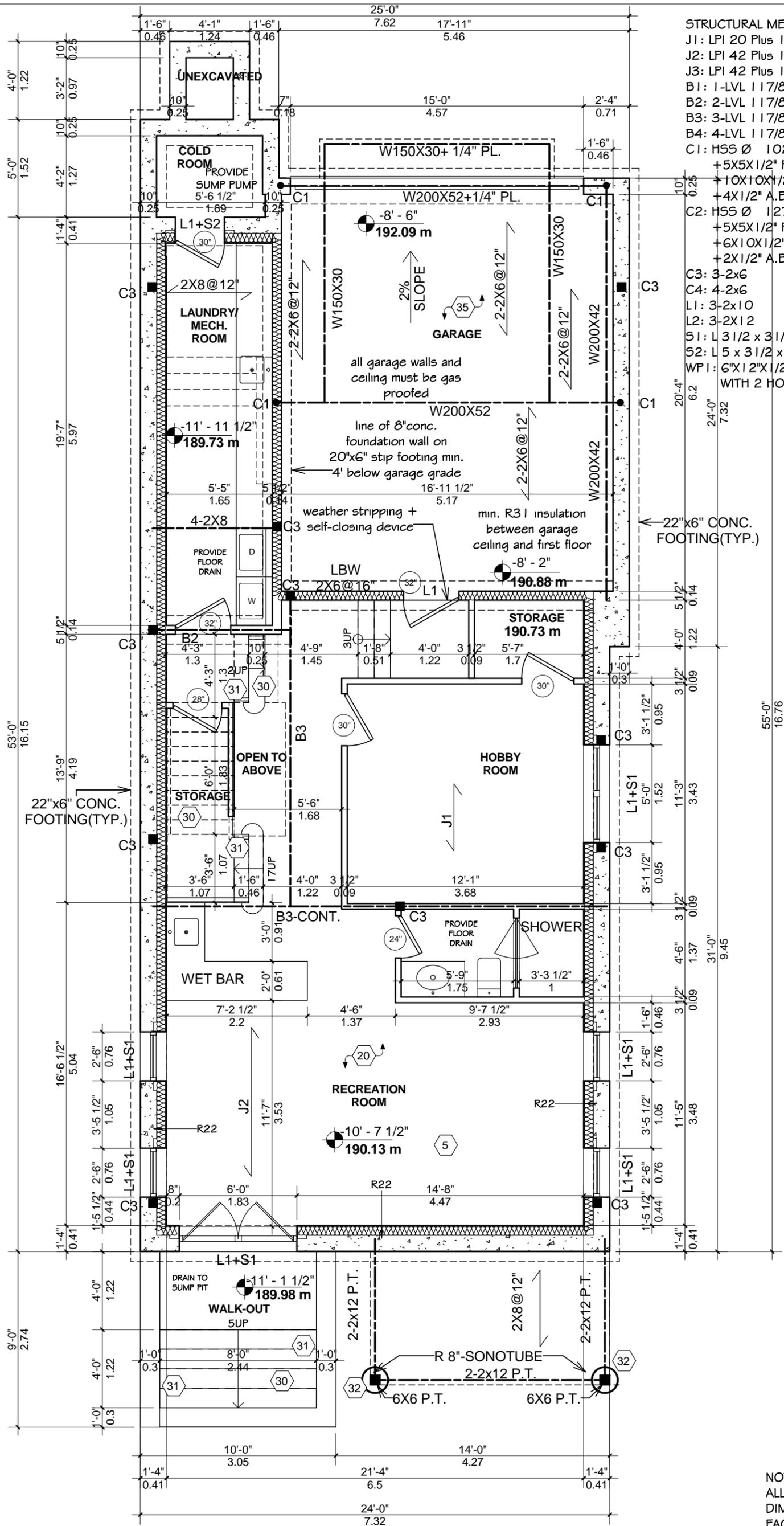
page: A 01

revisions: OCT. 13, 2017- ISSUED FOR COA

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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- STRUCTURAL MEMBERS:**
- J1: LPI 20 Plus 117/8" @ 16" o/c
  - J2: LPI 42 Plus 117/8" @ 16" o/c
  - J3: LPI 42 Plus 117/8" @ 12" o/c
  - B1: 1-LVL 117/8X13/4 2.OE TYP.
  - B2: 2-LVL 117/8X13/4 2.OE TYP.
  - B3: 3-LVL 117/8X13/4 2.OE TYP.
  - B4: 4-LVL 117/8X13/4 2.OE TYP.
  - C1: HSS Ø 102X8  
+5X5X1/2" PL. TOP  
+10X10X1/2" PL. BOTT.  
+4X1/2" A.B.
  - C2: HSS Ø 127X8  
+5X5X1/2" PL. TOP  
+6X10X1/2" PL. BOTT.  
+2X1/2" A.B.
  - C3: 3-2x6
  - C4: 4-2x6
  - L1: 3-2x10
  - L2: 3-2x12
  - S1: L 3 1/2 x 3 1/2 x 5 1/6
  - S2: L 5 x 3 1/2 x 3/8
  - WP1: 6"X12"X1/2" STEEL PLATE WITH 2 HOOKS

**NOTE:**  
ALL INTERIOR WALL DIMENSIONS SHOW FACE OF STUDS

designed by:

**ALI SHAKERI**  
T.416 8213960

**ARCICA INC.**  
326 SHEPPARD AVENUE EAST,  
M2N 3B4 TORONTO, ONTARIO

project: 319A HORSHAM AVENUE

drawing: BASEMENT PLAN

scale: 3/16" = 1'-0"

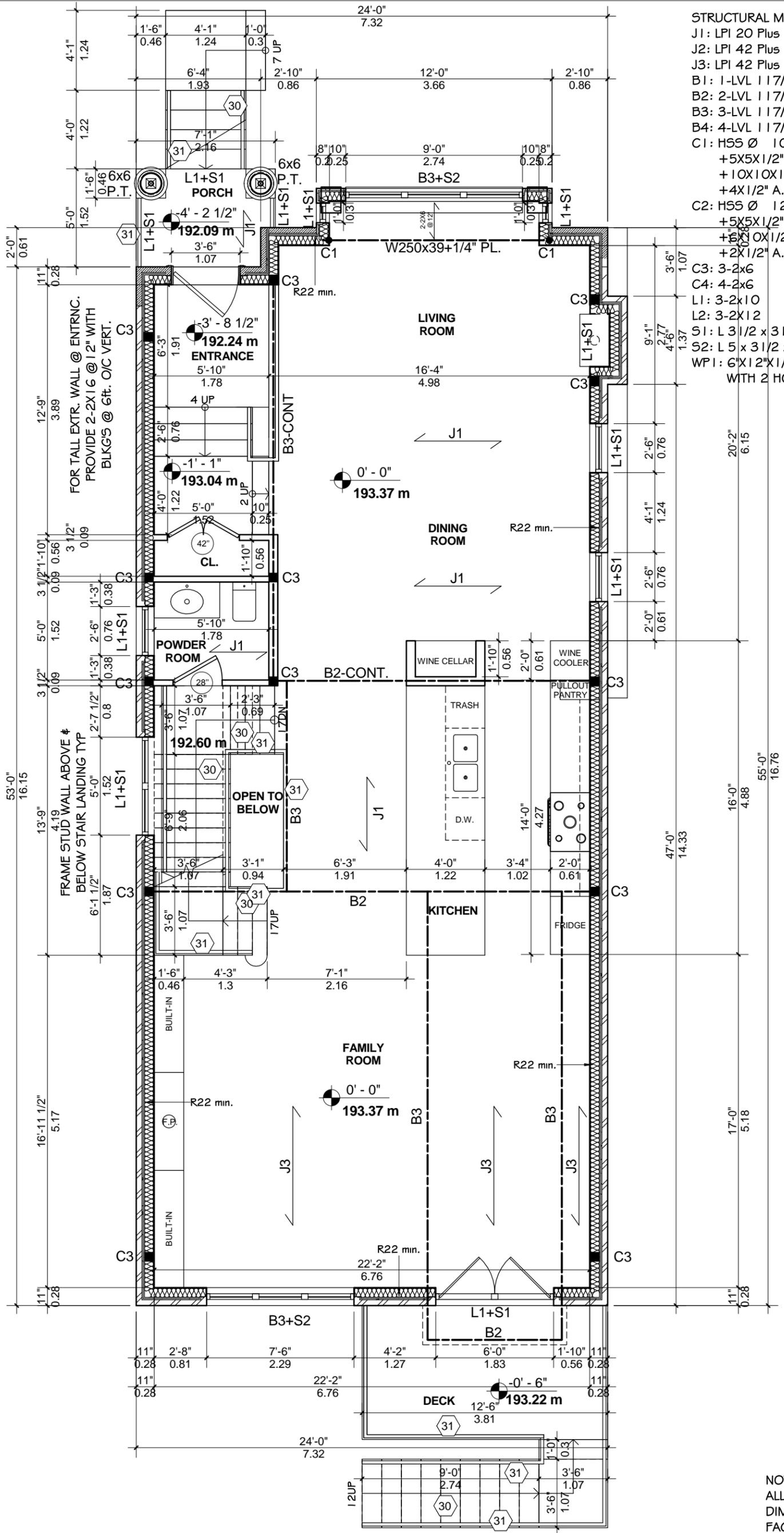
page: A 02

revisions: OCT. 13,2017- ISSUED FOR COA

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  - B3: 3-LVL 117/8X13/4 2.0E TYP.
  - B4: 4-LVL 117/8X13/4 2.0E TYP.
  - C1: HSS Ø 102X8  
+5X5X1/2" PL. TOP  
+10X10X1/2" PL. BOTT.  
+4X1/2" A.B.
  - C2: HSS Ø 127X8  
+5X5X1/2" PL. TOP  
+6X6X1/2" PL. BOTT.  
+2X1/2" A.B.
  - C3: 3-2x6
  - C4: 4-2x6
  - L1: 3-2x10
  - L2: 3-2x12
  - S1: L 3 1/2 x 3 1/2 x 5/16
  - S2: L 5 x 3 1/2 x 3/8
  - WPI: 6X12X1/2" STEEL PLATE WITH 2 HOOKS

**NOTE:**  
ALL INTERIOR WALL DIMENSIONS SHOW FACE OF STUDS

designed by:

