

DECISION AND ORDER

Decision Issue Date Tuesday, April 30, 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): AMANULLAH DORANI

Applicant: DANILO MARASIGAN

Property Address/Description: 144 WESTBOURNE AVE

Committee of Adjustment Case File Number: 18 145916 ESC 35 CO, 18 141784 ESC 35 MV, 18 141791 ESC 35 MV

TLAB Case File Number: **18 188072 S45 35 TLAB, 18 188073 S45 35 TLAB, 18 188074 S53 35 TLAB**

Hearing date: Monday, November 12, 2018

DECISION DELIVERED BY S. GOPIKRISHNA

APPEARANCES

Name	Role	Representative
Amanullah Dorani	Appellant	Sarah Hahn
Tae Ryuck	Expert Witness	
Evda Gushevski	Participant	
Frank Potestio	Participant	
Cindy Karnick	Participant	
Reka Nicholas	Party	
Paul Davison	Participant	

INTRODUCTION AND BACKGROUND

Amanullah Dorani is the owner of 144 Westbourne Ave, a property located close to St. Clair Avenue E., between Victoria Park and Pharmacy Avenues. He applied to the Committee of Adjustment (COA) to sever the property and create two lots, and for variances to build a semi-detached house on each of the lots. The COA heard the application on 21 June, 2018, and refused the application in its entirety.

Mr. Dorani appealed to the Toronto Local Appeal Body, which scheduled a hearing on the 12th of November, 2018.

MATTERS IN ISSUE

The requested consent to sever the property at 144 Westbourne Avenue, as well as the requested variances for the houses to be built on each of the severed lots, are recited in Attachment 1, attached to this Decision,

JURISDICTION

Provincial Policy – S. 3

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

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

(f) the dimensions and shapes of the proposed lots;

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

(h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;

(j) the adequacy of school sites;

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance – S. 45(1)

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

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

EVIDENCE

At the hearing held on 12 November, 2018, the Appellant was represented by Ms. Sarah Hahn, a lawyer, and Mr. Tae Ryuck, a land use planner. There were a few community members who had registered as Participants, as well as other community members, who claimed to have filled out Participants forms and submitted them to the TLAB, but were not listed as Participants by the TLAB. I decided to award the following individuals Participant status, for reasons discussed in the Analysis, Findings, and Reasons section.

- Evda Gushevski
- Paul Davison

Mr. Frank Potestio, Ms. Cindy Karnick and Ms. Reka Nicholas had already registered as Participants. At the beginning of the hearing, Ms. Nicholas, brought forward two Motions, the first requesting an adjournment of the hearing to a later date, and the second to request Party status for herself and Ms. Cindy Karnick, another pre-registered Participant.

Ms. Nicholas' reasoning behind the request for the adjournment, and requesting Party status was that she and other Participants had asked for the local municipal councilor's help with the Appeal in the form of the City's electing to be a Party to oppose the Appeal before the TLAB. According to Ms. Nicholas, the outgoing Municipal Councilor had stated that while she was "generally" opposed to severances, she could not directly intervene because her tenure as the Municipal Councilor would end in a few days time, by virtue of losing the Municipal Election held in November 2018. Ms. Nicholas stated that when she followed up with the new municipal councilor, he regretted his inability to help because he wouldn't officially represent the neighbourhood in which the Subject property was located until December 1, 2018. Ms. Nicholas asserted that their request for help had "gotten caught in the transition" at City Hall, depriving the community "of a voice". She therefore wanted the hearing to be adjourned to enable her to follow up with the City to enable the latter's participation. If it wasn't possible to adjourn the hearing, she wanted Party status in order to give her "community a voice".

Ms. Hahn, opposed the Motion for an adjournment because the reasoning provided was "not strong". She pointed that the City had a process in place for intervention in an Appeal through electing to be a Party, and that this process could be invoked even in the middle of an election, without direction from the Municipal Council. Ms. Hahn interpreted the lack of any response from the City to mean that the City was not inclined to take a position, either in support or in opposition to the Appeal. She asserted that an adjournment would prejudice her clients, and asked that the case not be adjourned.

On the second Motion regarding granting of Party status to Ms. Nicholas and Ms. Karnick, Ms. Hahn said that she didn't "have a problem with their asking questions", but hoped that they "knew what they were getting into".

I agreed with Ms. Hahn's reasoning on the adjournment, and ruled that there would be no adjournment, and that the hearing would proceed as scheduled, on 12 November, 2018. On the second motion put forward by Ms. Nicholas regarding Party status, I ruled that Ms. Nicholas could be a Party, while Ms. Karnick would continue to be a Participant. The reasoning behind this ruling is explained in the Analysis section of this Decision.

Mr. Tae Ryuck, a land use planner, was then sworn in, and recognized as an expert in the area of land use planning. He began his testimony by referring to his study area, which was bound by St. Clair Avenue East to the north, Pharmacy Avenue to the east, Dolphin Drive to the south, and Victoria Park Avenue to the west. Mr. Ryuck said that the Study area was reflective of what a resident would experience in their day-to-day lives, as they walked on the street. He said that the subject site was located in a "stable, residential neighbourhood", which consisted of one and two storeyed single-detached dwellings, and added that there was "regeneration" in the form of redevelopment and additions to houses. After pointing out that there was a mixture of commercial uses, including retail uses towards St. Clair Avenue East to the north. Mr. Ryuck opined that the neighbourhood was very well served by public transit, and the subject property was within walking distance of arterial roads well served by public transit.

Discussing the subject property itself, Mr. Ryuck stated that there was a one-storey single detached dwelling with a driveway on the subject site, and that the site could be accessed via Westbourne Avenue. The property had a lot frontage of 15.24 m, lot depth of 32.13 m, and a lot Area of 497.58 sq.m. Mr. Ryuck advised that the proposal looked to sever the plot into two equal halves, and construct a new 3-storey single detached dwellings, with an integral garage on each of the severed lots- in other words, there would be two new houses replacing the existing house. Providing some statistics about each of the proposed dwellings, he said that each of the proposed dwellings would have a Gross Floor Area (GFA) of 201.87m², a proposed building height of 8.20m, lot frontage of 7.62m, lot depth of 32.13m, building length and depth of 17.0m, and a lot coverage of 40.5% x lot area.

Mr. Ryuck then discussed the compatibility of the proposal with the Provincial Policy Statement, 2014 (PPS) and the Golden Growth Horseshoe Plan, 2017 (Growth Plan). He said that the policies of the PPS and Growth Plan encouraged, and promoted the following:

- a. optimizing the efficient use of land, resources and infrastructure, including existing and planned public transportation.
- b. Compact form.
- c. Redevelopment and intensification.
- d. Mixed uses at densities that make efficient use of land, resources and infrastructure

He then opined that this proposal was generally consistent with the applicable policies of the PPS, and was in general conformity with the Growth Plan, because the proposal optimized the efficient use of land through adding an extra unit. He added that the proposal did not present any issues that specifically rose to the level of provincial concern, and that other provincial policies were not relevant.

