

# DECISION AND ORDER

**Decision Issue Date**      **Wednesday, February 6, 2019**

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

Appellant(s): PATRICIA BADALI

Applicant: GEORGE TAXIDIS

Property Address/Description: 123 RUMSEY RD

Committee of Adjustment Case File: 18 134817 NNY 26 MV (A0252/18NY)

TLAB Case File Number: 18 172615 S45 26 TLAB

**Motion Hearing date:**      Monday, September 24, 2018

**DECISION DELIVERED BY S. MAKUCH**

## REGISTERED PARTIES AND PARTICIPANTS

Owner	Jiadong Tong
Primary Owner	Shengchen Ji
Applicant	George Taxidis
Appellant	Patricia Badali
Party	Douglas McDougall
Party	Edith Louie
Party	Michael Douglas Brown

## INTRODUCTION

This is an appeal, by the owner of a semi detached dwelling, of variances granted by the Committee of Adjustment to permit the construction of a rear two storey addition to the dwelling attached to her dwelling.

## **BACKGROUND**

At the hearing it became clear that the appellant and other parties were not opposed to the construction of the addition as such, but that there were a number of uncertainties which related to the construction of the addition and its impact on the appellant's property and the neighbourhood which concerned them. The appellant and parties had no expert planning evidence to present. Moreover, it became apparent that the dispute regarding the variances, as such, was settled even though the uncertainties remained.

## **MATTERS IN ISSUE**

The matters of uncertainty in issues included: impact of construction on the appellant's foundation and drainage, survival of hedges, and access during construction. The entire list can be found in Appendix 1.

## **JURISDICTION**

A decision of the Toronto Local Appeal Body (TLAB) must be consistent with the 2014 Provincial Policy Statement (PPS) and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area (Growth Plan). In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

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

## **EVIDENCE**

It was clear that, based on the planning evidence of Martin Rendl, who was qualified to give expert planning opinion evidence, the variances identified in Attachment 3 met the four tests of the Planning Act, and that they conformed with relevant provincial requirements.


## **ANALYSIS, FINDINGS, REASONS**

There was no question that the variances should be approved but it was important that the Applicant/Owners should meet with the Appellants and other parties in order to address the outstanding concerns. The Appellants agreed to such a meeting and it was agreed by all that Mr. Rendl would hold a meeting with all parties and file a report with me respecting that meeting. That meeting was held and the report is

attached as Appendix 1 to this decision. Attached as Appendix 2 is a submission from Henry Joseph, a consultant subsequently retained by the Appellant. I found, prior to that meeting and the submission of Mr. Joseph, based on evidence heard and on the evidence on file with TLAB, that the appeal should be dismissed, the Committee of Adjustment decision upheld, and the variances approved. This was done, however, on the understanding that the Appellant will act in keeping with Mr. Rendl's Report . Moreover, construction will be substantially in accordance with plans on file as a result of Mr. Joseph's suggestions. His recommendations regarding construction setback and the stamping of plans I find unnecessary, as these matters will be addressed through the buildings department.

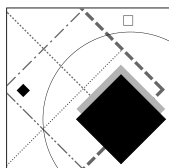
## **DECISION AND ORDER**

The appeal is dismissed and the variances set out in Appendix 3 are approved subject to the condition that construction be substantially in accordance with the plans in Appendix 4.

**X** 

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S. Makuch  
Panel Chair, Toronto Local Appeal



**MARTIN RENDL ASSOCIATES**  
*Planning & Development Services*

35 Delburn Drive  
Toronto, Ontario  
M1V 1A8

Tel: [416] 291-6902  
Fax: [416] 291-7398  
mrendl@inforamp.net

Mr. Stanley Makuch  
Toronto Local Appeal Body  
40 Orchard Part Boulevard  
Toronto, Ontario M4B 1R9

November 21, 2018

SENT BY EMAIL ONLY

Dear Mr. Makuch

**Re: 123 Rumsey Road**  
**TLAB Case No. 18 172615 S45 26**

On September 24, 2018 you held a hearing on the appeal of a Committee of Adjustment decision approving variances for an addition to the rear of the semi-detached dwelling at 123 Rumsey Road. The appellant was Patricia Badali, the owner of 121 Rumsey Road which is the other half of the semi-detached dwelling.

The hearing was attended by the two adjacent neighbours at 121 and 125 Rumsey Road as well as Geoff Kettel, Co-President of the Leaside Property Owners Association.

You directed me to convene a meeting with the neighbours to discuss the concerns they had raised with respect to the construction of the rear addition. Subsequently, I was to submit a report to you.

I am pleased to attach my report on the meeting. I believe everyone found it beneficial with respect to discussing concerns, clarifying the construction process and establishing channels of communication and dialogue related to the construction of the addition.

Please contact me if you have any questions.

Yours very truly,

**MARTIN RENDL ASSOCIATES**

Martin Rendl, MCIP, RPP

cc: Patricia Badali, 121 Rumsey Road  
Douglas McDougall, 125 Rumsey Road  
Sheng Chen Ji, 123 Rumsey Road  
Linda Aquila, FLUX Developments  
Geoff Kettel, LPOA  
Tyra Dorsey, TLAB

**REPORT ON  
NEIGHBOURS' MEETING  
123 Rumsey Road**

**The Leaside Pub, 190 Laird Drive  
November 5, 2018**

**In Attendance**

Sheng Chen Ji, Owner 123 Rumsey Road  
Martin Rendl, Planning Consultant  
Linda Aquila, FLUX Developments  
Don Aquila, FLUX Developments

Patricia Badali, 121 Rumsey Road  
Henry Joseph, Retained by Patricia Badali  
Douglas McDougall, 125 Rumsey Road  
Geoff Kettel, Leaside Property Owners  
Association

**1. Background**

On September 24, 2018, Mr. Makuch held a TLAB hearing (Case No. 18 172615 S45 26) on Patricia Badali's appeal of the Committee of Adjustment decision approving minor variances for the construction of a rear addition to the existing house at 123 Rumsey Road, owned by Sheng Chen Ji.

Mr. Makuch directed that Martin Rendl convene a meeting between the owner of 123 Rumsey Road and the neighbours present at the TLAB hearing to discuss matters that had been raised related to the construction of the addition. He asked to receive a report following the meeting.

Pursuant to this direction, a meeting of the neighbours was held on November 5, 2018.

**2. Matters Discussed**

**a) Trees**

**i. Cedar Hedges**

There is a row of cedar trees along the north and south property lines with 125 and 121 Rumsey Road respectively.

The cedars on the south are all located on the property at 123 Rumsey Road and will be removed for the rear addition which abuts the property line. Sheng Chen Ji will discuss with Patricia Badali mutually agreeable improvements along their shared property line such as a replacement fence.

The cedars on the north are located on both 123 and 125 Rumsey Road. Douglas McDougall expressed a concern about the loss of existing trees and the loss of privacy on his deck.

He and Sheng Chen Ji agreed to further review and discuss the appropriate treatment of this area adjacent to the rear addition. Both agreed it was best to do this on the ground, possibly with the assistance of a suitable professional in order to determine appropriate improvements. Sheng Chen Ji will be responsible for any agreed upon improvements.

**ii. Street Tree**

A Norway Maple is located in the City owned right-of-way in front of 123 Rumsey Road. This tree is not threatened by the construction. In accordance with City of Toronto requirements, Tree Protection Hoarding will surround this tree during construction. City of Toronto Urban Forestry staff has approved the proposed Tree Protection measures for this tree.

**b) Construction of Addition**

A number of matters related to the construction of the rear addition at 123 Rumsey Road were discussed and information was provided to the neighbours.

**i. Foundation of the Addition**

In response to neighbours' concerns about excavation for the addition, Don Aquila advised that helical piles would be used for the foundation of the addition instead of the originally planned traditional foundation. This minimizes the disruption to the rear yard, removes the need for any excavation and may reduce the impact on the existing cedars on the north side.

**ii. 121 Rumsey Road**

Several matters related to the impact on 121 Rumsey Road from the construction of the rear addition were discussed.

The owner of 123 Rumsey Road will replace the entire fence along the south lot line in the backyard.

The existing shared chimney on the rear roof of 121 and 123 Rumsey Road will not be altered or affected by the new construction.

The proposed rear addition to 123 Rumsey Road does not require any structural support from the existing house at 121 Rumsey Road.

It is expected the existing rear addition at 121 Rumsey Road will not be affected by construction of the new rear addition at 123 Rumsey Road. The composition of the common wall between the two houses is not known at this time. Once this is known, the contractor will take the appropriate actions and measures to minimize any impact on 121 Rumsey Road. Any required approvals from the City or the owner of 121 Rumsey Road will be obtained. Any associated cost will be the responsibility of the owner of 123 Rumsey Road.

The owner of 123 Rumsey Road agreed to revisit and review with the owner of 121 Rumsey Road, a possible agreement written in plain language dealing with construction.

**iii. Drainage**

All roof drainage from the addition will be directed toward the eaves troughs on 123 Rumsey Road and not toward 121 Rumsey Road.

121 and 123 Rumsey Road currently share connected eaves troughs which discharge onto 123 Rumsey Road. It was agreed that the eaves troughs would remain in place but be capped so that each house drains separately. The owner of 123 Rumsey Road will bear the cost of altering the existing eaves troughs.