**ALI SHAKERI**  
T.416 8213960

**ARCICA INC.**  
326 SHEPPARD AVENUE EAST,  
M2N 3B4 TORONTO, ONTARIO

project: 319A HORSHAM AVENUE

drawing: 1st FLOOR PLAN

scale: 3/16" = 1'-0"

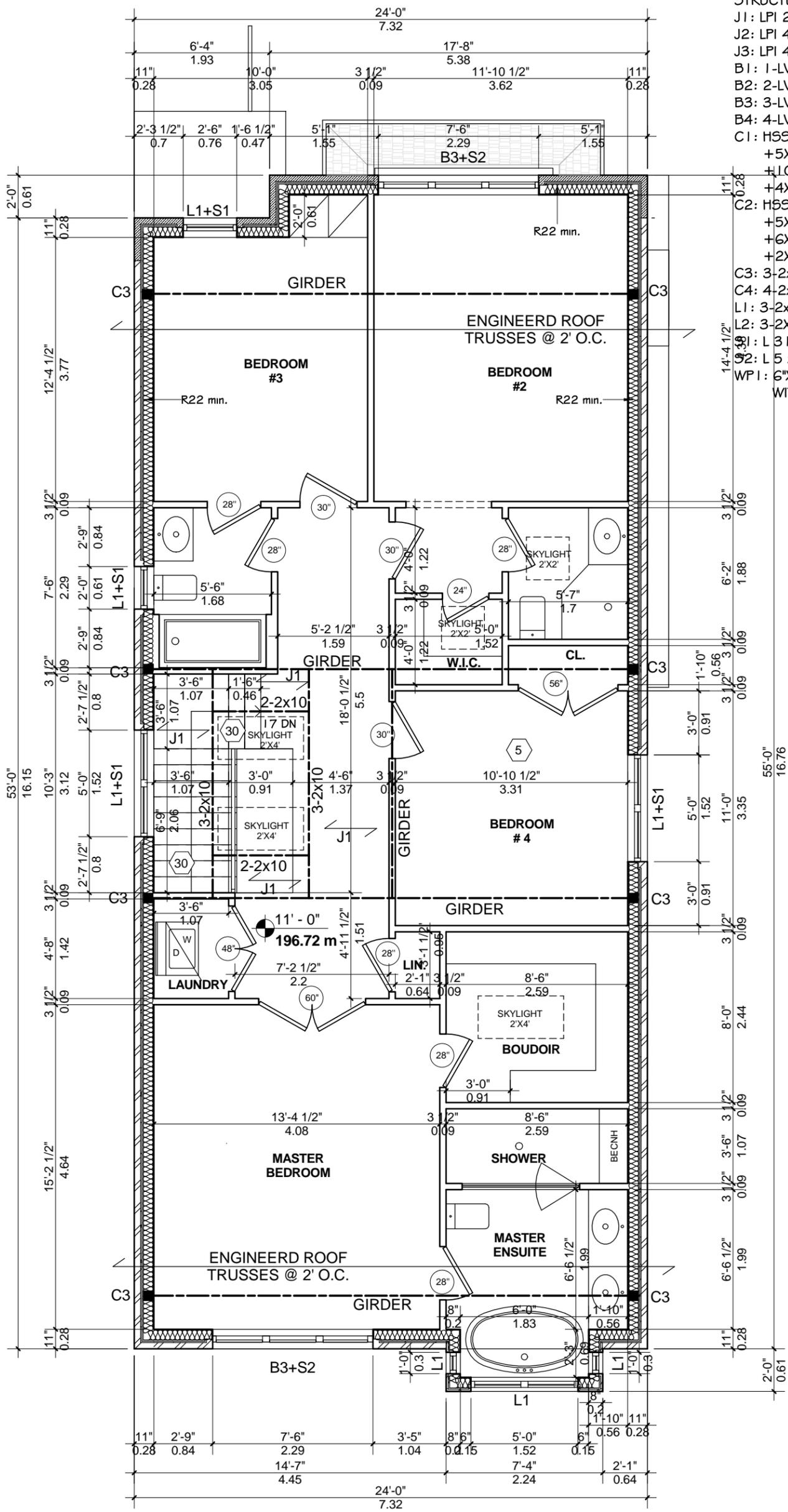
page: A 03

revisions: OCT. 13, 2017- ISSUED FOR COA

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  - B4: 4-LVL 117/8X13/4 2.0E TYP.
  - C1: H55 Ø 102X8  
+5X5X1/2" PL. TOP  
+10X10X1/2" PL. BOTT.  
+4X1/2" A.B.
  - C2: H55 Ø 127X8  
+5X5X1/2" PL. TOP  
+6X10X1/2" PL. BOTT.  
+2X1/2" A.B.
  - C3: 3-2x6
  - C4: 4-2x6
  - L1: 3-2x10
  - L2: 3-2X12
  - S1: L 3 1/2 x 3 1/2 x 5/16
  - S2: L 5 x 3 1/2 x 3/8
  - WPI: 6"X12"X1/2" STEEL PLATE WITH 2 HOOKS

**NOTE:**  
ALL INTERIOR WALL DIMENSIONS SHOW FACE OF STUDS

designed by:

**ALI SHAKERI**  
T.416 8213960

**ARCICA INC.**  
326 SHEPPARD AVENUE EAST,  
M2N 3B4 TORONTO, ONTARIO

project: 319A HORSHAM AVENUE

drawing: 2nd FLOOR PLAN

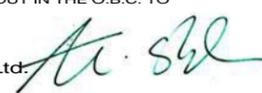
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revisions: OCT. 13,2017- ISSUED FOR COA

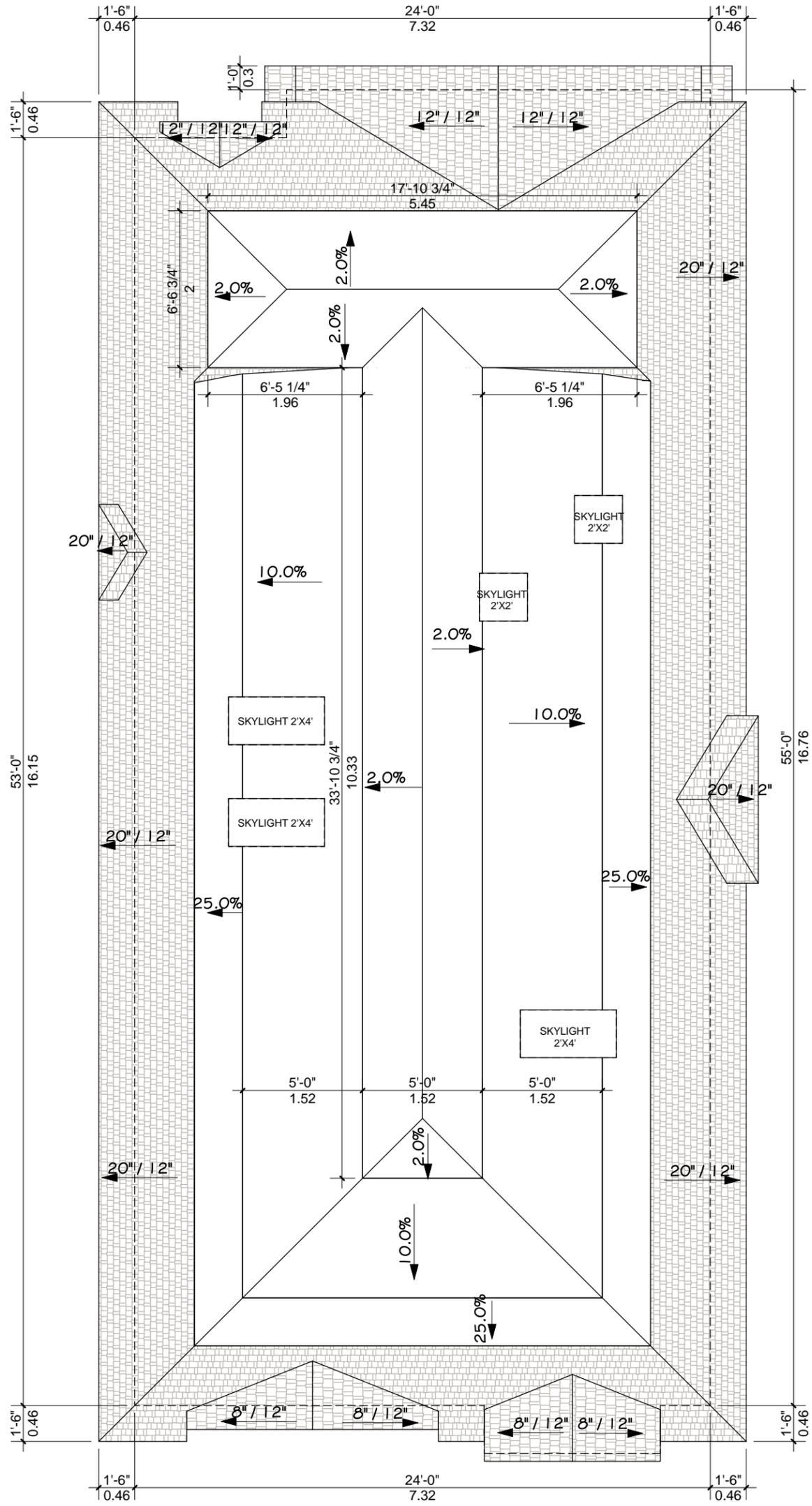
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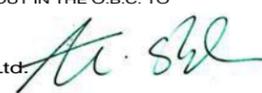