On the matter of the consent to sever the properties, Mr. Ryuck opined that the proposed consent was not premature, and was in the public interest, because it helped create two new dwellings, with a massing and size that was common in the neighbourhood, but without any destabilizing impact. Mr. Ryuck also asserted that the newly created lots fit within the range of lot frontages, and lot areas seen in the neighbourhood, and were consistent with what was seen in the immediate surroundings, as well as overall neighbourhood context. He provided examples of COA decisions where consents had been granted in the neighbourhood, including 149 A and 149 B Westbourne Ave (opposite the Subject property), 142 A and 142 B Westbourne Ave, 101 Westbourne Ave. He also drew my attention to 59 and 57, Westbourne Ave, which while being substandard plots, were not created through a severance application. He then discussed the examples of other successful consents to sever properties on Pitt Avenue as well as Maybourne Ave, the streets adjacent to Westbourne Ave.

Mr. Ryuck then discussed Section 45(1), and its relevance to the proposal, which is designated "Neighbourhoods" in the Official Plan (OP). He pointed that the OP directs intensification towards designated growth areas, and that Section 2.3 of the OP states that "Neighbourhood shall be stable but not static"

He said that the proposed single detached dwellings respected, and reinforced the existing physical character of the neighbourhood, by virtue of being modest in size and height, and that the proposed dwellings were "deployed appropriately on the newly created lots". He added that the existing physical character of the neighbourhood had already experienced substantial regeneration and intensification in the form of redevelopment, including severances, without any negative impact on the stability of the neighbourhood.

Mr. Ryuck then discussed Section 51(24) of the Planning Act and stated that the criteria enumerated in (a) through (h) represented the criteria to be fulfilled by the proposed severance. By way of editorial comment, the criteria listed under Section 51(24) are not repeated, because they have been listed in the Jurisdiction section.

He then stated that some clauses of Section 51(24) were not relevant or were satisfied; as an example of the latter, he referred to the clauses about schools and adequacy of public utilities, and claimed that the existing schools and public utilities were adequate in fulfilling the needs of the extra family living at this address if the proposal were to be approved

He reasserted that the proposal was not premature, and therefore satisfied criteria (b) under Section 51(24), and added that (d) was satisfied because the houses to be created would utilize the existing schools. He then led us through a photo tour of the neighbourhood, and identified properties where the frontage was less than the recommended 7.6 m, as well as examples of houses where variances similar to what is requested were granted. He added that criteria (g) and (m) did not apply by virtue of the fact that the site had no access to natural waterways and that no concerns had been expressed by the TRCA, nor was there any site plan control. Referring to properties from the neighbourhood which had comparable heights, and massing, Mr. Ryuck concluded that those examples demonstrated that a house with 42% lot coverage would not destabilize the community.

Mr. Ryuck then stated that criteria (g) and (h) of Section 51(24) did not apply to the proposal because there were no special landscaping nor heritage features. Based on this discussion, Mr. Ryuck concluded that the proposal fulfilled the criteria under Section 51(24), and recommended that the consent to sever the property be approved.

He then spoke about the compatibility between the proposed structures and the Official Plan.

Mr. Ryuck said that the proposed dwelling reflected the general physical patterns of the Neighbourhood, and that the design and orientation of the home were consistent with other homes within the neighbourhood. He opined that the proposed homes would result in a consistent street frontage, and the same building envelope reinforcing the physical character and streetscape. He discussed Policies 3.1.4, 4.1.5 and 4.8 of the Official Plan and demonstrated how the proposal complied with these policies.

Based on these observations, Mr. Ryuck concluded that the proposals were consistent with the Official Plan.

Mr. Ryuck then discussed how the proposal was consistent with the Zoning By-laws next. He said that the subject site is zoned RD in the City of Toronto Zoning By-law No. 569-2013, and S in the Scarborough By-law No. 8978. He pointed out that the general performance standards of a Zoning By-law are to ensure compatible built form within an area, and ensure that there are no unacceptable adverse impacts on streetscape, or on adjacent properties. Applying this standard to the proposal, Mr. Ryuck stated that the houses would be "mirror images" of the houses built on the opposite side of the street at 149 A and 149 B, Westbourne Ave. He pointed out that there was no evidence to demonstrate that 149 A and 149 B had destabilized the community in any way; on the basis of which it could be concluded that the two proposed houses at 144 Westbourne would not have any destabilizing impact on the community.

Coming to the issue of lot coverage, Mr. Ryuck pointed out that the lot coverage which had been deployed on the property, was consistent with that of homes within the neighbourhood. Emphasizing the fact that there had been other approvals within the

neighbourhood with a lot coverage up to 43%, Mr. Ryuck said that the specific, proposed massing did not represent a dramatic increase in overall coverage, thereby allaying concerns of over development. He added that the zoning supported an integral garage, and that integral garages already existed in the community.

Speaking next to the height variance, Mr. Ryuck said that the proposed height of 8.20m, from a qualitative perspective did not result in a built form that is out of character with immediate adjacent properties or the neighbourhood. According to Mr. Ryuck, the proposed height integrated “seamlessly within the Westbourne Avenue streetscape”.

Emphasizing that the goal of the Zoning By-law was to maintain a house form (i.e. massing, height, setbacks) and lot sizes, compatible with what exists on the street, and in the neighbourhood, Mr. Ryuck explained that “compatible” did not mean the “same”, but referred to a development with no adverse, or destabilizing impact on the neighbourhood. Claiming that the planned house did not introduce an inappropriate building form because of the existence of similar houses with integral garages, Mr. Ryuck concluded that the proposal fulfilled the purpose and intent of the Zoning By-law.

Addressing the test of the proposal’s being desirable and appropriate, Mr. Ryuck said that the size and types of the proposed dwelling fit well within the character of the neighbourhood. Mr. Ryuck reasserted that there would be no concerns caused as a result of shadows, privacy, or overlook uncharacteristic of the existing context. On the basis of these observations, Mr. Ryuck concluded that the proposal was appropriate for the development of the land.

Commenting on the test for “minor”, Mr. Ryuck reiterated that the test is not one of “no” impact, but whether the impact was considered unacceptable. According to him, the proposed buildings had been designed such that the proposed deployment of gross floor area in the form of the 3-storey dwellings did not create adverse overlooks, shadows, building form, massing and height, uncharacteristic of the streetscape or neighbourhood.

Based on this evidence, Mr. Ryuck concluded that the Appeal should be allowed, that the consent be granted, and the variances requested on the dwellings to be constructed on each of the severed lots approved. In terms of conditions to be imposed on approval of the variances, he recommended a standard condition, which requires Applicants to build in substantial conformity with approved plans and elevations.