**iv. Complaints During Construction**

Prior to the start of construction, the owner of 123 Rumsey Road and contractor will provide the owners of 121 and 125 Rumsey Road with the contact information for the person(s) to contact in the case of any issues or complaints arising during construction.

Sheng Chen Ji provided Patricia Badali and Douglas McDougall with her contact information. She advised construction would take place in the summer of 2019.

**v. Responsibility for Damage**

The owner of 123 Rumsey Road is responsible for any damage to the adjacent properties and houses resulting from the construction of the rear addition.

**vi. Access During Construction**

Access to the rear of 123 Rumsey Road during construction will be through the existing house or where appropriate, along the existing walkway on the north side of the house.

When access to either 121 or 125 Rumsey Road is required for construction, the contractor will provide advance notice to the respective owner to arrange for access at mutually agreeable times. The need for this type of access to adjacent properties is expected to be minimal and temporary.

**vii. Compliance with Applicable Codes**

The construction of the addition will be done with a building permit issued by the City of Toronto and will comply with all applicable regulations, codes and approvals.

**viii. Dumpster**

There is no space in the front yard to place a dumpster during construction. A dumpster will be placed on the street in front of the property with the approval of the City.

### **3. Conclusion**

The foregoing summarizes the matters discussed and consensus reached. The owners of 121, 123 and 125 Rumsey Road agreed to continue the dialogue prior to and during construction of the addition.

In accordance with Mr. Makuch's direction, this report on the meeting of neighbours is provided to TLAB.

A handwritten signature in black ink, appearing to read 'Martin Rendl', with a stylized, flowing script.

Martin Rendl

November 21, 2018





*Henry Joseph*

**JOSEPH URBAN CONSULTANTS**

*Real Estate Development Consultants*

310 Glencairn Avenue Toronto ON M5N 1T9

henryjoseph310@gmail.com 416 489-2388

November 20, 2018

**Reference:**

**TLAB Case No. 18 172615 S45 26 TLAB**

**Appellant: Patricia Badali**

**Re: Response to the Rendl Report on Neighbours' Meeting, Nov. 5, 2018**

I attended this meeting in the company of the client, Patricia Badali. We were originally retained by Ms. Badali in July 2018 out of her concern for the impact of the proposed renovation and expansion of the semi-detached dwelling at 123 Rumsey Road, a building with which she shares a common party wall and property line.

The discussion dealt with the implications and impact of the Owner's proposal on Ms. Badali's property including the residential structure itself. The drawings provided by Mr. Rendl were apparently those submitted with the original C of A application. References were made to these drawings during the discussion of issues.

Foundation of the Addition – It was suggested by Don Aquila that helical piles would be used for the foundation extension instead of the original perimeter foundation wall (no basement excavation would occur in either event). No revised plans were provided which would clearly indicate the appropriate grid pattern for the piles themselves and the specifications for such piles as provided by a licensed engineer.

Our major concern is the proximity of these piles to the common property line with our client. We suggest that they should be located no closer than the location of the previous foundation wall as approved in the C of A submission (Setback = 0.60 metres). Anything closer could affect the lateral stability of these piles should future excavation take place on our client's property. We would ask that this foundation setback be a condition of any TLAB approval.

The issue of a proper written construction agreement between the two parties will not go away. Despite Mr. Rendl's assurances on some of the issues, the fact remains that the development can potentially damage the integrity of Ms. Badali's residence in the absence of any written assurances from the Owner. The draft agreement which we provided to both parties, and which the Owner chose to ignore, will provide this comfort for both parties.

**Our Conclusions:**

- 1) Any drawings submitted to the TLAB on behalf of the applicant should bear the identification and registration number of a properly licenced designer ... this has not been done;
- 2) The drawings should be updated to show the grid and general specifications of the suggested helical pile solution ... this needs to be done;

**JOSEPH URBAN CONSULTANTS**

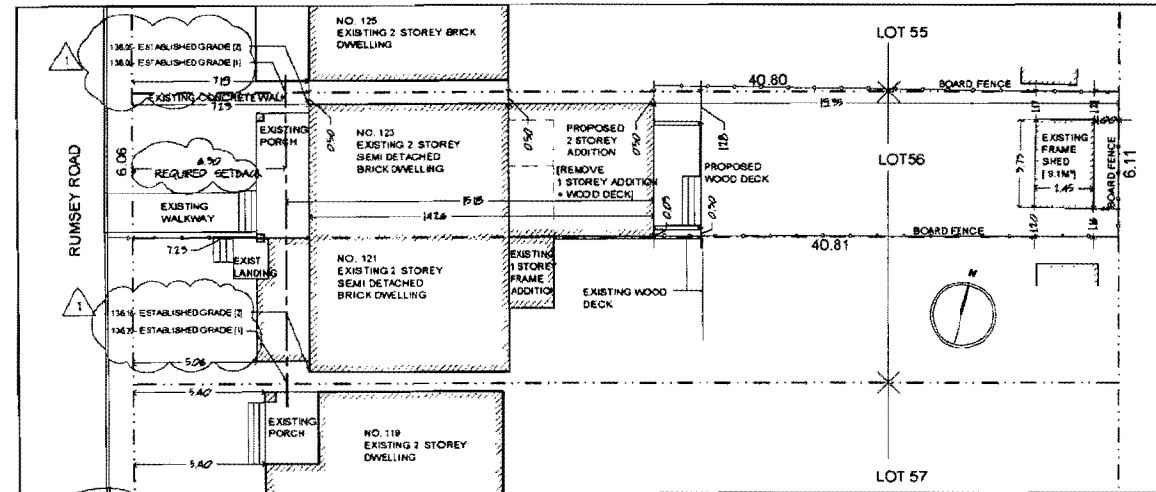
- 3) A full set of drawings should be attached as a condition of any TLAB approval;
- 4) A condition of TLAB approval should be that the setback for any foundation system from Ms. Badali's property line should be no less than the 0.6 metres identified in the current plans.

Respectfully submitted

**Henry Joseph**  
Toronto, Canada

c.c.  
Patricia Badali  
Geoff Kettel  
Tyra Dorsey ... TLAB

A handwritten signature in black ink, appearing to read 'H. Joseph', written in a cursive, stylized script.



**ESTABLISHED GRADE (N):**  
AS PER CITY-WIDE ZONING BY-LAW No. 569-2013,  
TAKEN FROM REG'D MIN. FRONT YARD SETBACK, 0.01m  
PAST LOT LINE

**ESTABLISHED GRADE (S):**  
AS PER ZONING BY-LAW No. 1918  
GEODETICS INTERPOLATED FROM SURVEY AND  
ON-SITE MEASURE

## 1 SITE PLAN

1:200

### SCOPE OF WORK

1. DEMOLITION OF EXISTING 1 STOREY REAR ADDITION (30.0M<sup>2</sup>)
2. NEW 2 STOREY REAR ADDITION ( 64.8 M<sup>2</sup>)
3. INTERIOR ALTERATIONS TO EXISTING DWELLIN (91.4 M<sup>2</sup>)
4. NEW WOOD DECK ( 8.9 M<sup>2</sup>)

### GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE LATEST EDITION AND ALL HEALTH AND SAFETY REGULATIONS FOR CONSTRUCTION.
- CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO PROCEEDING WITH FURTHER CONSTRUCTION.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THE SITE CONDITIONS AND THE ASSUMED DESIGN CONDITIONS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CONSTRUCTION AND METHOD OF ERECTION.
- ALLOWABLE SOIL BEARING PRESSURE (ASSUMED) 120 KPa (2500 P.S.F.)

### DRAWING LIST

- A0.0 SITE PLAN, SITE STATISTICS
- A0.1 LEGENDS
- A1.0 BASEMENT FLOOR PLAN
- A1.1 GROUND FLOOR PLAN
- A1.2 SECOND FLOOR PLAN
- A2.1 EAST ELEVATIONS
- A2.2 SOUTH ELEVATIONS
- A2.3 NORTH ELEVATIONS
- A2.4 WEST ELEVATIONS

### SITE STATISTICS

ZONING DESIGNATION: RM [City Wide]  
R [Etobicoke]

LOT AREA - 247.7 M<sup>2</sup>

### GROSS FLOOR AREA:

**EXISTING**  
GROUND FLOOR 45.7 M<sup>2</sup>  
SECOND FLOOR 45.7 M<sup>2</sup>  
**TOTAL 91.4 M<sup>2</sup>**

**ADDITION**  
GROUND FLOOR 34.1 M<sup>2</sup>  
SECOND FLOOR 30.7 M<sup>2</sup>  
**TOTAL 64.8 M<sup>2</sup>**

**TOTAL PROPOSED GFA: 156.2 M<sup>2</sup>**

PROPOSED: 0.83  
PERMITTED: 0.60

### COVERAGE:

EXISTING DWELLING 45.7 M<sup>2</sup>  
PROPOSED ADDITION 34.1 M<sup>2</sup>  
**EXISTING SHED 9.1 M<sup>2</sup>**  
**TOTAL: 88.9 M<sup>2</sup> ( 35.9%)**

### SETBACKS

FRONT YARD 7.23 M  
REAR YARD 19.35 M  
SIDE YARD  
NORTH 0.50 M  
SOUTH 0.00 M

**EXIST SETBACKS FOR ADJACENT PROPERTIES**  
119 RUMSEY ROAD 7.19 M  
**125 RUMSEY ROAD 5.40 M**  
**AVERAGE 6.30 M**

BUILDING LENGTH: 14.28 M  
BUILDING HEIGHT: 7.72 M [EXIST'NG]