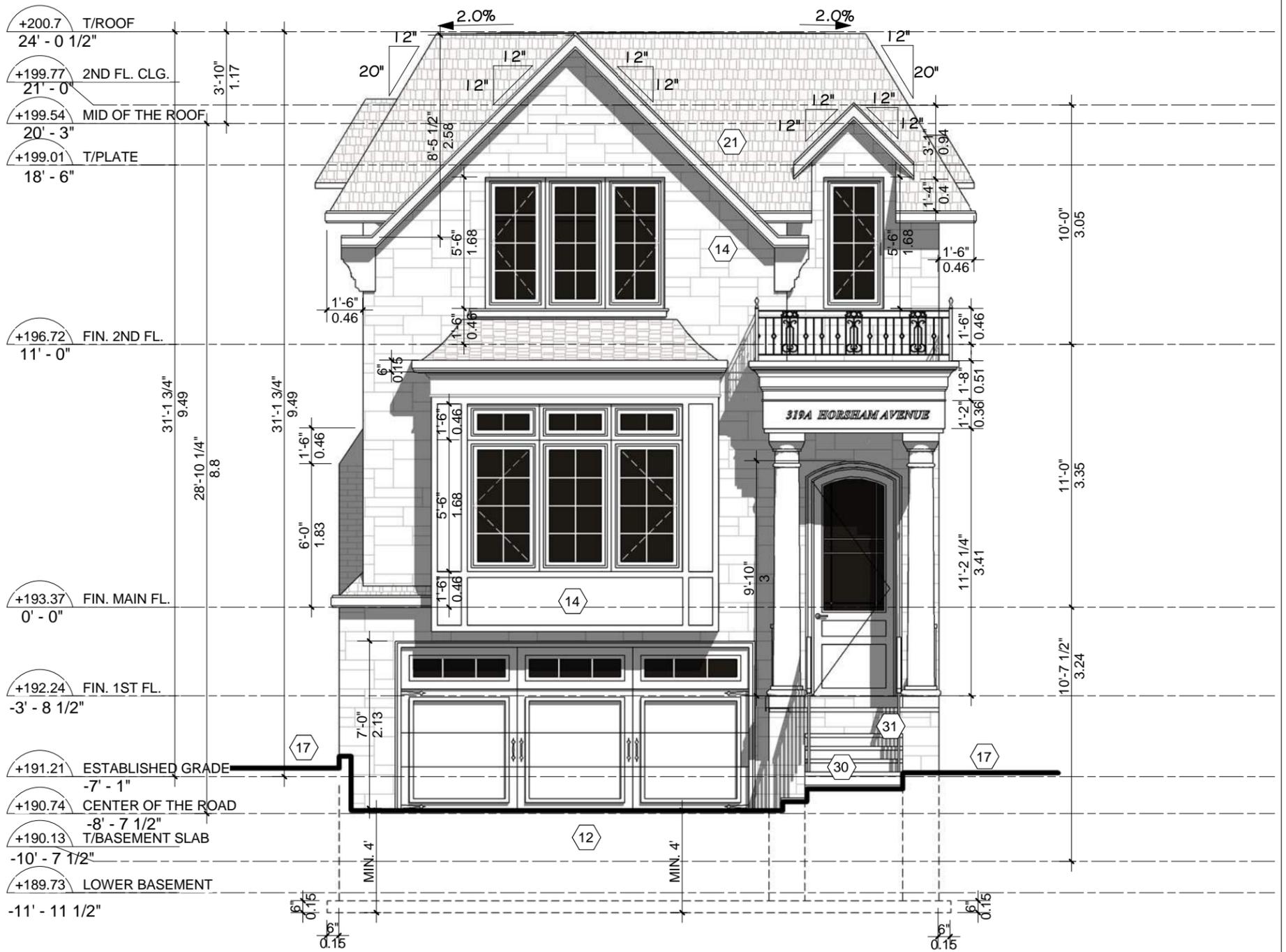
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TOTAL ROOF AREA : 1542.67 S.F.  
 FLAT ROOF AREA : 286.72 S.F. (18.58%-by-law 7625)  
 FLAT ROOF AREA : 699.34 S.F. (45.33%-by-law 569-2013)



NOTE:  
 ALL INTERIOR WALL  
 DIMENSIONS SHOW  
 FACE OF STUDS

designed by: <b>ALI SHAKERI</b> T.416 8213960 <b>ARCICA INC.</b> 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO	project: <b>319A HORSHAM AVENUE</b>	revisions: <b>OCT. 13,2017- ISSUED FOR COA</b>	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: <b>ROOF PLAN</b>	scale: <b>3/16" = 1'-0"</b>	
THIS UNDERSIGNED HAS REVIEWED & TAKES RESPONSIBILITY FOR THIS DESIGN, & HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE O.B.C. TO BE A DESIGNER <b>Ali Shakeri</b> <b>BCIN#24574</b> <b>F&amp;A Associates Ltd.</b> <b>BCIN#30998</b>			



designed by:

**ALI SHAKERI**

T.416 8166651 F.416 2508900

**ARCICA INC.**

326 SHEPPARD AVENUE EAST,  
M2N 3B4  
TORONTO, ONTARIO, CANADA,

project:

319A HORSHAM AVENUE

drawing:

MAIN  
ELEVATION(NORTH)

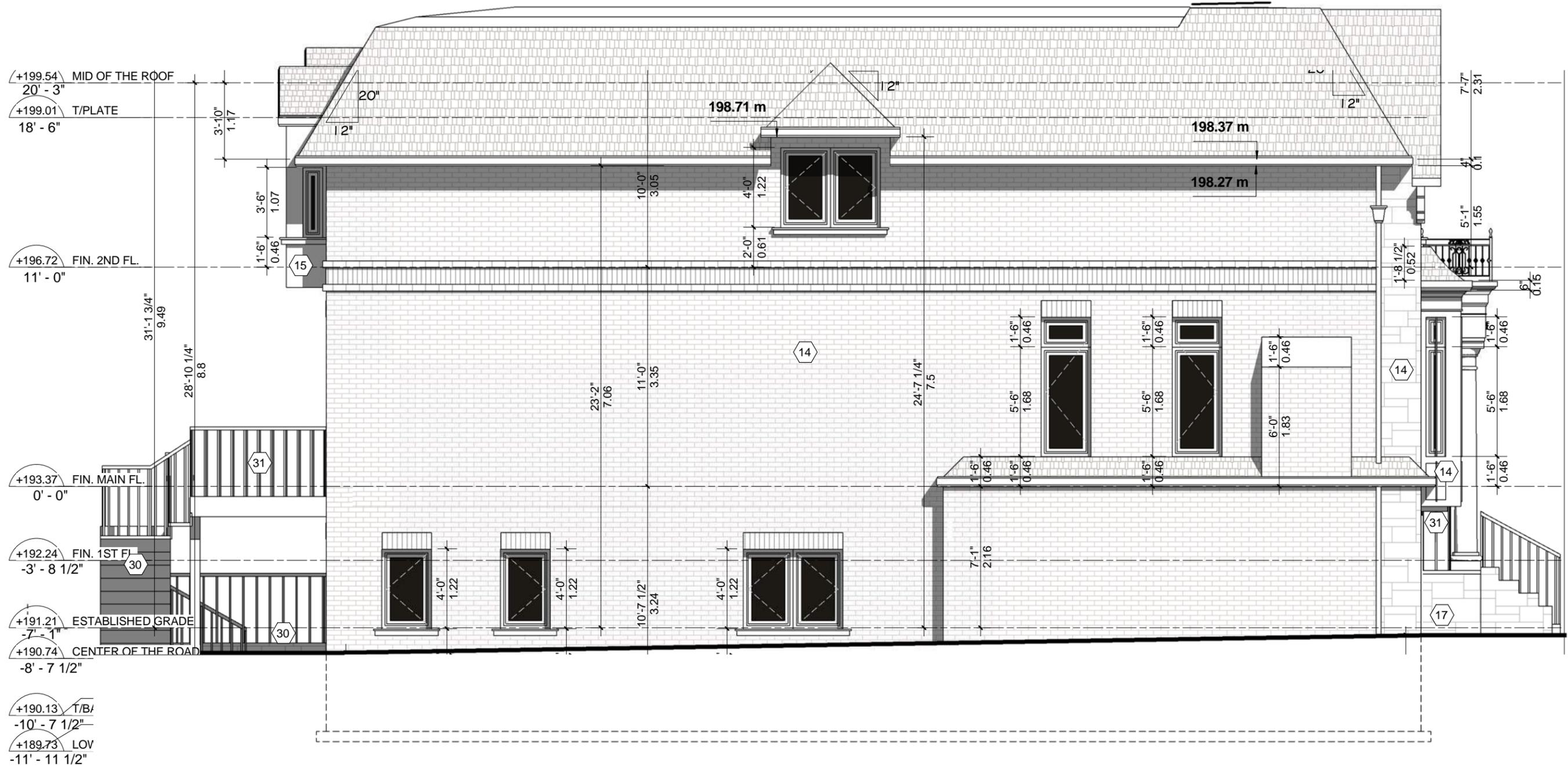
scale:

3/16" = 1'-0"

page:

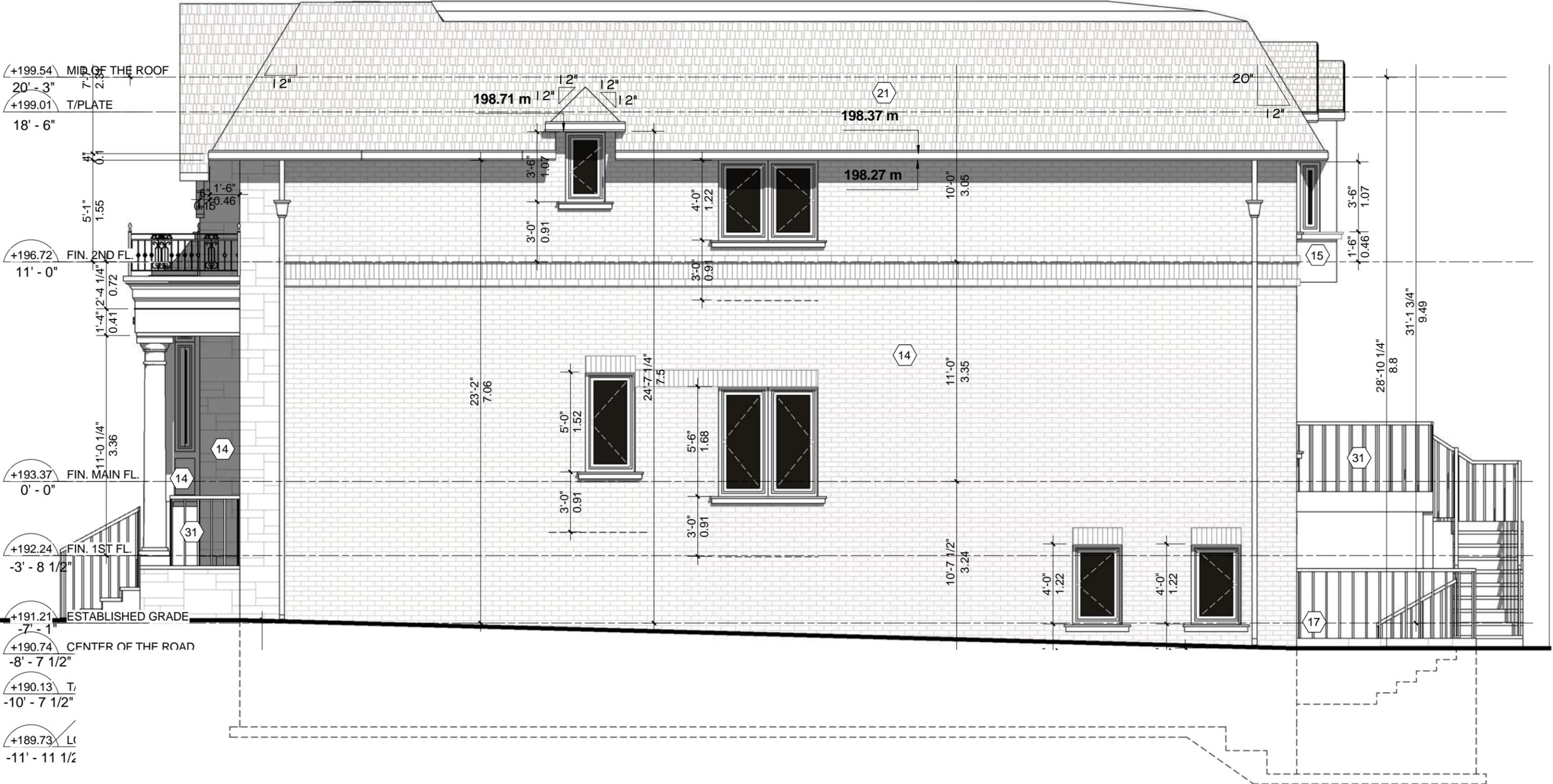
A 06





+199.54 MID OF THE ROOF  
 20' - 3"  
 +199.01 T/PLATE  
 18' - 6"  
 +196.72 FIN. 2ND FL.  
 11' - 0"  
 +193.37 FIN. MAIN FL.  
 0' - 0"  
 +192.24 FIN. 1ST FL.  
 -3' - 8 1/2"  
 +191.21 ESTABLISHED GRADE  
 -7' - 1"  
 +190.74 CENTER OF THE ROAD  
 -8' - 7 1/2"  
 +190.13 T/B/  
 -10' - 7 1/2"  
 +189.73 LOV  
 -11' - 11 1/2"

project: <b>319A HORSHAM AVENUE</b>	
drawing: <b>SIDE ELEVATION(WEST)</b>	page: <b>A 08</b>
scale: <b>3/16" = 1'-0"</b>	
revisions: <b>OCT. 13, 2017 - ISSUED FOR COA</b>	
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project: <b>319A HORSHAM AVENUE</b>	drawing: <b>SIDE ELEVATION(EAST)</b>	scale: <b>3/16" = 1'-0"</b>
revisions: <b>OCT. 13, 2017 - ISSUED FOR COA</b>	page: <b>A 09</b>	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 <b>Ali Shakeri</b> <b>BCIN#24574</b> <b>F&amp;A Associates Ltd.</b> <b>BCIN#30998</b>
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# HORSHAM AVENUE

(BY REGISTERED PLAN 2057) CENTRELINE OF ROAD  
PIN 10148 - 0149

## Part 2

NO REGISTERED EASEMENTS OR RIGHTS OF WAY  
NOTE LOCATION OF OVERHEAD UTILITY WIRES AT THE  
REAR OF PROPERTY  
FENCES AS SHOWN  
SURVEY PREPARED FOR MR. D. MORAD

## Notes

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE  
SOUTHERLY LIMIT OF HORSHAM AVENUE AS SHOWN ON  
PLAN BA-917 HAVING A BEARING OF N72°46'20"E

# SURVEYOR'S REAL PROPERTY REPORT-PART 1 PLAN OF PART OF LOT 113 REGISTERED PLAN 2057 CITY OF TORONTO (FORMERLY CITY OF NORTH YORK)

SCALE 1:300



© COPYRIGHT

**ertl surveyors 2017**

Ontario Land Surveyors

## Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND  
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

## Legend

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
SIB	DENOTES	STANDARD IRON BAR
IB	DENOTES	IRON BAR
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
WIT	DENOTES	WITNESS
OU	DENOTES	ORIGIN UNKNOWN
M	DENOTES	MEASURED
RP	DENOTES	REGISTERED PLAN 2057
P1	DENOTES	PLAN OF SURVEY BY W. S. GIBSON & SONS O.L.S. DATED JANUARY 11, 1957
P2	DENOTES	PLAN OF SURVEY BY W. S. GIBSON & SONS O.L.S. DATED JULY 02, 1952
P3	DENOTES	PLAN OF SURVEY BY H. C. SEWELL O.L.S. DATED AUGUST 16, 1954
P4	DENOTES	PLAN OF SURVEY BY R. ZIVKO O.L.S. DATED MARCH 07, 1988
BA1	DENOTES	PLAN BA-917
BA2	DENOTES	PLAN BA-2167
BA3	DENOTES	PLAN BA-1966
D1	DENOTES	INSTRUMENT No. TB324794
D2	DENOTES	INSTRUMENT No. TB952960
1380	DENOTES	R. ZIVKO O.L.S.
OH	DENOTES	OVERHEAD UTILITY WIRES
UP	DENOTES	UTILITY POLE
DS	DENOTES	DOOR SILL
DBF	DENOTES	DOUBLE BOARD FENCE
CLF	DENOTES	CHAIN LINK FENCE
RW	DENOTES	RETAINING WALL
BR	DENOTES	BRICK
CBF	DENOTES	CONCRETE BLOCK FOUNDATION
N,S,E,W	DENOTES	NORTH,SOUTH,EAST,WEST
★	DENOTES	CONIFEROUS TREE W/TRUNK DIAMETER
⊙	DENOTES	DECIDUOUS TREE W/TRUNK DIAMETER

## Surveyor's Certificate

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE OCTOBER 03, 2017

OCT 03 2017  
Date

S.M. Yadollahi  
S.M. YADOLLAHI  
Ontario Land Surveyor

**ertl surveyors**  
Ontario Land Surveyors  
www.es-ols.com

1234 REID STREET, UNIT 10, RICHMOND HILL L4B 1C1  
TELEPHONE (905) 731-7834 FAX (905) 731-7852 EMAIL info@es-ols.com  
DRAWING : 17-418.DWG PROJECT : 17-418



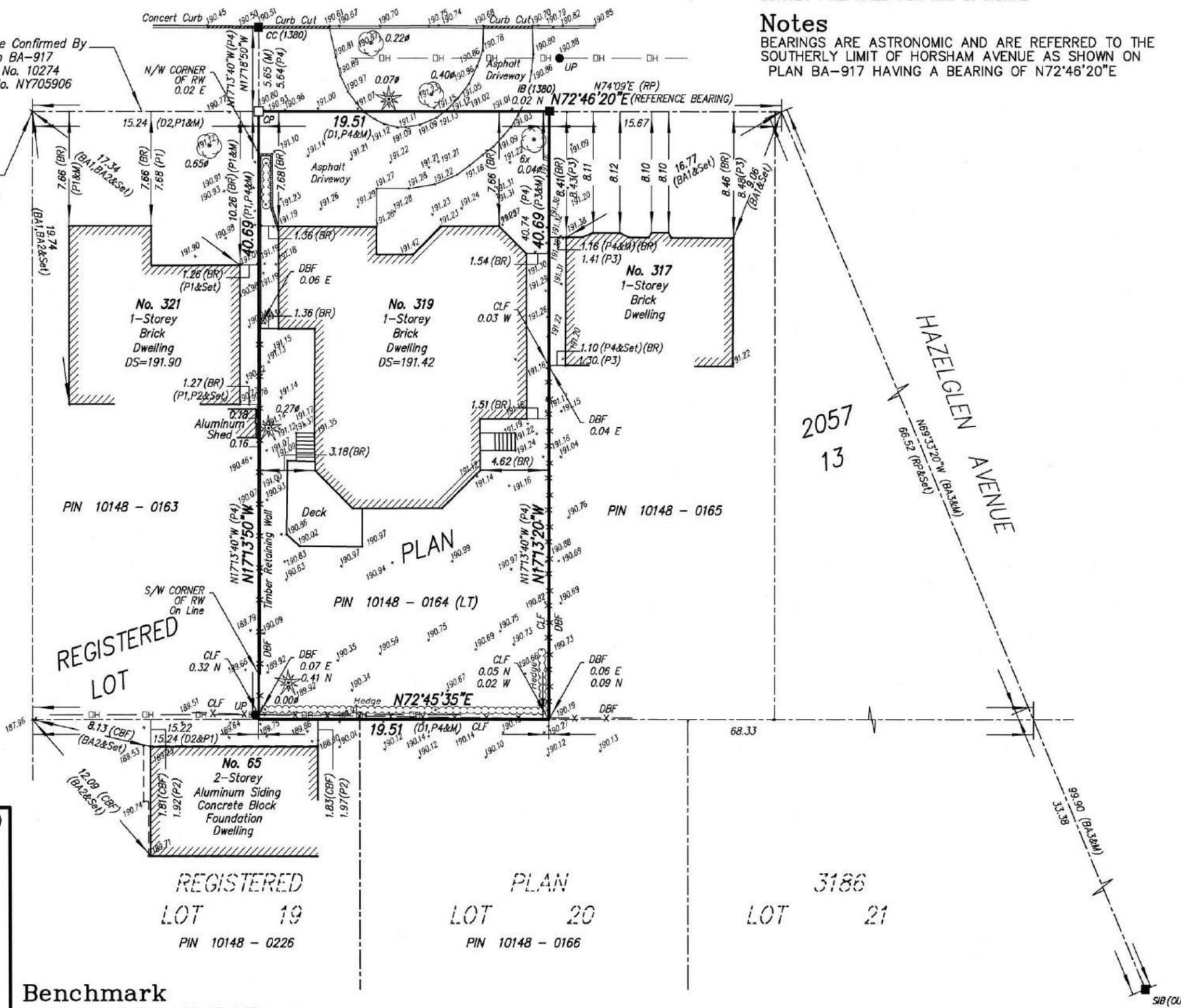
Streetline Confirmed By  
Plan BA-917  
Plan No. 10274  
INST. No. NY705906