Mr. Ryuck was then cross examined by Ms. Nicholas. Her cross examination consisted largely of questions seeking clarifications on some definitions, such as asking the former for the definitions of “character of a community”, “stability” and “intensification”, to which Mr. Ryuck repeated some of the earlier testimony. Ms. Nicholas made the point that the long term residents of the community perceived character differently from somebody who was “new” to the community, including planners like Mr. Ryuck. She also asked Mr. Ryuck if his study area had experienced more change, when compared

to the neighbouring areas, to which he replied he couldn't answer because he didn't know what changes the neighbouring areas had experienced. Ms. Nicholas then asked him if he had conducted studies on the TTC routes in the area, or the capacity of the local schools for accommodating more students. Mr. Ryuck replied in the negative to both questions. She then asked if 2000 condos to the north of the Subject Site fulfilled the growth objective, to which he answered that he couldn't answer because he didn't know which project she was referring to. Ms. Nicholas asked if the objective was to create affordable housing for young families, to which Mr. Ryuck pointed out that there was a very specific definition of the expression "affordable housing" in the Official Plan, and that this kind of "affordable housing" was not being proposed. To the question about the existence of a "tipping point" beyond which the community would destabilize, and methodologies to quantify such a point, Mr. Ryuck responded in the negative. Ms. Nicholas' last question focused on how Mr. Ryuck ascertained that there would be "no shadows" as a result of the proposed buildings, to which he responded by emphasizing that his conclusion was that there would be no "new types of" shadows being created.

There were no questions for Mr. Ryuck by way of re-examination.

After Ms. Nicholas was sworn in to give evidence, she said that there had been "way too much division" on the street. She complained about the frequent trips that she had to make to the COA to prevent further severances from being approved, and how much time was consequently taken away from her work, because talking to City officials consumed significant amounts of time. She alluded to the fact that she had to be "creative" in having these conversations because they had to be completed during regular work hours, because they corresponded the work hours of City staff. She alluded to her mother's reminiscences about smaller houses on larger plots when the latter first moved into the area, and said that granting consents in this area, essentially invited other builders to come in and request for even more consents, making the community virtually unrecognizable.

She questioned the accuracy of the evidence obtained from Mr. Ryuck because he didn't live in the community, and supported development by virtue of his profession. She alleged that facts supportive of development were being brought forward while others not supportive of more building were ignored by builders, and pointed to the lack of information about shadows from the Appellants as proof of missing information. She asserted that the best decision makers on issues like appropriateness and over-development were the residents of the community, and not planners "like Mr. Ryuck, who were being paid to say what the developed wanted". She then proclaimed that no variance "requesting for more than 1% of what was as of right should be allowed", because the change would not be minor. When I asked her how she had concluded that anything more than a 1% numerical difference rendered a given variance to be not minor, Ms. Nicholas said that she "worked with numbers, and her familiarity with numbers was the basis for the conclusion".

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 18 188072 S45 35 TLAB, 18 188073 S45 35 TLAB,
18 188074 S53 35 TLAB

The other Participants, including Ms. Gushevski, Mr. Potestio, Ms. Carnick and Mr. Davison also stated their reasons for opposing the Appeal. The highlights of their evidence are presented next:

The opposition members specifically referred to a planner who worked for the City of Toronto by name, and stated that he had told them that the “doors to the City started at Westbourne”, which they interpreted as support for their opposition to the proposal. However, when I asked them when the conversation had taken place, they weren’t sure and said that it “could” have been on the phone, and couldn’t provide an approximate date for the conversation. On the issue of adequacy of schools, they said that “overcrowding” in classrooms was becoming common, a situation that would be exacerbated if severances would continue to be granted, and the construction of new houses meant that even more children had to be accommodated in the same school. It was also pointed out that a whole new subdivision was being formed in the vicinity of this property, which would result in further overcrowding in the schools.

The opposition members said that they were not against the variances per se, but were opposed to the severance, because the severances granted by the COA in the community had changed the community character considerably, and had significantly reduced the charm of the community which had attracted the community members in the first place.

After this discussion, I was presented with a picture taken on an I-phone about the house next to 149 Westbourne. The purpose of the picture was to illustrate how the sunlight had been reduced by the building at 149 Westbourne.

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

On November 16, 2018, the TLAB staff forwarded the following email from Ms. Nicholas, which is reproduced in its entirety here- it may be noted that the Decision referred to in this email respects 103 Westbourne, and was served on Parties on the afternoon of November 12, 2018, just after the hearing concluded

*Hi there,
Can you please ensure that the panel member deciding the case for 144 Westbourne has the benefit of reading this decision. The decision was published while we were at the hearing for 144 Westbourne.
Thank you*

By way of editorial comment, I found this email to be vague about what had to be inferred from the Decision respecting 103 Westbourne Ave, and the specific relevance to the Appeal respecting 144 Westbourne. I therefore considered it appropriate to provide the Parties involved with 144 Westbourne an opportunity to make submissions discussing the relevance of the Decision respecting 103 Westbourne Ave. I requested

the Parties to specifically respond to the question by email, *“Please tell me why you think that the Decision for 103 Westbourne is pertinent, and how is it relevant to the Appeal before me at 144 Westbourne?”*

I received the following responses, which are being reproduced in full, notwithstanding their length. The reason for reproducing the responses in full is discussed in the Analysis Section.

Ms. Nicholas wrote :

“103 Westbourne Ave is two blocks away and part of the same neighbourhood defined bordered by Pharmacy, St Clair Ave Victoria park Ave and Dentonia golf course. The lot severance application in the case of 103 Westbourne was denied based on a very thorough analysis of the relevant planning acts sections, neighbourhood data and precedent decisions. The decision and rationale developed was by a panel member of the TLAB, who by virtue of his job is more qualified than the appellant’s expert witness on both the specifics and appropriate interpretation of all of the applicable laws and rules. The situation is identical - same neighbourhood, same laws and planning acts, same request to sever the lot for the purpose of building two houses where there was previously only one. Per the conclusion of T. Yao TLAB panel member, the proposal to sever does not meet, *“...the core test of respecting and reinforcing the existing physical character of the streetscape, pattern of buildings and pattern of open spaces... and “The consent would be destabilizing and would be poor planning. Since it does not conform to the Official Plan, it should not be granted.”* (The italicized section is reproduced from the TLAB Decision respecting 103 Westbourne Ave.)

Therefore the case of 144 Westbourne and in fact any and all other proposals for severance in this neighbourhood must be denied for the same reasons. Neither COA nor TLAB nor any other deciding body should be required to even consider another request for a severance in this neighbourhood. It is wrong and both taxpayer money and the neighbourhood’s time is being wasted.”

The response from Ms. Hahn is reproduced below:

“The TLAB Decision respecting 103 Westbourne Avenue was released by the TLAB on November 12, 2018. This decision should not be used as a precedent when making a determination on the applications for 144 Westbourne Avenue. I will outline below why this case should be distinguished from the matter at hand and is not relevant.