### LANDSCAPING

FRONT YARD AREA 43.9 M<sup>2</sup>  
EXISTING PORCH 11.1 M<sup>2</sup>  
EXISTING STEPS 1.3 M<sup>2</sup>  
**EXISTING PATH 9.1 M<sup>2</sup>**  
TOTAL SOFT LANDSCAPING- 22.4 M<sup>2</sup> = 55% [EXISTING]

REAR YARD AREA 118.0 M<sup>2</sup>  
WOOD DECK 8.9 M<sup>2</sup>  
**EXISTING SHED 9.1 M<sup>2</sup>**  
TOTAL SOFT LANDSCAPING- 100.0 M<sup>2</sup> = 85%

SITE PLAN INFORMATION TAKEN FROM:  
PLAN OF PART OF LOT 56  
REGISTERED PLAN 2120 YORK  
CITY OF TORONTO  
PREPARED BY AKSAN PILLER CORPORATION LTD., O.L.S.  
AUGUST 14, 2017

### REVISION SYMBOL

NO.	REVISIONS / REVISED	DATE
02	REVISION 1	03 JAN 18
01	FOR ZONING REVIEW	07 SEP 17

PROJECT CLIENT

STAMP

PROJECT NORTH

PROJECT TITLE

PRIVATE RESIDENCE  
123 RUMSEY ROAD  
TORONTO ONTARIO

DRAWING TITLE

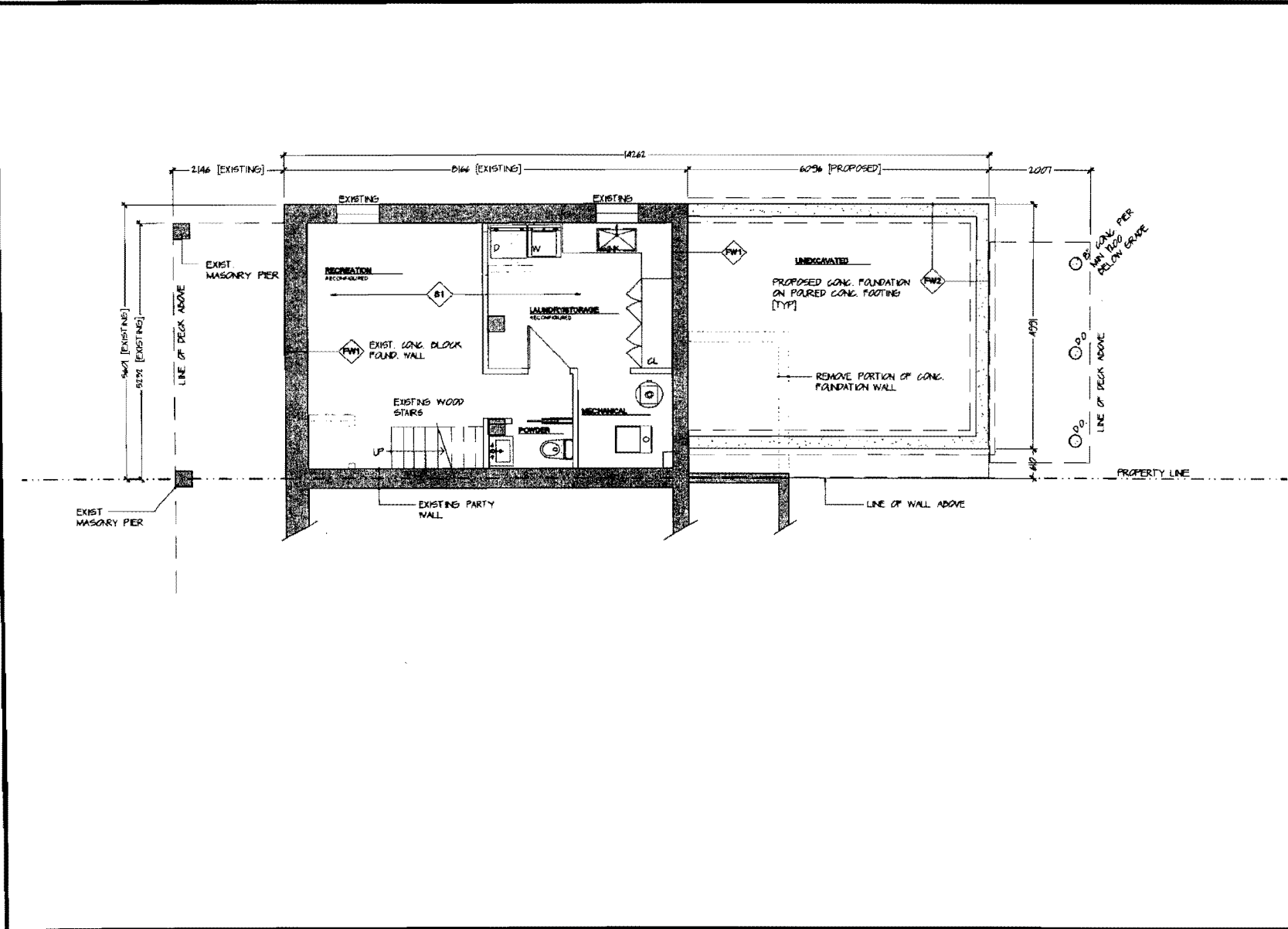
SITE PLAN  
SITE STATISTICS  
GENERAL NOTES


DATE 15 NOVEMBER 17 DRAWING NUMBER

SCALE

PROJECT NO.

A0.1




REVISION SYMBOL

NO.	REVISIONS / ISSUED	DATE
02	REVISION 1	23 JAN 18
01	FOR ZONING REVIEW	07 SEP 17

PROJECT CLIENT:

STAMP

PROJECT NORTH

PROJECT TITLE  
**PRIVATE RESIDENCE**  
**123 RUMSEY ROAD**  
**TORONTO ONTARIO**

DRAWING TITLE  
**BASEMENT FLOOR PLAN**

DATE	15 NOVEMBER 17	DRAWING NUMBER
SCALE	1:75	<b>A1.0</b>
PROJECT NO.		

**REPORT ON  
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123 Rumsey Road**

**The Leaside Pub, 190 Laird Drive  
November 5, 2018**

**In Attendance**

Sheng Chen Ji, Owner 123 Rumsey Road  
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Mr. Makuch directed that Martin Rendl convene a meeting between the owner of 123 Rumsey Road and the neighbours present at the TLAB hearing to discuss matters that had been raised related to the construction of the addition. He asked to receive a report following the meeting.

Pursuant to this direction, a meeting of the neighbours was held on November 5, 2018.

**2. Matters Discussed**

**a) Trees**

**i. Cedar Hedges**

There is a row of cedar trees along the north and south property lines with 125 and 121 Rumsey Road respectively.

The cedars on the south are all located on the property at 123 Rumsey Road and will be removed for the rear addition which abuts the property line. Sheng Chen Ji will discuss with Patricia Badali mutually agreeable improvements along their shared property line such as a replacement fence.

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He and Sheng Chen Ji agreed to further review and discuss the appropriate treatment of this area adjacent to the rear addition. Both agreed it was best to do this on the ground, possibly with the assistance of a suitable professional in order to determine appropriate improvements. Sheng Chen Ji will be responsible for any agreed upon improvements.

**ii. Street Tree**

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A number of matters related to the construction of the rear addition at 123 Rumsey Road were discussed and information was provided to the neighbours.

**i. Foundation of the Addition**

In response to neighbours' concerns about excavation for the addition, Don Aquila advised that helical piles would be used for the foundation of the addition instead of the originally planned traditional foundation. This minimizes the disruption to the rear yard, removes the need for any excavation and may reduce the impact on the existing cedars on the north side.

**ii. 121 Rumsey Road**

Several matters related to the impact on 121 Rumsey Road from the construction of the rear addition were discussed.

The existing shared chimney on the rear roof of 121 and 123 Rumsey Road will not be altered or affected by the new construction.

The proposed rear addition to 123 Rumsey Road does not require any structural support from the existing house at 121 Rumsey Road.

It is expected the existing rear addition at 121 Rumsey Road will not be affected by construction of the new rear addition at 123 Rumsey Road. The composition of the common wall between the two houses is not known at this time. Once this is known, the contractor will take the appropriate actions and measures to minimize any impact on 121 Rumsey Road. Any required approvals from the City or the owner of 121 Rumsey Road will be obtained. Any associated cost will be the responsibility of the owner of 123 Rumsey Road.

**iii. Drainage**

All roof drainage from the addition will be directed toward the eaves troughs on 123 Rumsey Road and not toward 121 Rumsey Road.

121 and 123 Rumsey Road currently share connected eaves troughs which discharge onto 123 Rumsey Road. It was agreed that the eaves troughs would remain in place but be capped so that each house drains separately. The owner of 123 Rumsey Road will bear the cost of altering the existing eaves troughs.

**iv. Complaints During Construction**

Prior to the start of construction, the owner of 123 Rumsey Road and contractor will provide the owners of 121 and 125 Rumsey Road with the contact information for the person(s) to contact in the case of any issues or complaints arising during construction.

Sheng Chen Ji provided Patricia Badali and Douglas McDougall with her contact information. She advised construction would take place in the summer of 2019.

**v. Responsibility for Damage**

The owner of 123 Rumsey Road is responsible for any damage to the adjacent properties and houses resulting from the construction of the rear addition.