N/W CORNER OF  
LOT 113  
REGISTERED PLAN 2057

COBDEN STREET

2057  
13

HAZELGLEN AVENUE



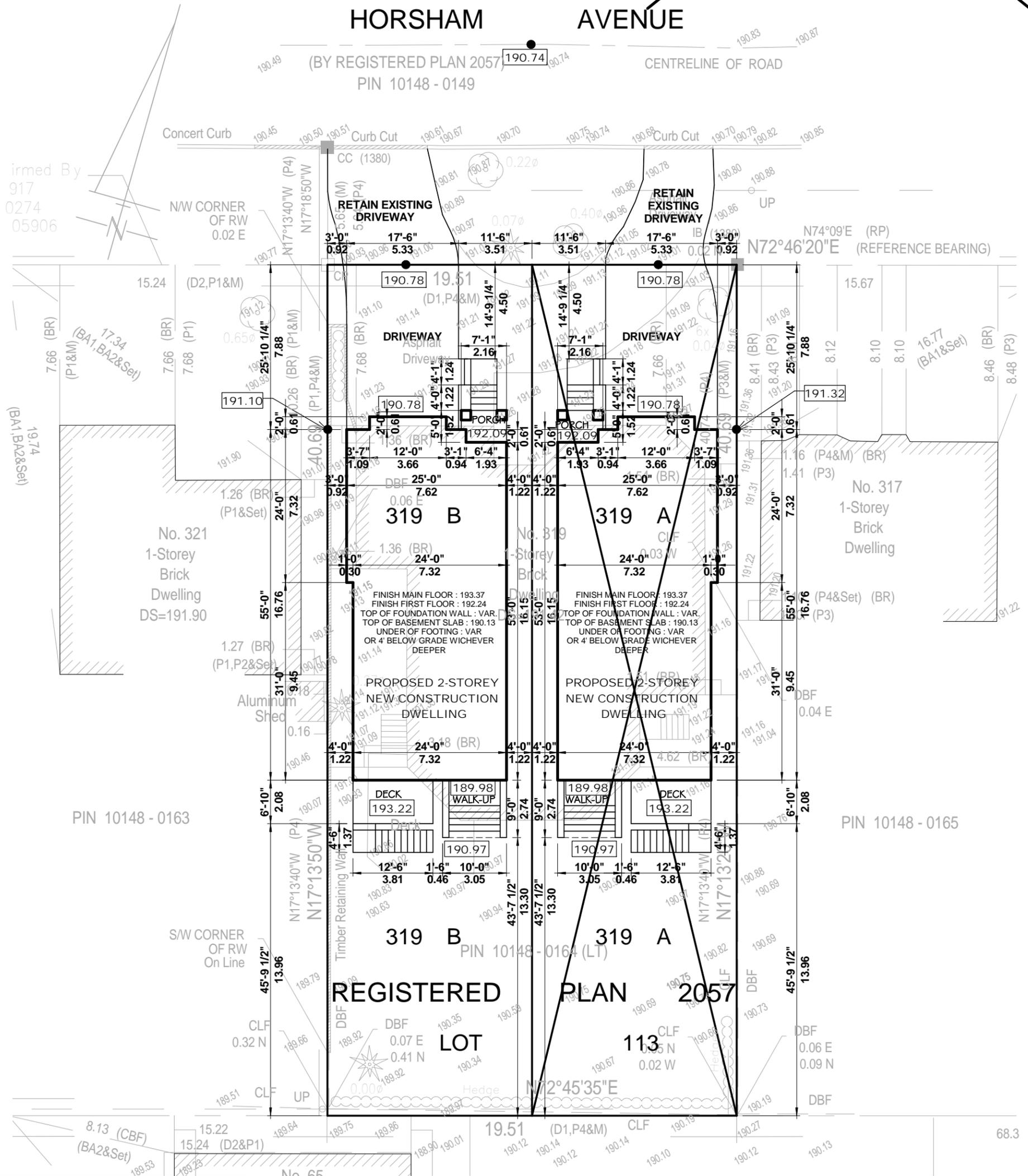
ASSOCIATION OF ONTARIO  
LAND SURVEYORS  
PLAN SUBMISSION FORM  
2029799

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

**Benchmark**  
ELEVATIONS HEREON ARE GEODETIC AND  
DERIVED FROM CITY OF TORONTO BM No.  
NY34016; ELEVATION = 187.669 m

Zoning Data Matrix		319 B HORSHAM AVENUE	
R4 & RD (f15, a550)(X5)		Proposed	
Lot #	PART B OF LOT 113		
Plan #	2057		
Lot Area	4272.5	s.f. -	396.93 m <sup>2</sup>
Front Yard Area	823.97	s.f. -	76.55 m <sup>2</sup>
Driveway Area	429.80	s.f. -	39.93 m <sup>2</sup>
Porch and Walkway Area	74.70	s.f. -	6.94 m <sup>2</sup>
Landscape Open Space Area	355.12	s.f. -	39.62 m <sup>2</sup> (51.75%)
Soft Landscaping Area	280.42	s.f. -	32.68 m <sup>2</sup> (82.48%)
Building Area(Coverage)	1331.28	s.f. -	123.68 m <sup>2</sup> (31.15%)
Main Floor Area	1331.28	s.f. -	123.68 m <sup>2</sup>
Second Floor Area	1321.91	s.f. -	122.81 m <sup>2</sup>
Gross Floor Area	2653.19	s.f. -	246.49 m <sup>2</sup> (62.09%)

Zoning Data Matrix		319 A HORSHAM AVENUE	
R4 & RD (f15, a550)(X5)		Proposed	
Lot #	PART A OF LOT 113		
Plan #	2057		
Lot Area	4272.5	s.f. -	396.93 m <sup>2</sup>
Front Yard Area	823.97	s.f. -	76.55 m <sup>2</sup>
Driveway Area	429.80	s.f. -	39.93 m <sup>2</sup>
Porch and Walkway Area	74.70	s.f. -	6.94 m <sup>2</sup>
Landscape Open Space Area	355.12	s.f. -	39.62 m <sup>2</sup> (51.75%)
Soft Landscaping Area	280.42	s.f. -	32.68 m <sup>2</sup> (82.48%)
Building Area(Coverage)	1331.28	s.f. -	123.68 m <sup>2</sup> (31.15%)
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Gross Floor Area	2653.19	s.f. -	246.49 m <sup>2</sup> (62.09%)

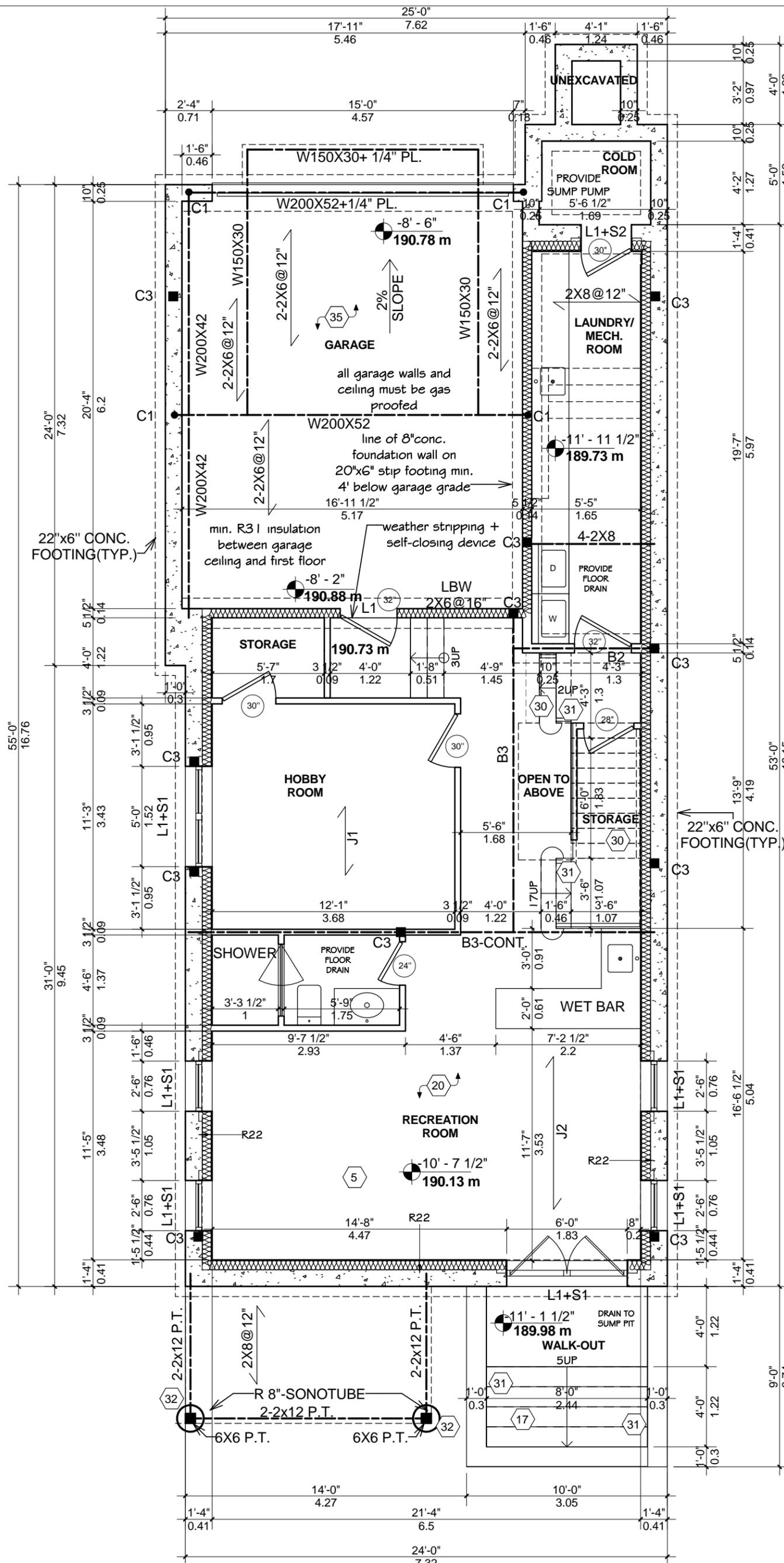


designed by:  
**ALI SHAKERI**  
 T.416 8213960  
**ARCICA INC.**  
 326 SHEPPARD AVENUE EAST,  
 M2N 3B4 TORONTO, ONTARIO

project:  
**319B HORSHAM AVENUE**  
 drawing:  
**SITE PLAN**  
 scale:  
**1/16" = 1'-0"**  
 page:  
**A 01**

revisions:  
**OCT. 13,2017- ISSUED FOR COA**  
 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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- STRUCTURAL MEMBERS:**
- J1: LPI 20 Plus 1 1/8" @ 16" o/c
  - J2: LPI 42 Plus 1 1/8" @ 16" o/c
  - J3: LPI 42 Plus 1 1/8" @ 12" o/c
  - B1: 1-LVL 1 1/8" X 13/4 2.0E TYP.
  - B2: 2-LVL 1 1/8" X 13/4 2.0E TYP.
  - B3: 3-LVL 1 1/8" X 13/4 2.0E TYP.
  - B4: 4-LVL 1 1/8" X 13/4 2.0E TYP.
  - C1: HSS Ø 102X8  
+ 5X5X1/2" PL. TOP  
+ 10X10X1/2" PL. BOTT.  
+ 4X1/2" A.B.
  - C2: HSS Ø 127X8  
+ 5X5X1/2" PL. TOP  
+ 6X10X1/2" PL. BOTT.  
+ 2X1/2" A.B.
  - C3: 3-2x6  
C4: 4-2x6  
L1: 3-2x10  
L2: 3-2x12  
S1: L 3 1/2 x 3 1/2 x 5 1/8  
S2: L 5 x 3 1/2 x 3/8  
WP1: 6"X12"X1/2" STEEL PLATE WITH 2 HOOKS