This Application Meets the Tests for Approval

The test is to respect and reinforce the existing physical pattern. The applications for 144 Westbourne do this. Its location in the neighbourhood does not create the same issues that a severance at 103 Westbourne would have. The Appellant has justified

why the severance would respect and reinforce the lot patterns of this neighbourhood. In the interest of being succinct, I will not repeat the evidence of Mr. Ryuck.

Response to Ms. Nicholas' Submissions

Ms. Nichols submits that this decision should be used as a precedent to prohibit lot creation in this neighbourhood. She stated, "...any and all other proposals for severance in this neighbourhood must be denied for the same reasons. Neither COA nor TLAB nor any other deciding body should be required to even consider another request for a severance in this neighbourhood." This is further proof that the opponents to these applications have appointed themselves as the gatekeepers to this neighbourhood and will fight any changes, regardless of planning justification and rationale. Each application should be examined on its own merits.

The Planner for 103 Westbourne Did Not Provide the Required Evidence

The adjudicator commented about the applicant's expert: "While his strongest argument is based on recent severances, his client would also be entitled to a severance based on the existence of pre-existing undersized lots."

The planning evidence of Mr. Ryuck in the present case went beyond this. He carefully went through all of the land use planning policies to explain why this proposal is justified and how the applications meet the tests. He explained how the proposal was carefully drafted with planning principles in mind.

The Applications for 103 Westbourne Differ from the Applications in this Case

The evidence in both appeals shows that the character of the neighbourhood is one in which there is a mixture of lot sizes and frontages. The character and pattern of lot frontages of 7.62m., can be best described as being scattered with no particular pattern. This was confirmed by Member T. Yao. The proposed consent at 103 Westbourne would have resulted in 2 pairs of contiguous 7.62m lot frontages since the neighbouring 101 Westbourne has been split into two smaller lots

The member found that approval would have created a new pattern and would not have respected and reinforced the overall character of the neighbourhood.

The proposed consent does not result in a contiguous row of four homes with 7.62m lot frontages. The proposed consent reflects the scattered pattern of similar lot pairs characterized in this neighbourhood. The proposed would be consistent in form and size with 149A & 149B Westbourne Avenue (across the street) and other similar lots found in the neighbourhood. Although the minor variances were not before Member T. Yao, it should be noted that the proposed dwellings at 103 Westbourne Avenue (located at south-east corner of Westbourne and Bolster) sought variances greater than, and in addition to, those being requested for the subject site, in particular:

- oHeight – 8.31m and 8.81m
- oLot Coverage – 43.1%
- oBuilding Length – 17.97m

Additionally, 103 Westbourne required reduced flankage side yard setback as a minimum of 2.45m is required as it is a corner lot. The proposal would have resulted in 2 detached dwellings that were taller and longer than those of existing or approved dwellings on similar sized lots.”

ANALYSIS, FINDINGS, REASONS

There were 2 Motions brought forward by the Opposition at the beginning of the hearing- the first requested for an adjournment, while the second was to request for Party status. To reiterate, the first Motion was refused, while the second was granted. The reasoning behind the two decisions is explained below

The purpose for the requested adjournment was to prevail on the City to elect for Party status, and argue the case on behalf of the opposition. The reason for the City's absence was tied, based on the opposition's explanation, to the recent municipal election, and the transition between the former councillor and the new councillor. The only evidence that was shown to me about why the City could be expected to take a position was an email from the former Municipal Councillor which said that she “was generally opposed to severances”. There was no evidence, whatsoever, to demonstrate that the outgoing councillor had requested the City to take a position on the matter, which was procedurally possible, notwithstanding the election. A “generic opposition to severances”, in my considered opinion, cannot be interpreted to mean anything specific in the Appeal before me. Consequently, I did not grant the request for adjournment. I did not see any persuasive evidence about the City's interest in this Appeal. I also note that a Participant cannot bring forward a Motion, other than to ask for Party status under the TLAB Rules, though this is not the reason for refusing the Motion.

I agreed with the Appellants that granting the adjournment, would prejudice their case, with no predictable evidentiary gain.

I however, granted the Motion enabling Ms. Nicholas to become a Party, while denying Ms. Karnick the same status. Since I wanted to give the neighbours an opportunity to ask questions of the planner, in order to better assess the impact of the proposal, it became necessary to grant one of the Participants Party status. However given that Ms. Nicholas and Ms. Karnick lived close to each other, shared positions and concerns, I concluded that there would be no evidentiary advantage to according both of them Party status. This reasoning was buttressed by their stating that neither of them was a lawyer nor a planner; I understood this to mean that they would essentially echo each other's concerns, instead of presenting different perspectives. Since mere repetition of a

perspective by multiple witnesses does not add evidentiary weight, I concluded that the need to provide the community with a “voice” would be satisfied by according Ms. Nicholas Party status.

I would also like to point out that my decision regarding the change from Participant to Party status was taken under unusual circumstances, and I do not consider this decision as creating a precedent.

The key question before the tribunal is the severance of the property. The associated request for variances respecting the two planned dwellings on adjoining lots would become moot if the severance were to be refused. It is also interesting to note that the opposition stated clearly that they were concerned more about the severance, than the variances. It is therefore important to examine the severance request closely.

The severance request is examined on the basis of two separate corpora: the first corpus consists of oral evidence provided on 12 November, 2018, and the second corpus consists of the submissions made in response to my request after Member Yao released his decision respecting 103 Westbourne.

In terms of the oral evidence provided at the hearing, Mr. Ryuck, the Expert Witness for the Appellants, relied on a policy based discussion in support of the severance. He discussed which aspects of Section 51(24) of the Planning Act were relevant, and not relevant to the Appeal. Of the applicable clauses, he identified Subsection (b) of 51(24), discussing the size of the plots, to be an important test. Mr. Ryuck focused on a large number of plots in the neighbourhood which had been severed and were similar, *prima facie*, to what was proposed at 144 Westbourne Ave. The policy discussion, backed by numerous examples of severances granted in the vicinity of the Subject property, as well as in the larger neighbourhood, and the lack of a demonstrative destabilizing impact, is critical to my concluding that the severance could be granted. Given the numbers of successful severance applications in the neighbourhood, one of the critical issues to be examined is whether the successful applications destabilized the community. Mr. Ryuck repeatedly asserted that the severances did not destabilize the community; the evidence of the opposition did not demonstrate that the community had been destabilized in any way. One of the Participants showed me a picture on their i-Phone taken on the morning of the hearing. The picture was intended to demonstrate the “reduction in light” to the Participants’ house, as a result of the severance application granted at 149 A and 149 B Westbourne Avenue. Even when I ignore the fact that introduction of the picture did not meet discovery requirements, the photo shown to me was not persuasive because of its grainy quality; I could not determine if the darkness in the picture is because of the loss of light, as the Participant claimed, or the lack of light in the sky, as can be expected on a gray November morning.