**vi. Access During Construction**

Access to the rear of 123 Rumsey Road during construction will be through the existing house or where appropriate, along the existing walkway on the north side of the house.

When access to either 121 or 125 Rumsey Road is required for construction, the contractor will provide advance notice to the respective owner to arrange for access at mutually agreeable times. The need for this type of access to adjacent properties is expected to be minimal and temporary.

**vii. Compliance with Applicable Codes**

The construction of the addition will be done with a building permit issued by the City of Toronto and will comply with all applicable regulations, codes and approvals.

**viii. Dumpster**

There is no space in the front yard to place a dumpster during construction. A dumpster will be placed on the street in front of the property with the approval of the City.

**3. Conclusion**

The foregoing summarizes the matters discussed and consensus reached. The owner of 121, 123 and 125 Rumsey Road agreed to continue the dialogue prior to and during construction of the addition.

In accordance with Mr. Makuch's direction, this report on the meeting of neighbours is provided to TLAB.

**MINUTES OF SETTLEMENT &  
AGREEMENT CONCERNING CONSTRUCTION**

**dated August xx, 2018**

**B E T W E E N:**

**SHENGCHEN JI**

(Owner of #123 Rumsey Road, City of Toronto)

- and -

**PATRICIA K BADALI**

(Owner of #121 Rumsey Road, City of Toronto)

*Excerpt*

**WHEREAS SHENGCHEN JI** ("the Owner") is the owner of the semi-detached dwelling municipally described as #123 Rumsey Road in the City of Toronto ("the Subject Property");

**AND WHEREAS PATRICIA K BADALI** ("the Neighbour") is the owner of the abutting semi-detached dwelling to the south of the Subject Property, with her address noted above;

**AND WHEREAS** the Application for minor variances was considered and approved by the North York Panel of the Committee of Adjustment on May 17, 2018;

**AND WHEREAS** the approval was subsequently appealed to the Toronto Local Appeal Body by the Neighbour and is scheduled for a hearing dated September 24, 2018;

**AND WHEREAS** the Neighbour and the Owner share a common party wall between their two semi-detached dwellings;

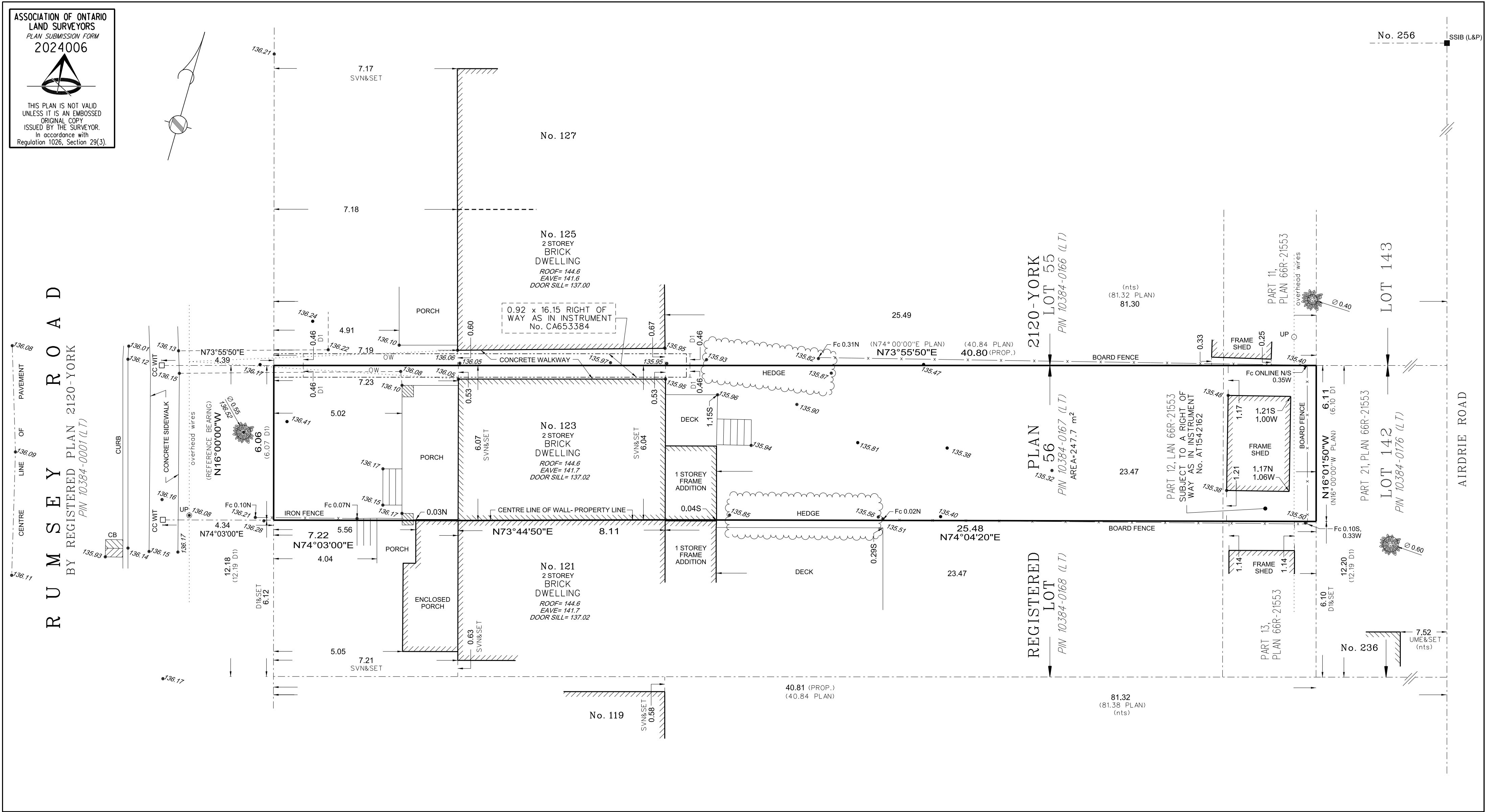
**AND WHEREAS** the Owner and the Neighbour (collectively, "the Parties") have reached a settlement of all concerns with the T-Lab Appeal, and have agreed to set out the terms of the resolution in **Minutes of Settlement & Agreement Concerning Construction**;

**AND WHEREAS** the Owner desires to have access to and the ability to modify the common party wall and periodic utilization during construction of a portion of the abutting rear yard area ("the Additional Access Area") of the #121 Rumsey Road property;



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

- 1. Chapter 263(c), By-law No. 569-2013**  
The maximum permitted lot coverage is 35.00% of the lot area. The proposed lot coverage is 35.90% of the lot area.
- 2. Chapter 10.5.40.71.(4), By-law No. 569-2013** The minimum required side yard setback is 0.60m. The proposed side yard setback is **0.53m**.
- 3. Chapter 10.20.40.40.(1), By-law No. 569-2013**  
The maximum permitted floor space index is 0.60 times the lot area. The proposed floor space index is 0.63 times the lot area.
- 4. Section 6.4.3, By-law No. 1916**  
The maximum permitted floor space index is 0.60 times the lot area. The proposed floor space index is 0.667 times the lot area.



SURVEYOR'S REAL PROPERTY REPORT  
PART 1:  
PLAN OF PART OF LOT 56  
REGISTERED PLAN 2120-YORK  
CITY OF TORONTO  
FORMERLY BOROUGH OF EAST YORK

SCALE 1 : 100

AKSAN PILLER CORPORATION LTD.

PART 2:  
PREPARED FOR  
LOCATION OF THE BUILDING:  
EAVES:  
UTILITY BUILDINGS:  
DECKS:  
SWIMMING POOLS:  
EXISTING FENCES:

FLUX DEVELOPMENTS INC.  
WHOLLY ON THE PROPERTY,  
CLEAR,  
AS SHOWN ON PART 1,  
AS SHOWN ON PART 1,  
NONE,  
GENERALLY ALONG THE PROPERTY  
LINES, WITH DEVIATIONS AS SHOWN  
ON PART 1,  
AS SHOWN ON PART 1,  
AS SHOWN ON PART 1.

EASEMENTS:  
DRIVEWAY:

LEGEND:

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
WIT	DENOTES	WITNESS MONUMENT
O/U	DENOTES	ORIGIN UNKNOWN
N	DENOTES	NORTH
S	DENOTES	SOUTH
E	DENOTES	EAST
W	DENOTES	WEST
Fc	DENOTES	FENCE
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
CB	DENOTES	CATCH BASIN
OW	DENOTES	OVERHEAD WIRES
UP	DENOTES	UTILITY POLE
D1	DENOTES	CA653384
PLAN	DENOTES	REGISTERED PLAN 2120-YORK
SVN	DENOTES	SPEIGHT, VAN NOSTRAND, WARD & ANDERSON, O.L.S. (Mar. 8, 1948 & Apr. 8, 1948)
UME	DENOTES	UNWIN, MURPHY & ESTEN, O.L.S. (Apr. 4, 1942)
PROP	DENOTES	PROPORTION
L&P	DENOTES	LLOYD & PURCELL, O.L.S. (66R-21553)

NTS DENOTES NOT TO SCALE

00.50 DENOTES TREE TRUNK DIAMETER

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

BEARING NOTE:  
BEARINGS ARE REFERRED TO THE EASTERLY LIMIT OF  
RUMSEY ROAD AS SHOWN ON REGISTERED PLAN 2120-YORK  
HAVING AN ASTRONOMIC BEARING OF N16°00'00"W

ELEVATIONS NOTE:  
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED  
FROM THE CITY OF TORONTO BENCH MARK EY288,  
ELEVATION = 133.521 m.