**NOTE:**  
ALL INTERIOR WALL DIMENSIONS SHOW FACE OF STUDS

designed by:  
**ALI SHAKERI**  
T.416 8213960

**ARCICA INC.**  
326 SHEPPARD AVENUE EAST,  
M2N 3B4 TORONTO, ONTARIO

project:  
**319B HORSHAM AVENUE**

drawing:  
**BASEMENT PLAN**

scale:  
**3/16" = 1'-0"**

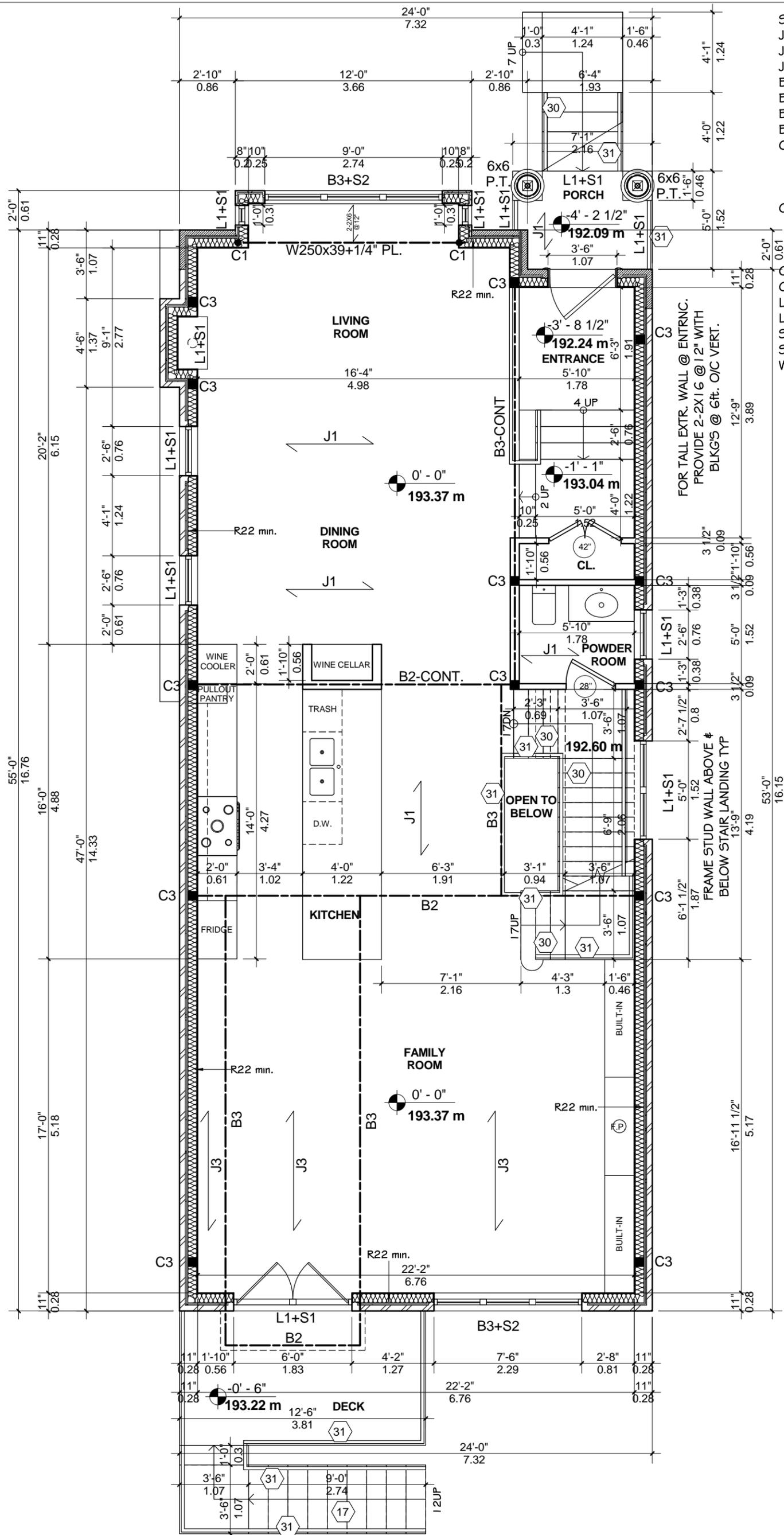
page:  
**A 02**

revisions:  
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**Ali Shakeri**  
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F&A Associates Ltd.  
BCIN#30998

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  - J2: LPI 42 Plus 117/8" @ 16" o/c
  - J3: LPI 42 Plus 117/8" @ 12" o/c
  - B1: 1-LVL 117/8X13/4 2.OE TYP.
  - B2: 2-LVL 117/8X13/4 2.OE TYP.
  - B3: 3-LVL 117/8X13/4 2.OE TYP.
  - B4: 4-LVL 117/8X13/4 2.OE TYP.
  - C1: HSS Ø 102X8  
+5X5X1/2" PL. TOP  
+10X10X1/2" PL. BOT.  
+4X1/2" A.B.
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+5X5X1/2" PL. TOP  
+6X10X1/2" PL. BOT.  
+2X1/2" A.B.
  - C3: 3-2x6
  - C4: 4-2x6
  - L1: 3-2x10
  - L2: 3-2x12
  - S1: L 3 1/2 x 3 1/2 x 5/16
  - S2: L 5 x 3 1/2 x 3/8
  - WPI: 6"X12"X1/2" STEEL PLATE WITH 2 HOOKS

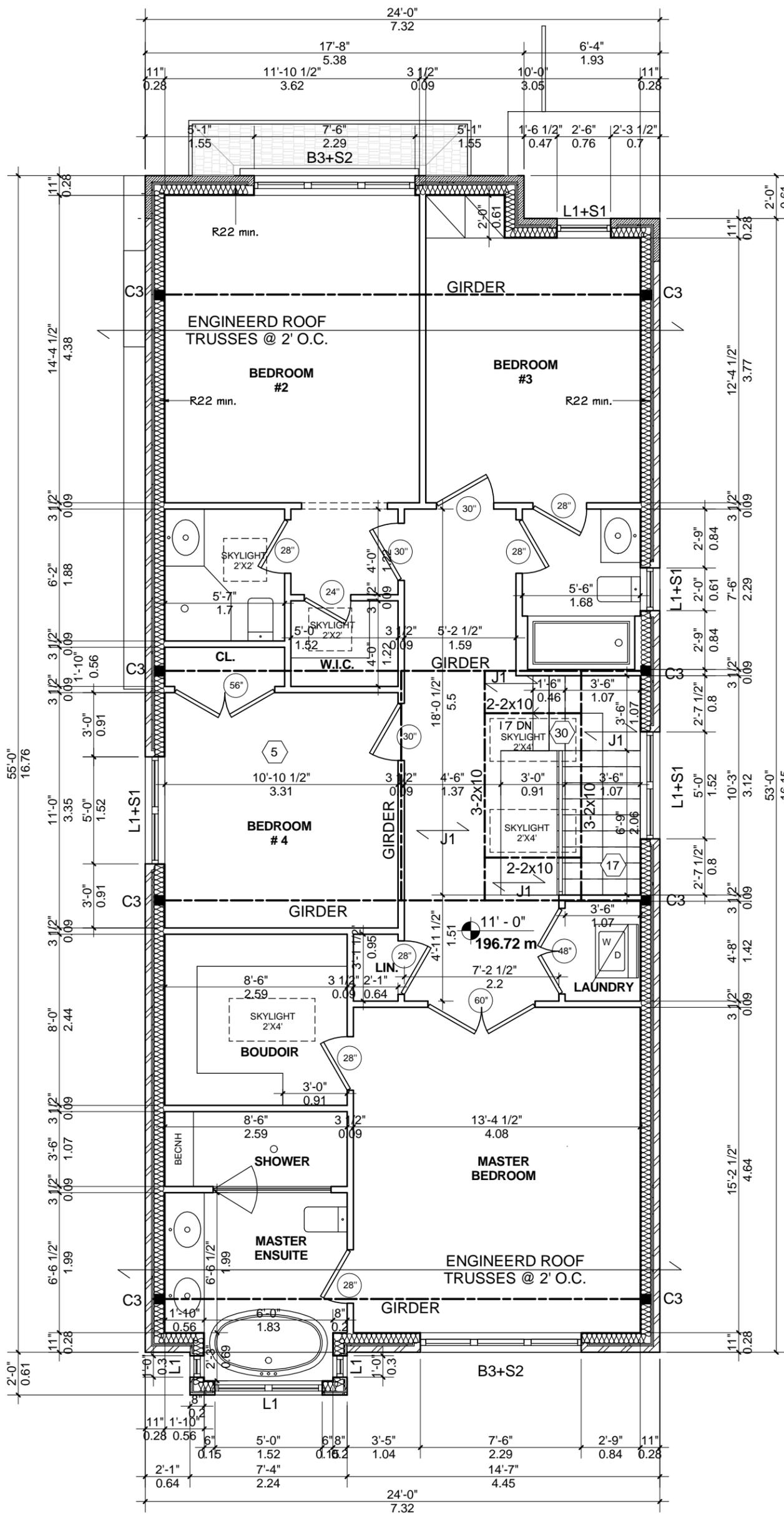
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T.416 8213960  
**ARCICA INC.**  
326 SHEPPARD AVENUE EAST,  
M2N 3B4 TORONTO, ONTARIO

project:  
**319B HORSHAM AVENUE**  
drawing:  
**1st FLOOR PLAN**  
scale:  
**3/16" = 1'-0"**  
page:  
**A 03**

revisions:  
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+2X1/2" A.B.
  - C3: 3-2x6  
L1: 3-2x10  
L2: 3-2X12  
S1: L 3 1/2 x 3 1/2 x 5/16  
S2: L 5 x 3 1/2 x 3/8  
WPI: 6"X12"X1/2" STEEL PLATE WITH 2 HOOKS