Despite assertions of destabilization, there was no other evidence offered by the Opposition, to support the charge of destabilization in the community. The oral evidence provided by the opposition at the hearing was largely anecdotal. They asserted, solely on the basis of their personal observations, that the “division of lots” in their area was

higher, than other neighbouring areas”, and that the severances changed how their community looked, without offering any clear evidence about how this change rose to the level of adverse impact. On the matter of adequacy of schools, they used class size as the basis of their argument for demonstrating inadequacy of schools, which is certainly different, and arguably employs a higher threshold than the “availability of schools”, the criterion emphasized in Section 51(24). While I sympathize with how they have to take time off work to attend COA meetings or Appeals to the TLAB, I point out that this is tantamount to personal inconvenience, unless there is demonstration of a clear nexus with Section 51(24), or Section 45.1, of the Planning Act. While the frustration of the Opposition was very palpable, they could not demonstrate the nexus between adverse planning impacts, and public interest considerations, to their concerns and frustrations regarding change in their community

Thus, solely on the basis of my analysis of evidence provided during the hearing, I would have granted the consent application, as well as the variances for houses to be built on both the severed lots.

I now discuss my analysis of the submissions made by the Parties in response to my email requesting them to explain how the Decision respecting the Appeal at 103 Westbourne Ave, is pertinent to the Appeal before me, at 144 Westbourne Ave.

I would like to first comment briefly on why I requested for submissions from the Parties. After reading the Decision respecting 103 Westbourne, as requested by the Opposition, I concluded that Member Yao had written a landmark decision which developed, and applied various benchmarks for studying growth in a community, including a quantitative understanding of growth and stability. The concept of how lot patterns created micro-neighbourhoods within the context of a larger community, was a novel and interesting idea.

Notwithstanding my admiration for his well-written Decision, it was not clear to me about which component was deemed to be most relevant by the Opposition.

The Opposition’s communication, reproduced verbatim earlier in the Evidence section, stated that more weight should be placed on Member Yao’s conclusions, rather than the planner involved with 144 Westbourne because “*The decision and rationale developed was by a panel member of the TLAB, who by virtue of his job is more qualified than the appellant’s expert witness on both the specifics and appropriate interpretation of all of the applicable laws and rules*”.

This does not explain the applicability of the Decision at 103 Westbourne, other than a passing reference to “*same neighbourhood, same laws and planning acts*”. I disagree with the approach taken by the opposition; the *ratio decidendi* concentrates on policy, planning principle, and evidence, and assigns no weight to the comparison of the relative skills and experiences of witnesses versus adjudicators. Comparison of the qualification of an expert witness and a Tribunal member, and assigning corresponding weight is a *non sequitur*, and is therefore assigned no weight.

The connection between Member Yao's conclusions respecting 103 Westbourne and the Appeal before me is asserted, with no explanation what so ever, that the properties are in the "same community" notwithstanding the two properties being separated by 350 metres, and many houses in between, interspersed with severed properties. I reiterate that notwithstanding numerous examples of new houses being constructed on severed lots by the Appellants, the opposition did not demonstrate how these new houses destabilized the community; nor did they demonstrate a nexus with planning principles.

The assertion of being in the same community itself becomes more questionable after reading the Appellant's submissions. As the Appellants noted, the lot distribution is highly context dependent, and changes over the two blocks separating the two properties. The Appellants' submission distinguished the two Appeals (i.e. 103 Westbourne versus 144 Westbourne) by pointing out that while approving the severance at 103 Westbourne would have resulted in four smaller lots on one side of the street, with no similar lot pattern on the opposite side, approving the proposal at 144 Westbourne would result in two sets of smaller lots facing each other, on opposite sides of the road. This conclusion was also included in Mr. Ryuck's evidence; I note that the element of symmetry created by similar severances on both sides of the road was not discussed, nor challenged by the Opposition, either by way of evidence, or submissions. I therefore agree with the Appellants' submission that the Appeals are distinguished by the element of symmetry between the lot sizes and distribution created as a result of the severances at 149 and 144 Westbourne, and their stark contrast to the asymmetry of the lot pattern in the Appeal respecting 103 Westbourne- in other words, while a micro-neighbourhood within in the neighbourhood is created at 144 and 149 Westbourne if the severance were granted, there is no similar micro-neighbourhood to be found at 103 Westbourne . I find that this argument to be consistent with the idea of the distribution and sizes of lots, as stated in Section 51(24), as well as the concept of "micro-neighbourhoods", as discussed in the Decision respecting 103 Westbourne. These arguments, strengthen my earlier conclusion, based on evidence heard during the Hearing, that the consent application should be granted.

Since the consent to sever has been approved, it is important to examine the requested variances, and discuss their compatibility with Section 45(1).

I reiterate that the neighbours' opposition to the variances was not as vociferous as the consent to sever; indeed, some of the neighbours stated in so many words that they were not opposed "so much to the variances as they were to the severance". They did not concentrate on opposing the variances; indeed the only significant evidence offered was the alleged loss of light as a result of the construction of a house at 149 Westbourne, and that no change that is "more than 1% from what is of right" be approved. The argument about the loss of light has already been addressed; I reiterate my conclusion that the photo provided in support of the argument did not offer compelling evidence to substantiate the loss of light. The second issue about not granting a change that is "more than 1% from what is of right" is not substantiated because it relies on "familiarity with numbers", without discussing how the familiarity

helps evaluate numbers in the context of planning. It may be reiterated that the Party in opposition has stated that she is not a lawyer or a planner.

Consequently, the uncontroverted evidence from the expert witness, Mr Ryuck remained unchallenged by the opposition. His evidence about the variances was detailed, methodical and thorough in comparison to the evidence of the opposition which concentrated on personal inconvenience, or making statements about change in the community, without any independent information that can be tested for evidence. Policies from the Neighbourhoods section were identified, applied and explored to my satisfaction by the Appellants, resulting in my concurring with Mr. Ryuck that the proposal was consistent with the objectives of the Official Plan. Mr. Ryuck explained how the proposal met the performance standards for various kinds of variances under both Zoning By-laws 569-2013 and 8978, demonstrating that the variances upheld the philosophy of the By-laws, and were consistent with the objectives. The evidence of the expert witness, Mr. Ryuck, is also preferred with respect to the two tests of being minor, and appropriate development. The variances would not result in a building size, or shape, whose impact is not already visible, or evident, in the immediate neighbourhood. On the basis of my analysis of the evidence presented by the Parties and Participants, I conclude that it would be appropriate to approve the variances requested on each of the severed lots.