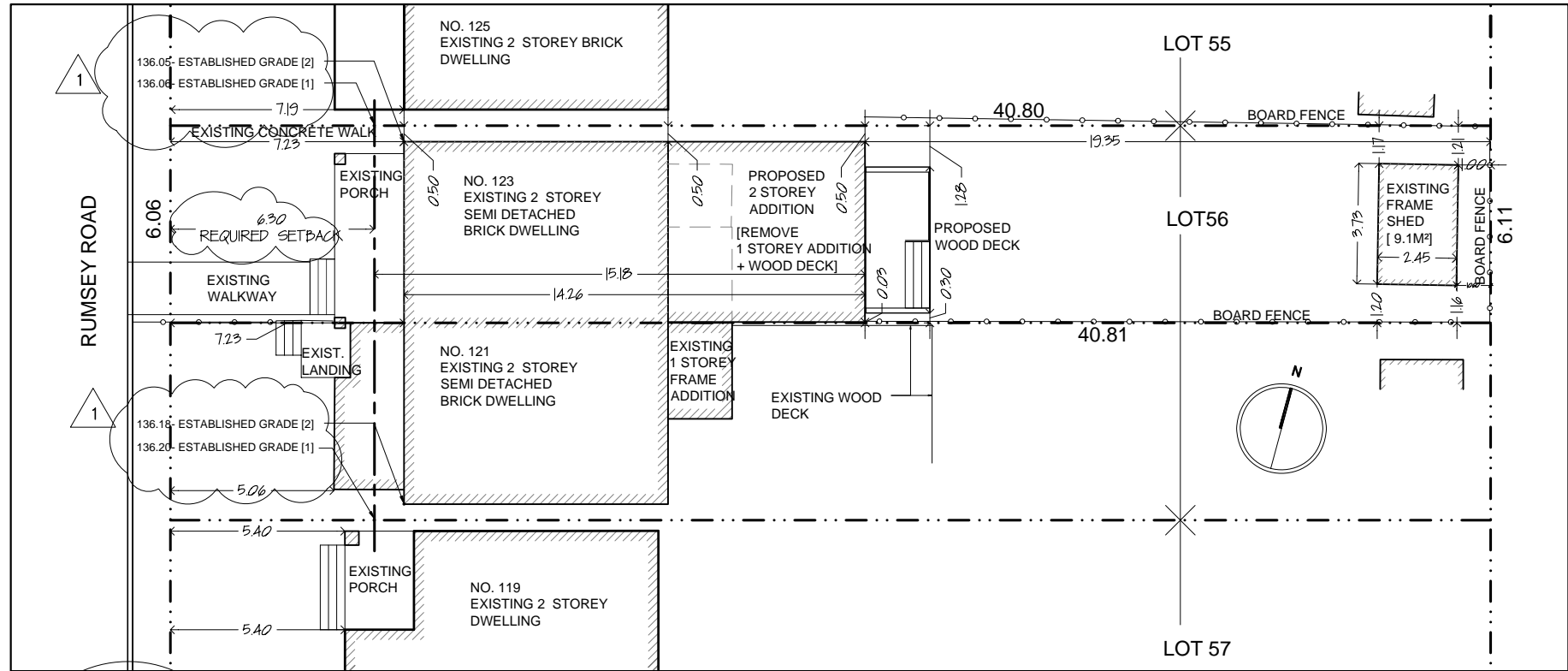
CAUTION:  
TREE CALIPERS ARE NOT TO ARBORIST STANDARDS  
AND ARE DEFINED AT 1.4m ABOVE GRADE AT TREE  
FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

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 LAND TITLES  
ACT AND THE REGULATIONS MADE UNDER THEM;  
2. THE SURVEY WAS COMPLETED ON THE 3rd DAY OF AUGUST, 2017.

AUGUST 14, 2017  
DATE

HELMUT PILLER  
Ontario Land Surveyor

AKSAN PILLER CORPORATION LTD  
ONTARIO LAND SURVEYORS  
943 MT PLEASANT ROAD, TORONTO, ONTARIO, M4P 2L7  
(T) 416-488-1174 (F) 416-488-7843 (E) op@apsurveys.ca www.apsurveys.ca  
CALC: MU DRAWN: LF CHECKED: HP  
reference number: 17-24-12690-00



**ESTABLISHED GRADE [1]:**  
AS PER CITY-WIDE ZONING BY-LAW No. 569-2013,  
TAKEN FROM REQ'D MIN. FRONT YARD SETBACK, 0.01m  
PAST LOT LINE

**ESTABLISHED GRADE [2]:**  
AS PER ZONING BY-LAW No. 1916

GEODETICS INTERPOLATED FROM SURVEY AND  
ON-SITE MEASURE

1

## SITE PLAN

1:200

### SCOPE OF WORK

- DEMOLITION OF EXISTING 1 STOREY REAR ADDITION [30.0M<sup>2</sup>]
- NEW 2 STOREY REAR ADDITION [ 64.8 M<sup>2</sup>]
- INTERIOR ALTERATIONS TO EXISTING DWELLIN [91.4 M<sup>2</sup>]
- NEW WOOD DECK [ 8.9 M<sup>2</sup>]

### GENERAL NOTES:

- ALL CONSTRUCTION TO COMPLY WITH ONTARIO BUILDING CODE LATEST EDITION AND ALL HEALTH AND SAFETY REGULATIONS FOR CONSTRUCTION.
- CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO PROCEEDING WITH FURTHER CONSTRUCTION.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THE SITE CONDITIONS AND THE ASSUMED DESIGN CONDITIONS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE CONSTRUCTION AND METHOD OF ERECTION.
- ALLOWABLE SOIL BEARING PRESSURE (ASSUMED) 120 KPa [2500 P.S.F]

### DRAWING LIST

A0.0	SITE PLAN, SITE STATISTICS
A0.1	LEGENDS
A1.0	BASEMENT FLOOR PLAN
A1.1	GROUND FLOOR PLAN
A1.2	SECOND FLOOR PLAN
A2.1	EAST ELEVATIONS
A2.2	SOUTH ELEVATIONS
A2.3	NORTH ELEVATIONS
A2.4	WEST ELEVATIONS

### SITE STATISTICS

ZONING DESIGNATON: RM [City Wide]  
R [Etobicoke]

LOT AREA - 247.7 M<sup>2</sup>

GROSS FLOOR AREA:

<b>EXSITING</b>	
GROUND FLOOR	45.7M <sup>2</sup>
<b>SECOND FLOOR</b>	<b>45.7 M<sup>2</sup></b>
<b>TOTAL</b>	<b>91.4 M<sup>2</sup></b>

<b>ADDITION</b>	
GROUND FLOOR	34.1 M <sup>2</sup>
<b>SECOND FLOOR</b>	<b>30.7 M<sup>2</sup></b>
<b>TOTAL</b>	<b>64.8 M<sup>2</sup></b>

**TOTAL PROPOSED GFA: 156.2 M<sup>2</sup>**

PROPOSED:	0.63
PERMITTED:	0.60

COVERAGE:

EXISTING DWELLING	45.7 M <sup>2</sup>
PROPOSED ADDITION	34.1 M <sup>2</sup>
<b>EXISTING SHED</b>	<b>9.1 M<sup>2</sup></b>
<b>TOTAL:</b>	<b>88.9 M<sup>2</sup> [ 35.9%]</b>

SETBACKS

FRONT YARD	7.23 M
REAR YARD	19.35 M
SIDE YARD	
NORTH	0.50 M
SOUTH	0.00 M

EXIST SETBACKS FOR ADJACENT PROPERTIES

119 RUMSEY ROAD	7.19 M
<b>125 RUMSEY ROAD</b>	<b>5.40 M</b>
AVERAGE	<b>6.30 M</b>

BUILDING LENGTH:	14.26 M
BUILDING HEIGHT:	7.72 M [EXISITNG]

### LANDSCAPING

FRONT YARD AREA	43.9 M <sup>2</sup>
EXISTING PORCH	11.1 M <sup>2</sup>
EXISTING STEPS	1.3 M <sup>2</sup>
<b>EXISTING PATH</b>	<b>9.1 M<sup>2</sup></b>

TOTAL SOFT LANDSCAPING- 22.4 M<sup>2</sup> = 55% [EXISTING]

REAR YARD AREA	118.0 M <sup>2</sup>
WOOD DECK	8.9 M <sup>2</sup>
<b>EXISTING SHED</b>	<b>9.1 M<sup>2</sup></b>

TOTAL SOFT LANDSCAPING- 100.0 M<sup>2</sup> = 85%

SITE PLAN INFORMATION TAKEN FROM:

PLAN OF PART OF LOT 56  
REGISTERED PLAN 2120 YORK

CITY OF TORONTO

PREPARED BY AKSAN PILLER CORPERATION LTD, O.L.S.  
AUGUST 14, 2017



REVISION SYMBOL

02	REVISION 1	03JAN18
01	FOR ZONING REVIEW	07SEP17
No.	REVISIONS / ISSUED	DATE

PROJECT CLIENT:

STAMP

PROJECT NORTH

PROJECT TITLE

PRIVATE RESIDENCE

123 RUMSEY ROAD  
TORONTO ONTARIO

DRAWING TITLE

SITE PLAN  
SITE STATISTICS  
GENERAL NOTES

DATE 15 NOVEMBER 17

SCALE

PROJECT No.