**NOTE:**  
ALL INTERIOR WALL DIMENSIONS SHOW FACE OF STUDS

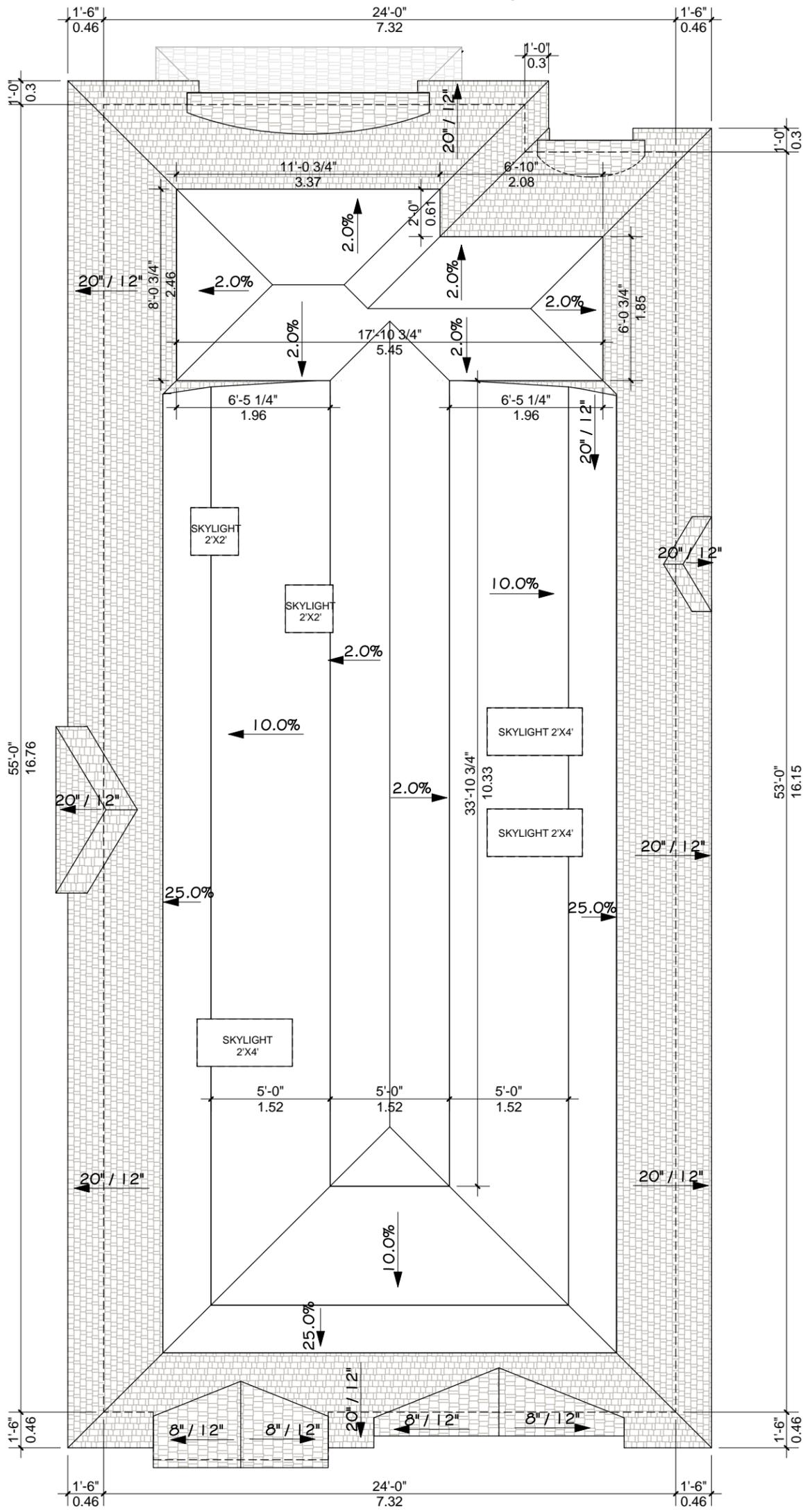
designed by:  
**ALI SHAKERI**  
T.416 8213960  
**ARCICA INC.**  
326 SHEPPARD AVENUE EAST,  
M2N 3B4 TORONTO, ONTARIO

project:  
**319B HORSHAM AVENUE**  
drawing:  
**2nd FLOOR PLAN**  
scale:  
**3/16" = 1'-0"**  
page:  
**A 04**

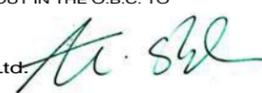
revisions:  
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**BCIN#30998**

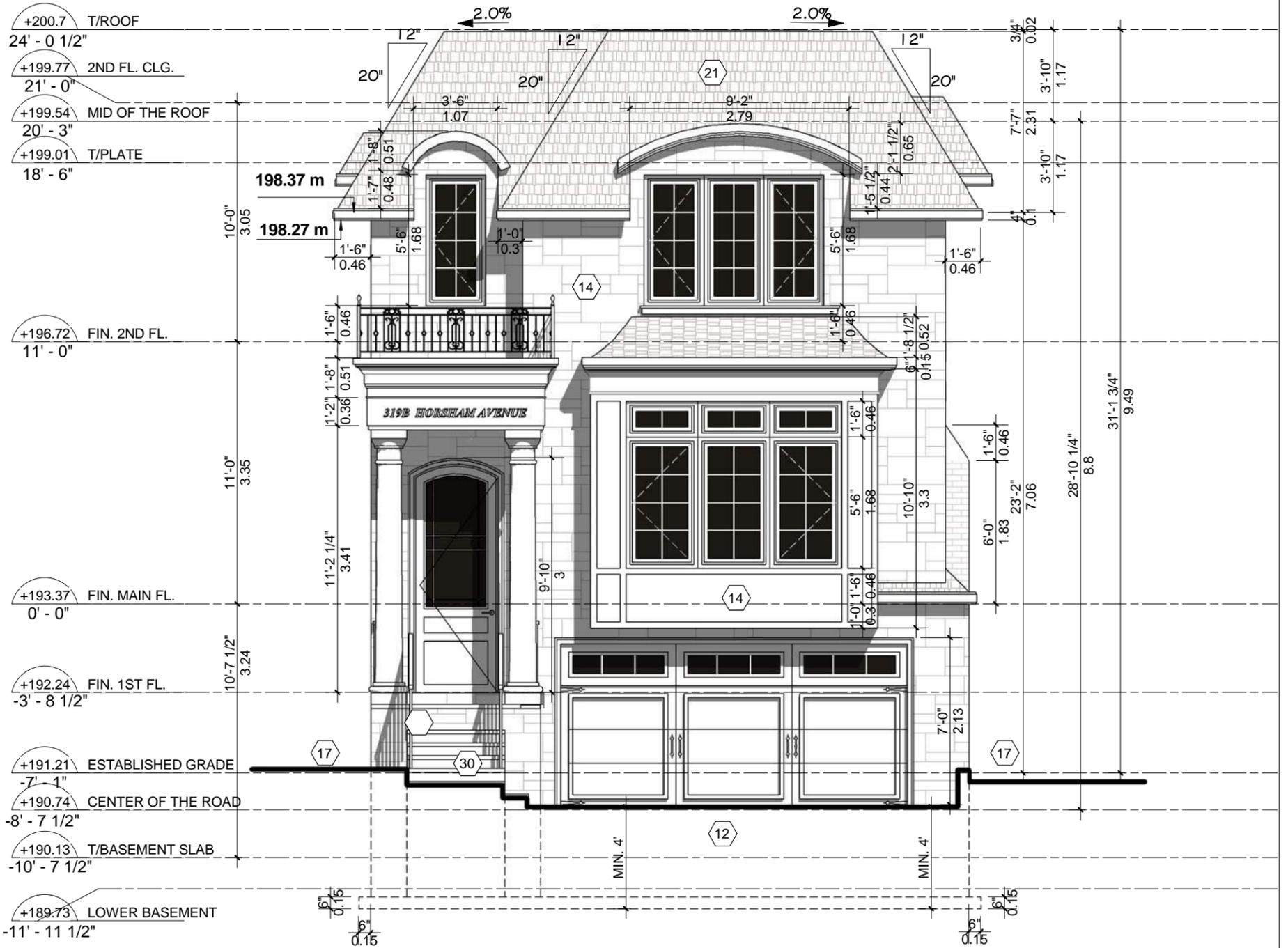
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TOTAL ROOF AREA : 1533.28 S.F.  
 FLAT ROOF AREA : 299.89 S.F. (19.55%-by-law 7625)  
 FLAT ROOF AREA : 712.51 S.F. (46.46%-by-law 569-2013)



NOTE:  
 ALL INTERIOR WALL  
 DIMENSIONS SHOW  
 FACE OF STUDS

designed by: <b>ALI SHAKERI</b> T.416 8213960 <b>ARCICA INC.</b> 326 SHEPPARD AVENUE EAST, M2N 3B4 TORONTO, ONTARIO	project: <b>319B HORSHAM AVENUE</b>	revisions: <b>OCT. 13,2017- ISSUED FOR COA</b>	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: <b>ROOF PLAN</b>	scale: <b>3/16" = 1'-0"</b>	
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 <b>Ali Shakeri</b> <b>BCIN#24574</b> <b>F&amp;A Associates Ltd.</b> <b>BCIN#30998</b>			



designed by:  
**ALI SHAKERI**  
 T.416 8166651 F.416 2508900  
**ARCICA INC.**  
 326 SHEPPARD AVENUE EAST,  
 M2N 3B4  
 TORONTO, ONTARIO, CANADA,

project:  
**319B HORSHAM AVENUE**  
 drawing:  
**MAIN ELEVATION(NORTH)**  
 scale:  
**3/16" = 1'-0"**  
 page:  
**A 06**

revisions:  
**OCT. 13,2017- ISSUED FOR COA**

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 Ali Shakeri  
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GLAZED  
1. AREA  
2. PROF