Given the above conclusions, the Appeal respecting 144 Westbourne is granted in its entirety, which means that both the consent to sever, and the requested variances for the two planned dwellings, are approved. The recommendation about conditions to be imposed from the Appellants, is accepted- the standard conditions governing consents, as stated in the TLAB's Practice Direction 1, are imposed, in addition to a unique condition about fees to be paid given the project's location in an area deemed to be Parkland by the City of Toronto- this was suggested by the Appellants themselves. The standard condition requiring substantial accordance with the submitted plans and elevations, is imposed on the severances.

DECISION AND ORDER

1. The Appeal respecting 144 Westbourne Ave, is allowed in its entirety, and the Decision of the COA dated 21 June, 2018, is set aside.
2. The Consent to Sever the property, and the variances requested for the houses on both lots, as recited in Attachment 1, attached to this Decision are approved. :
3. No other variance, other than stated explicitly above, is considered to be approved.

Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA
TLAB Case File Number: 18 188072 S45 35 TLAB, 18 188073 S45 35 TLAB,
18 188074 S53 35 TLAB

4. The consent to sever the property, and the variances requested for the two houses, each of which will be developed on one of the severed sites, is subject to the conditions, as described in Attachment 2, attached to this Decision.

So orders the Toronto Local Appeal Body

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

ATTACHMENT 1– 144 WESTBOURNE AVENUE

THE CONSENT REQUESTED:

Proposal to sever the land into two lots for single-family detached houses.

The proposed lots are shown on the attached Lot Division Plan. Each proposed lot would have a frontage of 7.62 m on Westbourne Avenue and a lot area of approximately 245 m². The drawings of the Plan of Division are appended to this Decision- the Plans are prepared by Vladimir Dosen Planning, and are date stamped April 19, 2017.

Variances for each of the severed Plots Parts A and B

By-law No. 569-2013:

- 1) The proposed lot frontage is 7.62 m Whereas the minimum required lot frontage is 12 m
- 2) The proposed lot area is 245 m² Whereas the minimum required lot area is 371 m²
- 3) The proposed lot coverage is 42% (101 m²) Whereas the maximum permitted lot coverage is 33% (80.9 m²)
- 4) The proposed building height is 8.2 m Whereas the maximum permitted building height for a detached house with a flat or shallow roof is 7.2 m
- 5) The proposed building setbacks for the proposed south lot are: 0.74 m from the north lot line; and 0.63 m from the south lot line Whereas the minimum required building setback from a side lot line is 0.90m
- 6) The proposed building setbacks for the proposed north lot are: 0.61 m from the north lot line; and 0.78 m from the south lot line Whereas the minimum required building setback from a side lot line is 0.90m

By-law No. 8978:

- 7) The proposed lot frontage is 7.62 m Whereas the minimum required lot frontage is 12 m
- 8) The proposed lot area is 245 m² Whereas the minimum required lot area is 371 m²
- 9) The proposed number of storeys excluding basements is 3 storeys
Whereas the maximum permitted number of storeys excluding basements is 2 storeys
- 10) The proposed parking space width is 3.25 m Whereas the minimum required parking space width is 3.3 m

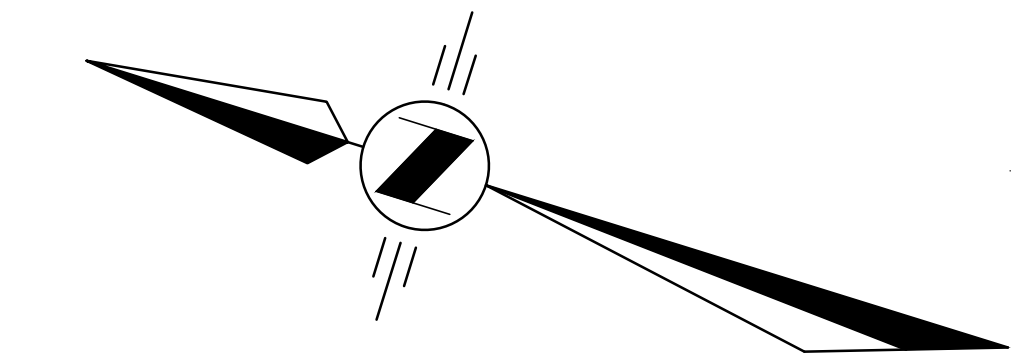
ATTACHMENT 2- CONDITIONS OF APPROVAL ON SEVERANCE AND VARIANCES AT 144 WESTBOURNE

Schedule A: Standard Consent Conditions

- (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.
- (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.

CONDITIONS IMPOSED ON THE VARIANCES:

- 1) For sites less than 1 hectare in size, the parkland dedication requirement shall not exceed 10% of the development site, net of any conveyances for public road purposes. The minimum payable is not be less than 5%.
- 2) The buildings need to be built in substantial conformity with the Plans and Elevations prepared by Danilo Marasgan, and date stamped "2017-12-04".



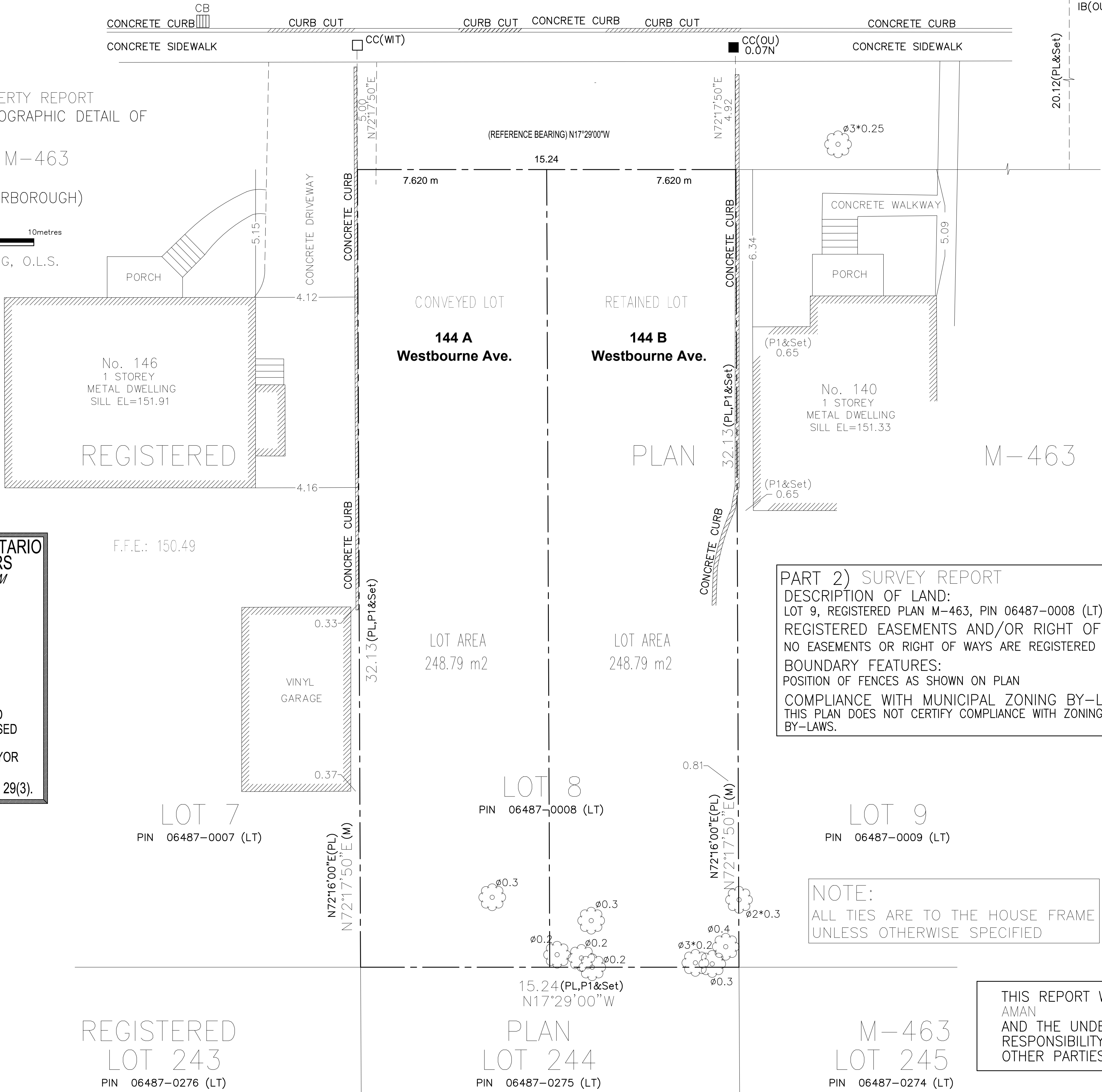
WESTBOURNE AVENUE
(BY REGISTERED PLAN M-463)