DRAWING NUMBER

A0.1

FOUNDATIONS + SLABS



EXISTING SOLID MASONRY FOUNDATION  
(NON-REINFORCED, EXTERIOR PARGED)  
NON-REINFORCED CONCRETE FOOTING



**NEW FOUNDATION WALL**  
240mm [10"] POURED CONCRETE  
560mm [22"] x 152mm [6"]  
NON-REINFORCED CONCRETE FOOTING



**S1**  
NEW CONCRETE SLAB-ON-GRADE  
100mm (4") 15MPa CONCRETE FLOOR SLAB  
50mm [2"] RIGID INSULATION  
2200 PSI w/ 6 MIL [0.15mm] POLY VAPOUR BARRIER, CONTINUOUS TAPED JOINTS  
[OR 3600 PSI w/o POLY]  
125mm (5") GRANULAR BASE, WELL COMPACTED TO 98% S.P.D.  
NATURAL GRADE, BEARING CAPACITY OF 75kPa MIN.  
DIMPLED POLY DRAIN MAT BOND BREAK @ SLAB EDGE TO NEW FOOTING

WALLS



**EXISTING BRICK MASONRY WALLS (+ UPGRADES)**  
216mm (8½") SOLID CLAY BRICK 2-WYTHE MASONRY WALL  
EXISTING 38x89mm [2"x4"] WOOD STUDS @ 406mm (16") C/C



**PARTY WALL**  
EXISTING FRAME WALL



**CEMENT BOARD SIDING [NON COMBUSTIBLE]**  
ON OVERLAPPING SHEATHING PAPER  
12.7mm [½"] EXTERIOR PLY SHEATHING  
38x140mm [2 "x6"] WOOD STUDS @ 406mm [16"] C/C  
w/ DOUBLE TOP PLATE + SOLE BOTTOM PLATE  
12.7mm [½"] DRYWALL, TAPED JOINTS  
\*OR\*  
16mm (⅝") TYPE "X" DRYWALL , TAPED JOINTS



**INTERIOR FRAME WALL [ LOAD BEARING]**  
38x89mm [2"x4"] WOOD STUD FRAME @ 406mm [16"] C/C  
w/ BLOCKING @ MID HEIGHT  
SOLE BOTTOM PLATE, DOUBLE TOP PLATE  
12.7mm [½"] STANDARD DRYWALL, BOTH SIDES, w/ TAPED JOINTS



**INTERIOR FRAME WALL [NON- LOAD BEARING]**  
38x89mm [2"x4"] WOOD STUD FRAME @ 406mm [16"] C/C  
12.7mm [½"] STANDARD DRYWALL, BOTH SIDES w/ TAPED JOINTS



**FURRED WALL @ FOUNDATION**  
38x140mm (2"x4") WOOD STUD FRAME @ 400mm (16") C/C, NON LOAD BEARING  
RSI 4.25 [R24] SPRAY FOAM INSULATION [2LB, CLOSED CELL]  
POLY VAPOUR BARRIER, TAPED JOINTS  
13mm (½") STANDARD DRYWALL \*OR\*  
13mm (½") CERTAINTEED W-R GLASMAT DRYWALL (WET LOCATIONS) \*OR\*  
ALL JOINTS SUPPORTED, SCREW APPLICATION

FLOORS



**F1**  
NEW STRIP HARDWOOD FINISH FLOORING \*OR\*  
CERAMIC FLOOR TILE WHERE INDICATED  
EXISTING 2"x8" FLOOR JOISTS @ 16" C/C  
NEW 13mm [½"] DRYWALL CEILING, TAPED JOINTS



**F2**  
STRIP HARDWOOD FINISH FLOORING \*OR\*  
CERAMIC FLOOR TILE WHERE INDICATED  
19mm [¾"] O.S.B. SUBFLOOR  
38x184 [2"x8"] FLOOR JOISTS @ 406mm [16" C/C] w/ SOLID  
BLOCKING @2100mm [6'-10"] C/C  
RSI 5.46 [R31] BATT INSULATION  
CONTINUOUS A/V BARIER

ROOF



**R1**  
E.P.D.M. RUBBER ROOFING MEMBRANE  
12.7mm [½"] EXTERIOR GRADE PLY SHEATHING  
38x38mm [2"x2"] SLEEPERS @ 406 C/C TO RUN PERPENDICULAR TO  
38x286 [2"x12"] ROOF JOISTS @ 406mm [16"] C/C  
RSI 5.46 [R31] BATT INSULATION  
CONTINUOUS A/V BARIER  
13mm [½"] DRYWALL CEILING, TAPED JOINTS

SYMBOLS LEGEND



FLOOR DRAIN



MECHANICAL VENT AS PER O.B.C. 9.32.2



SMOKE ALARMS CONFORMING TO CAN/ULC-S531,  
'STANDARD FOR SMOKE ALARMS' SHALL BE INSTALLED IN  
EACH DWELLING UNIT. INSTALLATION SHALL CONFORM  
TO PART 9.10.18 OF THE ONTARIO BUILDING CODE



CARBON MONOXIDE DETECTORS SHALL BE INSTALLED AS  
PER 9.33.4 OF THE ONTARIO BUILDING CODE



HEIGHTS



EXISTING WALLS/PARTITIONS TO REMAIN



EXISTING INTERIOR WALLS/PARTITIONS TO BE  
DEMOLISHED



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PROJECT CLIENT:

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PROJECT NORTH

PROJECT TITLE

PRIVATE RESIDENCE

123 RUMSEY ROAD

TORONTO ONTARIO

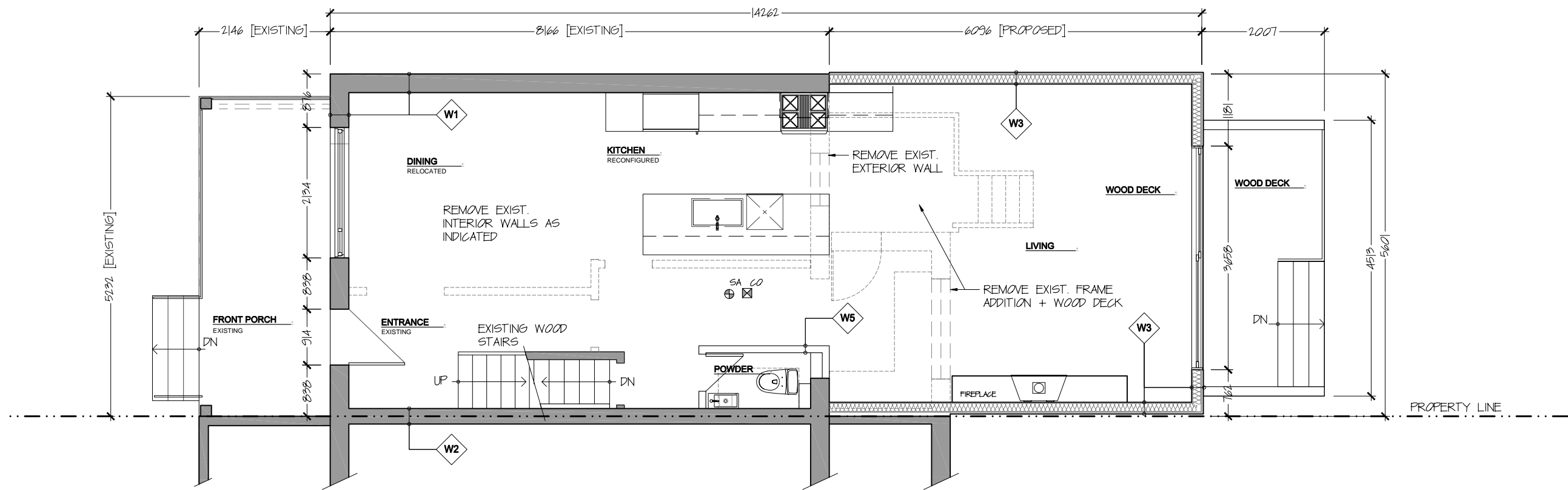
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LEGENDS + SCHEDULES

DATE	15 NOVEMBER 17	DRAWING NUMBER
SCALE		
PROJECT No.		