+200.7 T/RO  
24' - 0 1/2"

+199.77 2ND I  
21' - 0"

+199.54 MID OF THE ROOF  
20' - 3"

+199.01 T/PLATE  
18' - 6"

+196.72 FIN. 2ND FL.  
11' - 0"

+193.37 FIN. MAIN FL.  
0' - 0"

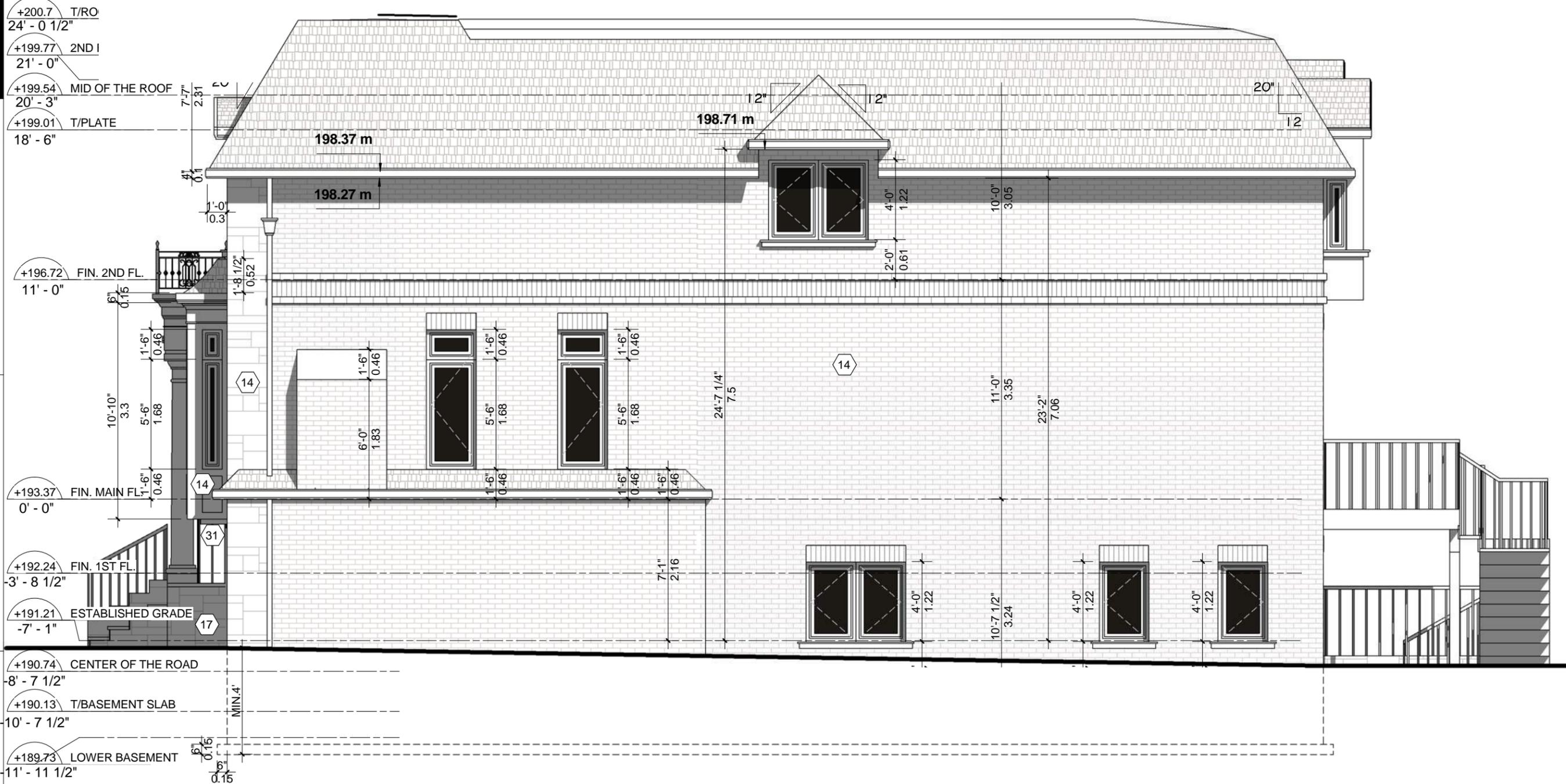
+192.24 FIN. 1ST FL.  
3' - 8 1/2"

+191.21 ESTABLISHED GRADE  
-7' - 1"

+190.74 CENTER OF THE ROAD  
-8' - 7 1/2"

+190.13 T/BASEMENT SLAB  
10' - 7 1/2"

+189.73 LOWER BASEMENT  
11' - 11 1/2"



project:

319B HORSHAM AVENUE

drawing: SIDE ELEVATION(WEST)

scale:

3/16" = 1'-0"

page:

A 08

revisions:

OCT. 13, 2017 - ISSUED FOR COA

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Ali Shakeri  
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designed by:  
**ALI SHAKERI**  
ARCICA INC.  
T.416 8166651 F.416 2508900  
326 SHEPPARD AVENUE EAST,  
M2N 3B4  
TORONTO, ONTARIO, CANADA.

designed by:

GLAZED /  
1. AREA C  
2. PROPO

+200.7 T/RC  
24'-0 1/2"  
+199.77 2ND  
21'-0"  
+199.54 MID OF THE ROOF  
20'-3"  
+199.01 T/PLATE  
18'-6"

+196.72 FIN. 2ND FL.  
11'-0"

+193.37 FIN. MAIN FL.  
0'-0"

+192.24 FIN. 1ST FL.  
-3'-8 1/2"

+191.21 ESTABLISHED GRADE  
-7'-1"

+190.74 CENTER OF THE ROAD  
-8'-7 1/2"

+190.13 T/BASEMENT SLAB  
-10'-7 1/2"

+189.73 LOWER BASEMENT  
-11'-11 1/2"

MIN. 4'  
MAX. 2'  
MAX. 2'

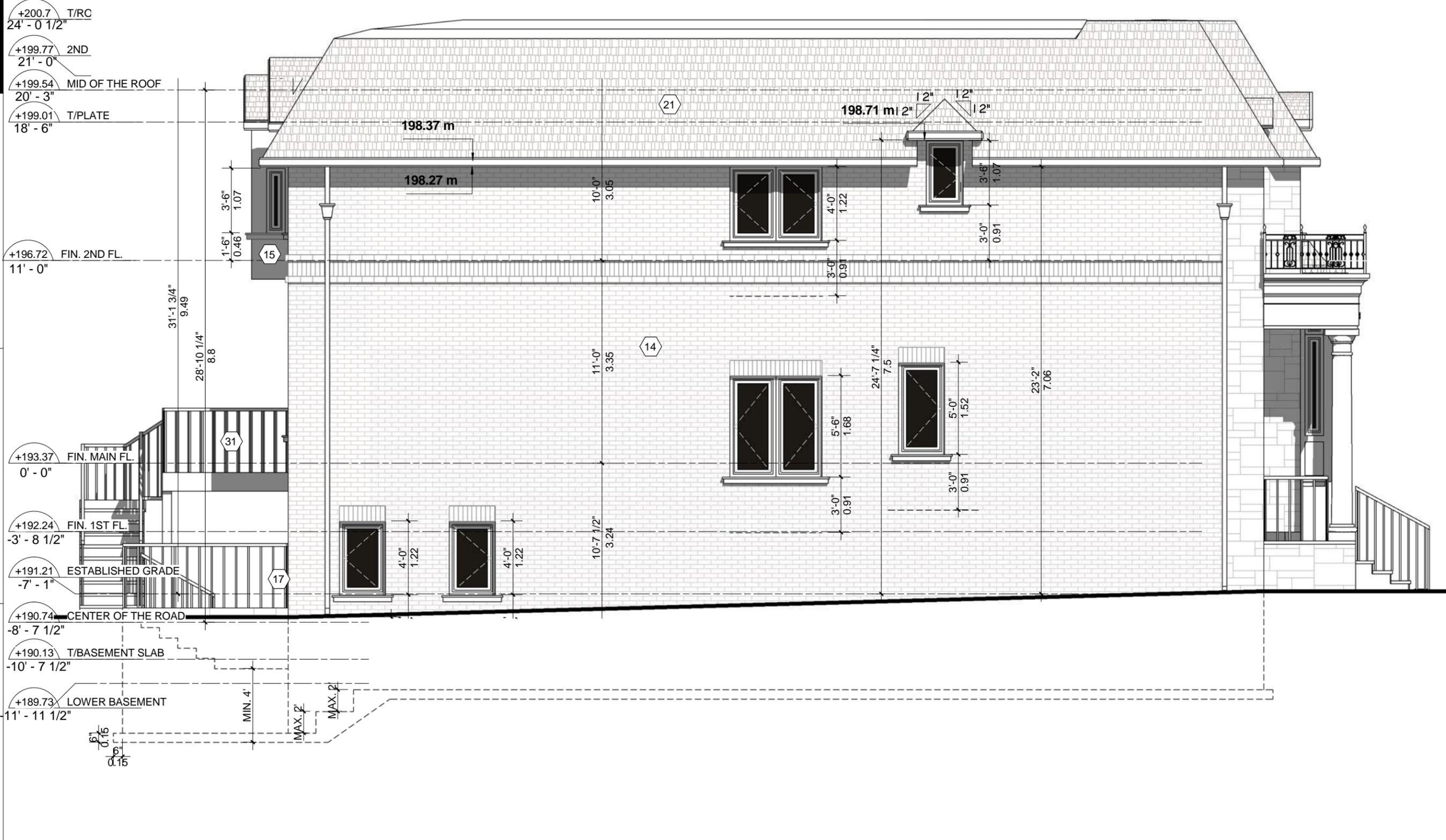
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**ALI SHAKERI**  
ARCICA INC.  
T.416 8166651 F.416 2508900  
326 SHEPPARD AVENUE EAST,  
M2N 3B4  
TORONTO, ONTARIO, CANADA.

project: **319B HORSHAM AVENUE**  
drawing: **SIDE ELEVATION(EAST)**  
scale: **3/16" = 1'-0"**

revisions: **OCT. 13, 2017 - ISSUED FOR COA**  
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*Ali Shakeri*