APPROXIMATE CENTRE LINE OF PAVEMENT
PIN 06487-0437 (LT)

REGISTERED R-PLAN

SURVEYOR'S REAL PROPERTY REPORT
PART 1) PLAN AND TOPOGRAPHIC DETAIL OF
LOT 8
REGISTERED PLAN M-463
CITY OF TORONTO
(FORMERLY CITY OF SCARBOROUGH)
SCALE 1:200
VLADIMIR DOSEN SURVEYING, O.L.S.

2m 0 2 10metres



PART 2) SURVEY REPORT
DESCRIPTION OF LAND:
LOT 9, REGISTERED PLAN M-463, PIN 06487-0008 (LT)
REGISTERED EASEMENTS AND/OR RIGHT OF WAYS:
NO EASEMENTS OR RIGHT OF WAYS ARE REGISTERED
BOUNDARY FEATURES:
POSITION OF FENCES AS SHOWN ON PLAN
COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS:
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS.

NOTE:
ALL TIES ARE TO THE HOUSE FRAME
UNLESS OTHERWISE SPECIFIED

BENCHMARK NOTE:
ELEVATIONS ARE LOCAL

THIS REPORT WAS PREPARED FOR
AMAN
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY
OTHER PARTIES.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF VLADIMIR DOSEN, O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 11th DAY OF APRIL, 2017

APRIL 19th, 2017

DATE
VLADIMIR DOSEN, B.Sc.
ONTARIO LAND SURVEYOR

NOTES AND LEGEND

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- IB DENOTES STANDARD IRON BAR
- CC DENOTES IRON BAR
- WIT DENOTES CUT CROSS
- OU DENOTES WITNESS
- BF DENOTES ORIGIN UNKNOWN
- CLF DENOTES BOARD FENCE
- WIF DENOTES CHAIN LINK FENCE
- WF DENOTES WIRE FENCE
- M DENOTES MEASURED
- Ø DENOTES DIAMETER
- P1 DENOTES REGISTERED PLAN M-463
- P1 DENOTES PLAN BY A.E. REUBEN, O.L.S.
- CB DATED AUGUST 9th, 1972
- Ø DENOTES CATCH BASIN
- Ø DENOTES DECIDUOUS TREE

BEARING NOTE:
BEARINGS ARE ASTROMOMIC AND ARE
DERIVED FROM THE WESTERLY
LIMIT OF WESTBOURNE AVENUE
AS SHOWN ON REGISTERED PLAN M-463
HAVING A BEARING OF N17°29'00"W