A0.1



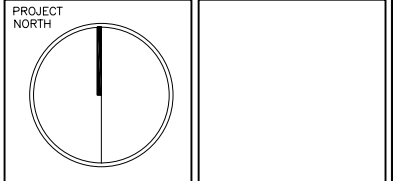


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PROJECT  
TITLE  
PRIVATE RESIDENCE  
123 RUMSEY ROAD  
TORONTO ONTARIO

DRAWING  
TITLE  
GROUND FLOOR PLAN

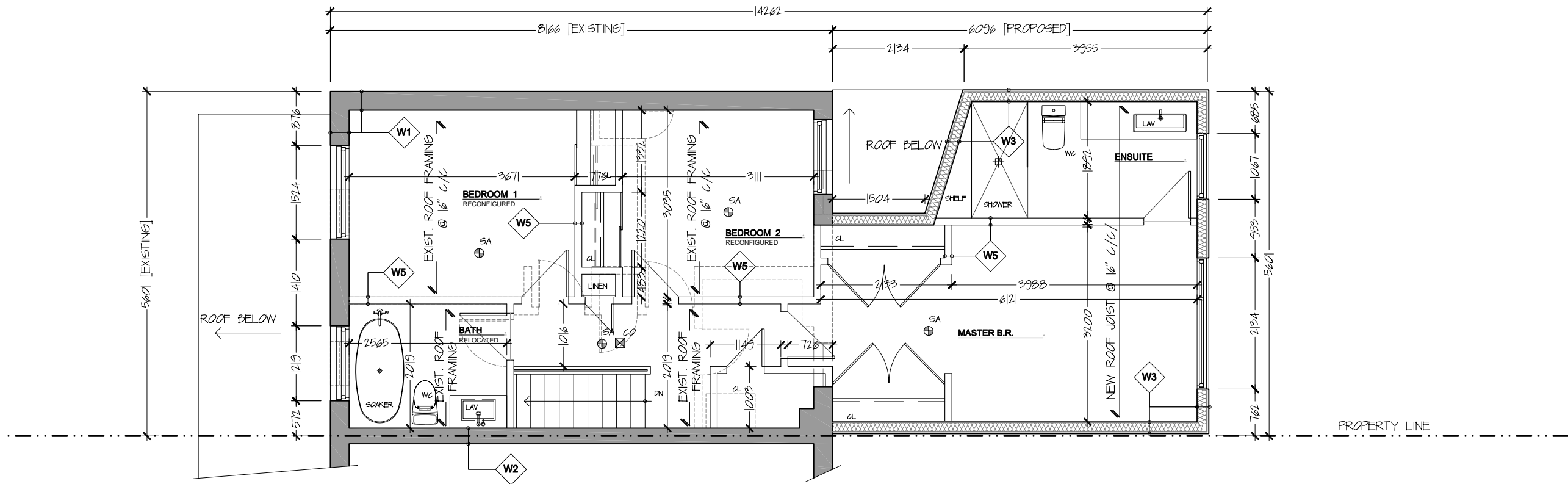
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SCALE 1:75

PROJECT No.

DRAWING  
NUMBER

A1.1

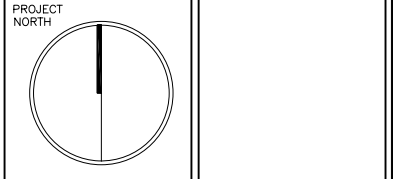


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PROJECT TITLE  
PRIVATE RESIDENCE  
123 RUMSEY ROAD  
TORONTO ONTARIO

DRAWING TITLE  
SECOND FLOOR PLAN

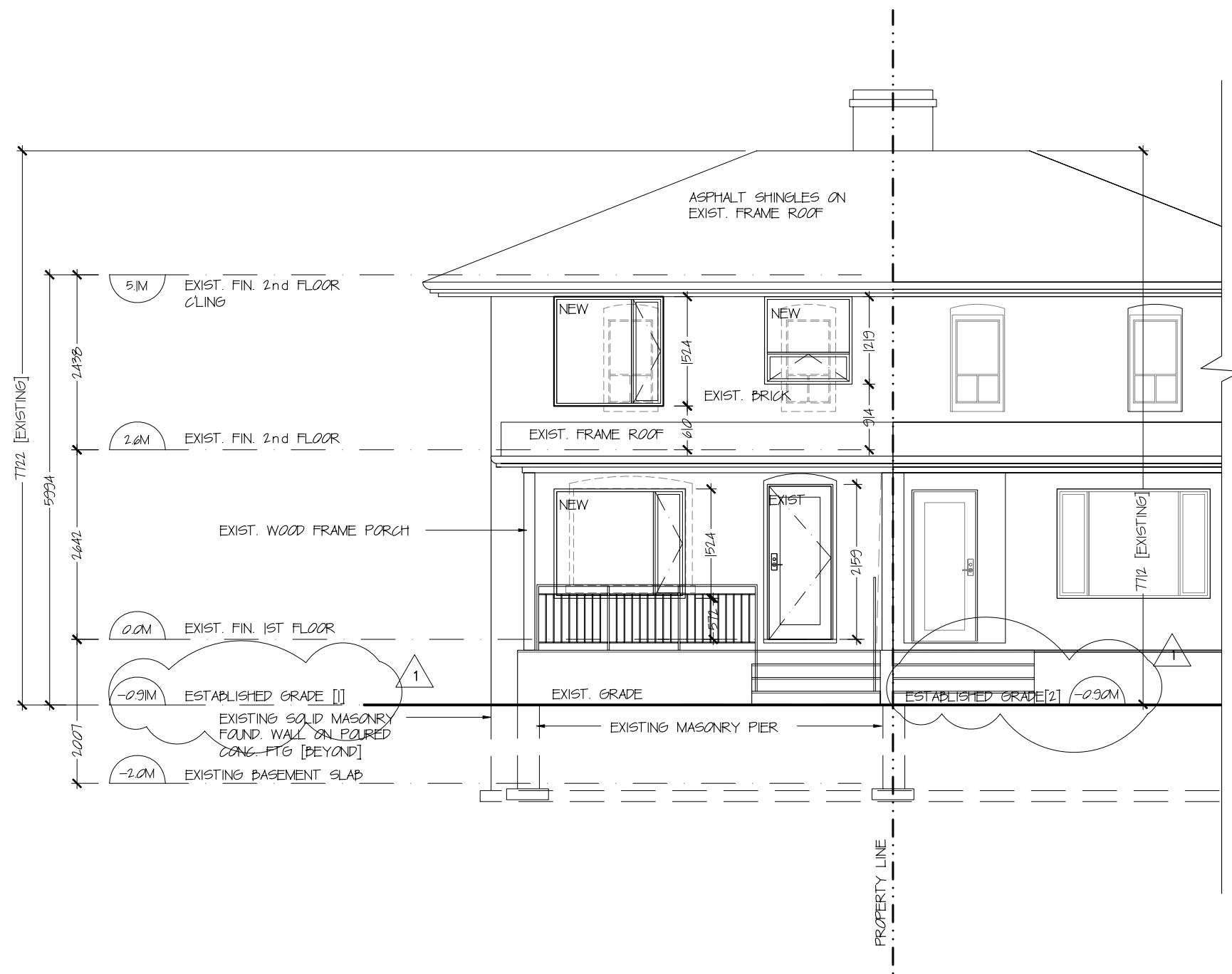
DATE 15 NOVEMBER 17

SCALE 1:75

PROJECT No.

DRAWING NUMBER

A1.2



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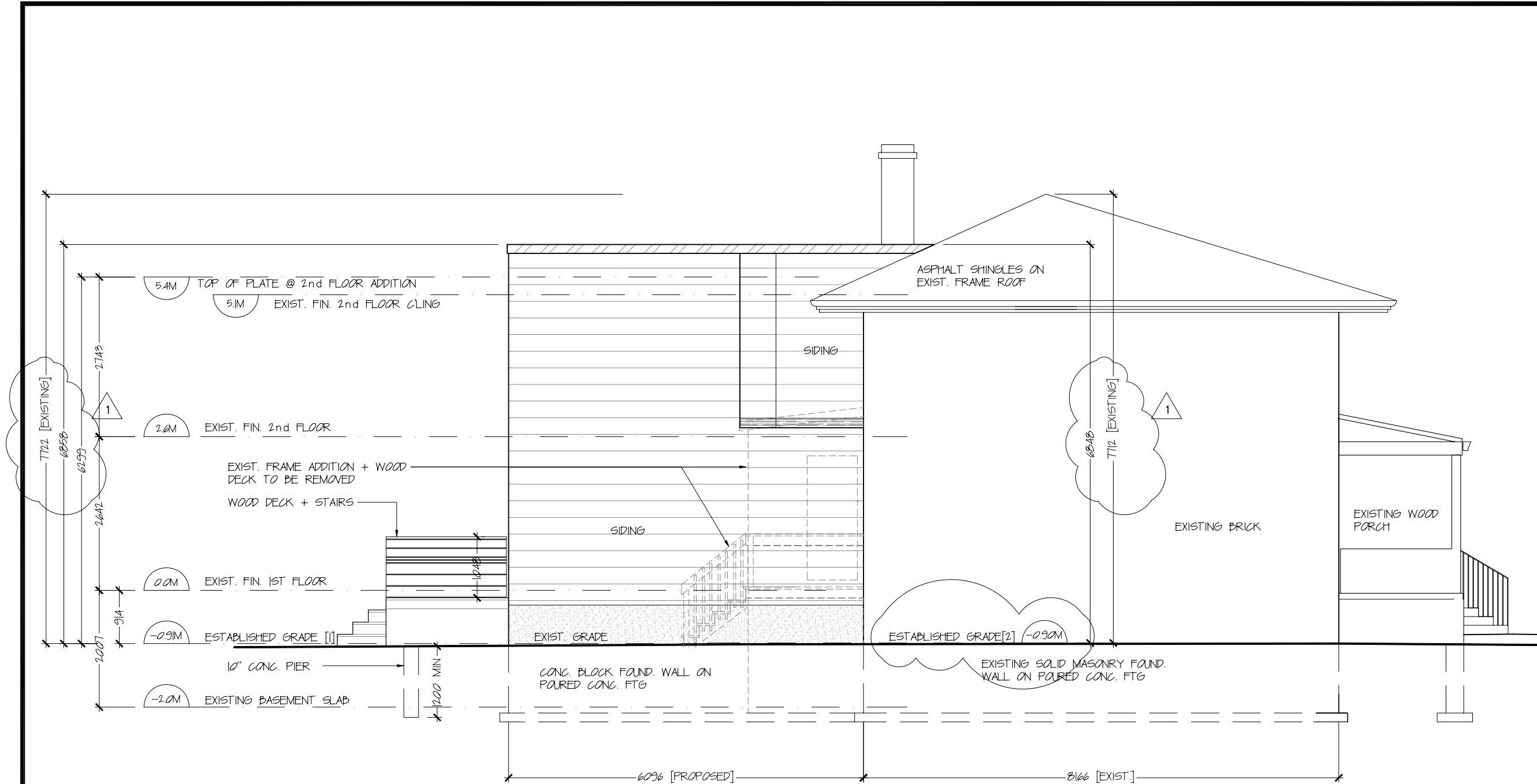
PROJECT NORTH

PROJECT TITLE  
PRIVATE RESIDENCE  
123 RUMSEY ROAD  
TORONTO ONTARIO

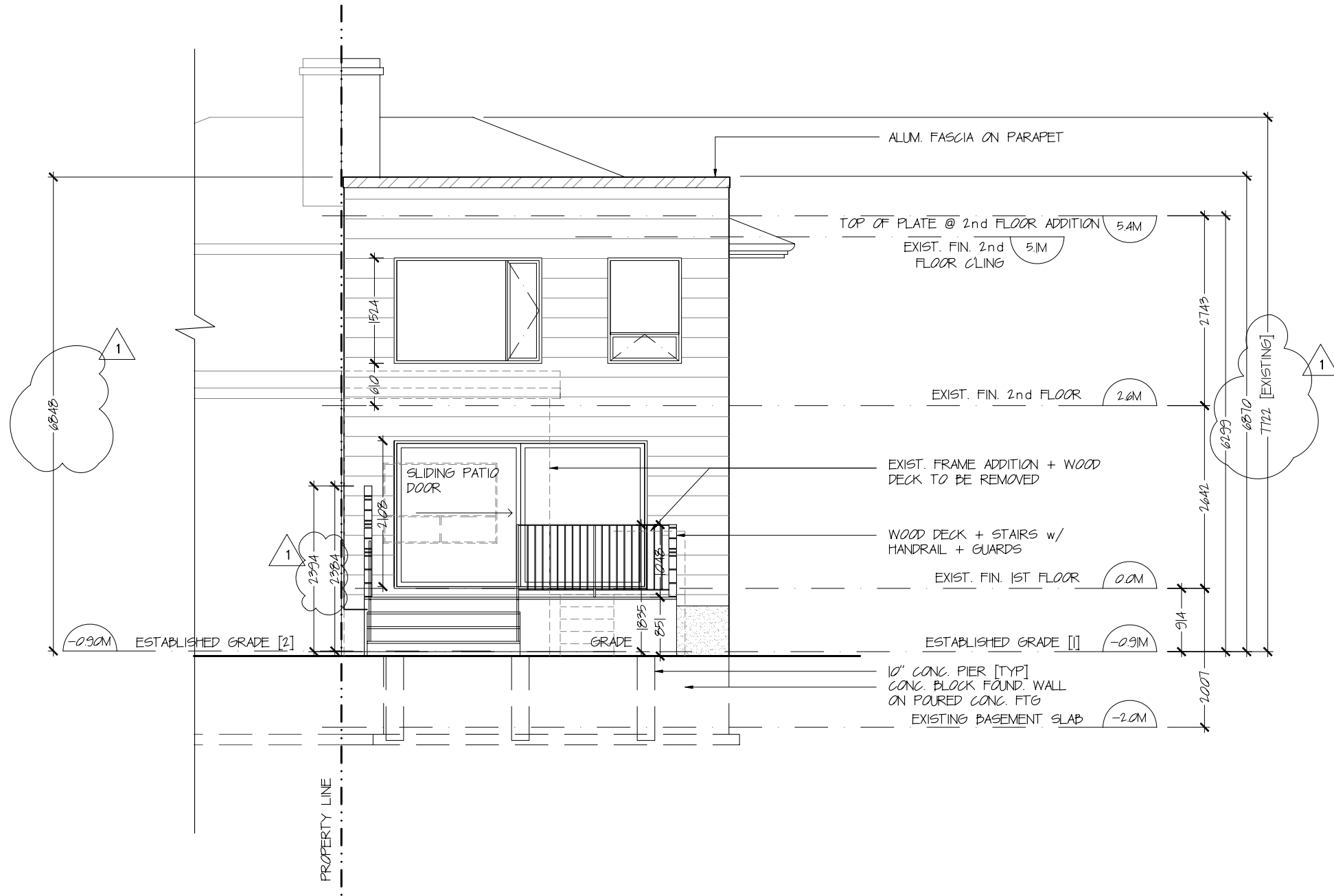
DRAWING TITLE  
WEST ELEVATION  
-FRONT-

DATE	15 NOVEMBER 17	DRAWING NUMBER
SCALE	1:75	A2.1
PROJECT No.		





REVISION SYMBOL		
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PROJECT NORTH		
PROJECT TITLE		
PRIVATE RESIDENCE		
123 RUMSEY ROAD		
TORONTO ONTARIO		
DRAWING TITLE		
NORTH ELEVATION		
DATE	15 NOVEMBER 17	DRAWING NUMBER
SCALE	1:75	A2.2
PROJECT No.		



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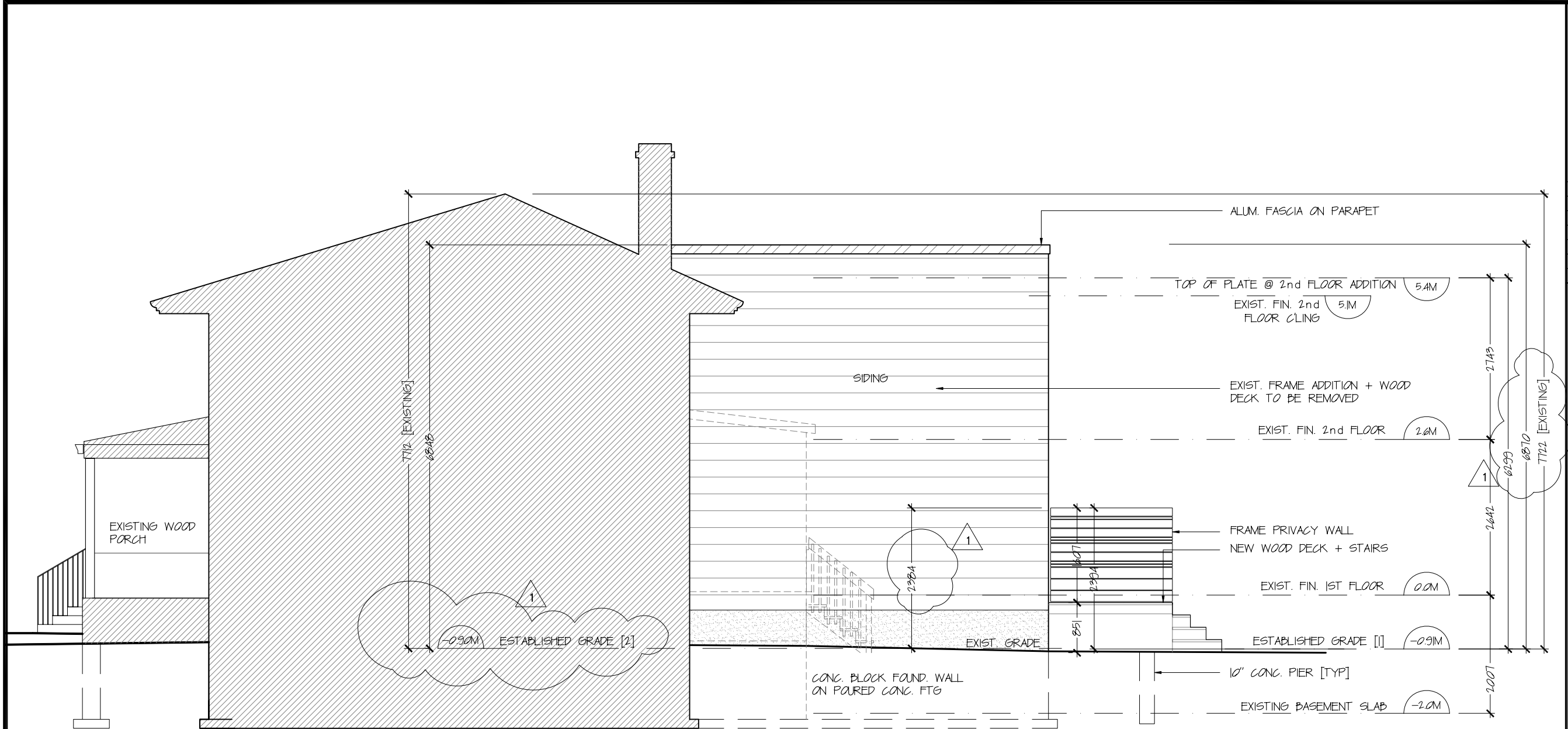
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PROJECT NORTH

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PRIVATE RESIDENCE  
123 RUMSEY ROAD  
TORONTO ONTARIO

DRAWING TITLE  
EAST ELEVATION  
-REAR-

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SCALE	1:75	A2.3
PROJECT No.		



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DRAWING TITLE  
SOUTH ELEVATION

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SCALE	1:75	A2.4
PROJECT No.		