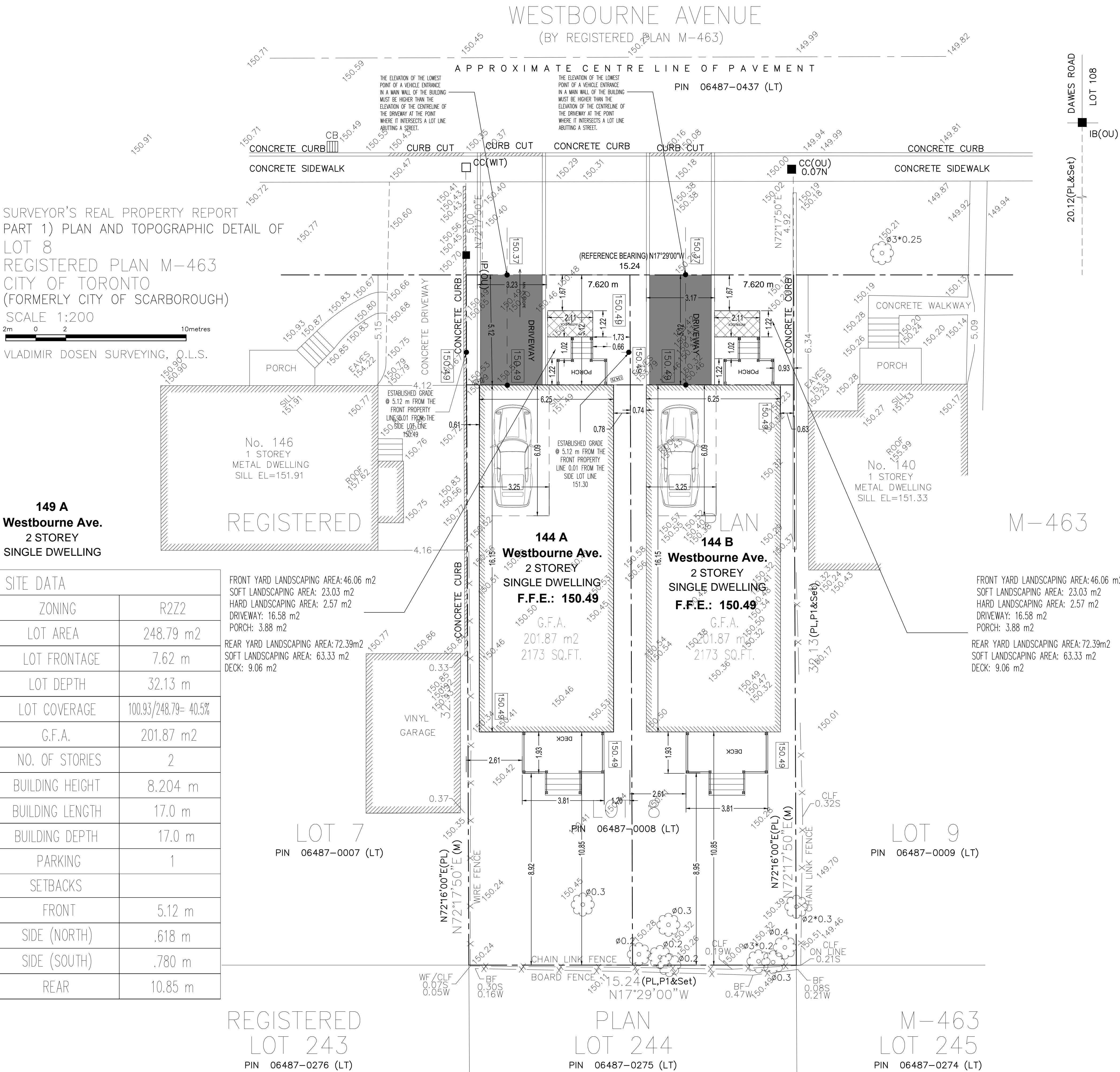
VLADIMIR DOSEN SURVEYING
ONTARIO LAND SURVEYORS

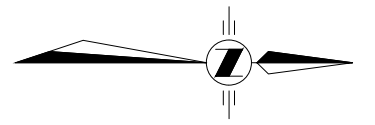
555 DAVISVILLE AVENUE
TORONTO, ONTARIO M4S 1J2
PHONE: (416) 466-0440 EMAIL: vldosen@rogers.com

FIELD: RUBAN CAD FILE: 144 WESTBOURNE AVE.

DRAWN BY: EGON FILE: 10-097

CHECKED BY: VD JOB No: 17106

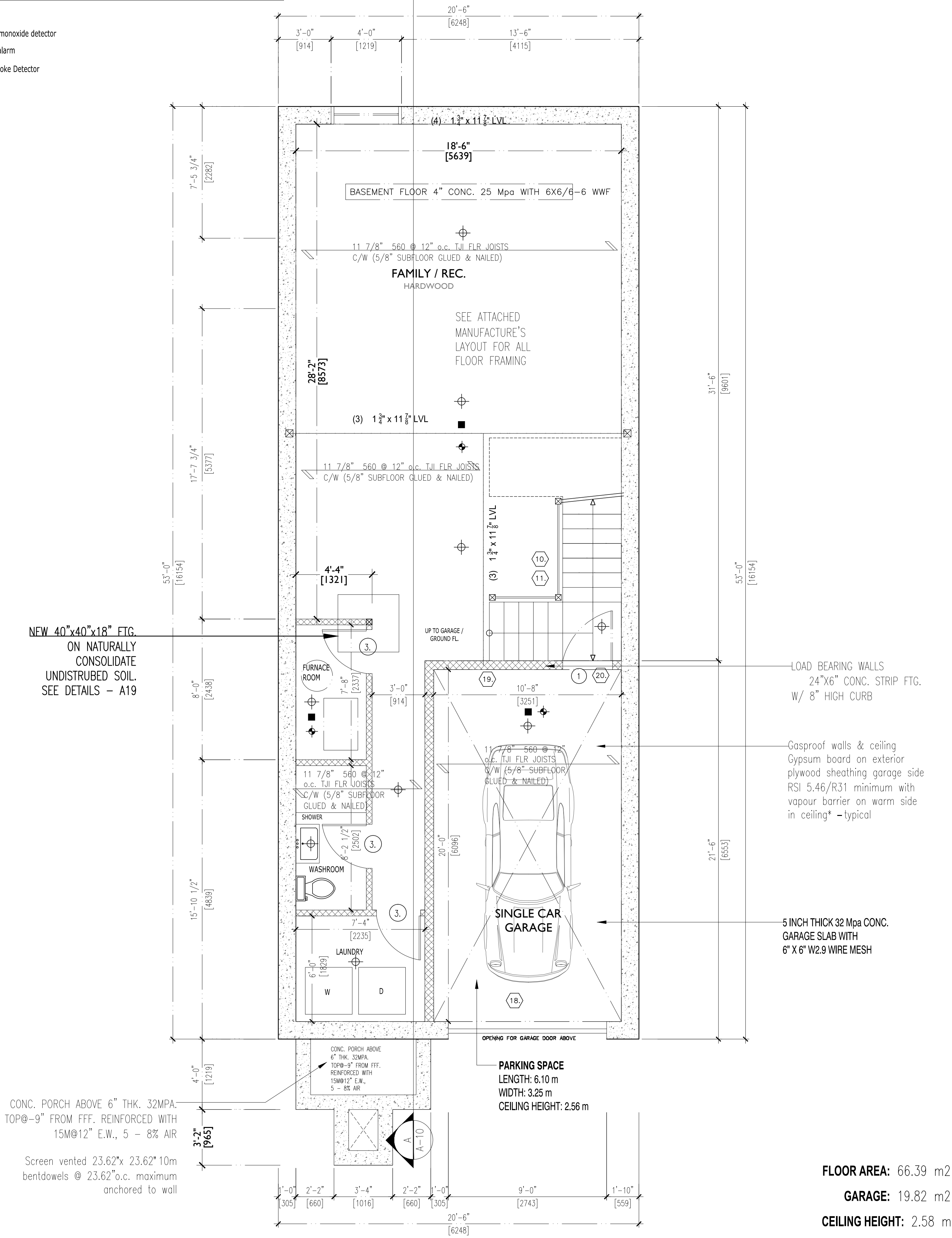




Comments
1. Conform to 2012 Ontario Building Code (OBC) Ont. Reg. 332/12 & Amendments
2. Refer to attachments
3. Review for one single family dwelling only
4. Comply with 9.14.6.1.[B]OBC for surface drainage
Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
See attached Energy Efficiency Design Summary

Legend:
Carbon monoxide detector
Smoke alarm
Duct Smoke Detector
Lighting

A second suite is not permitted



1 BASEMENT LAYOUT

101 SCALE: 1:50

FLOOR AREA: 66.39 m2
GARAGE: 19.82 m2
CEILING HEIGHT: 2.58 m



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Danilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale: 1:50

Date: APRIL 06 2018

Project:

144 A & B WESTBOURNE AVENUE, TORONTO

Sheet Title:

BASEMENT FLOOR PLAN

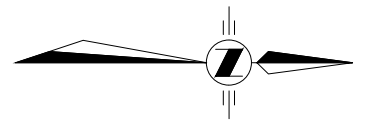
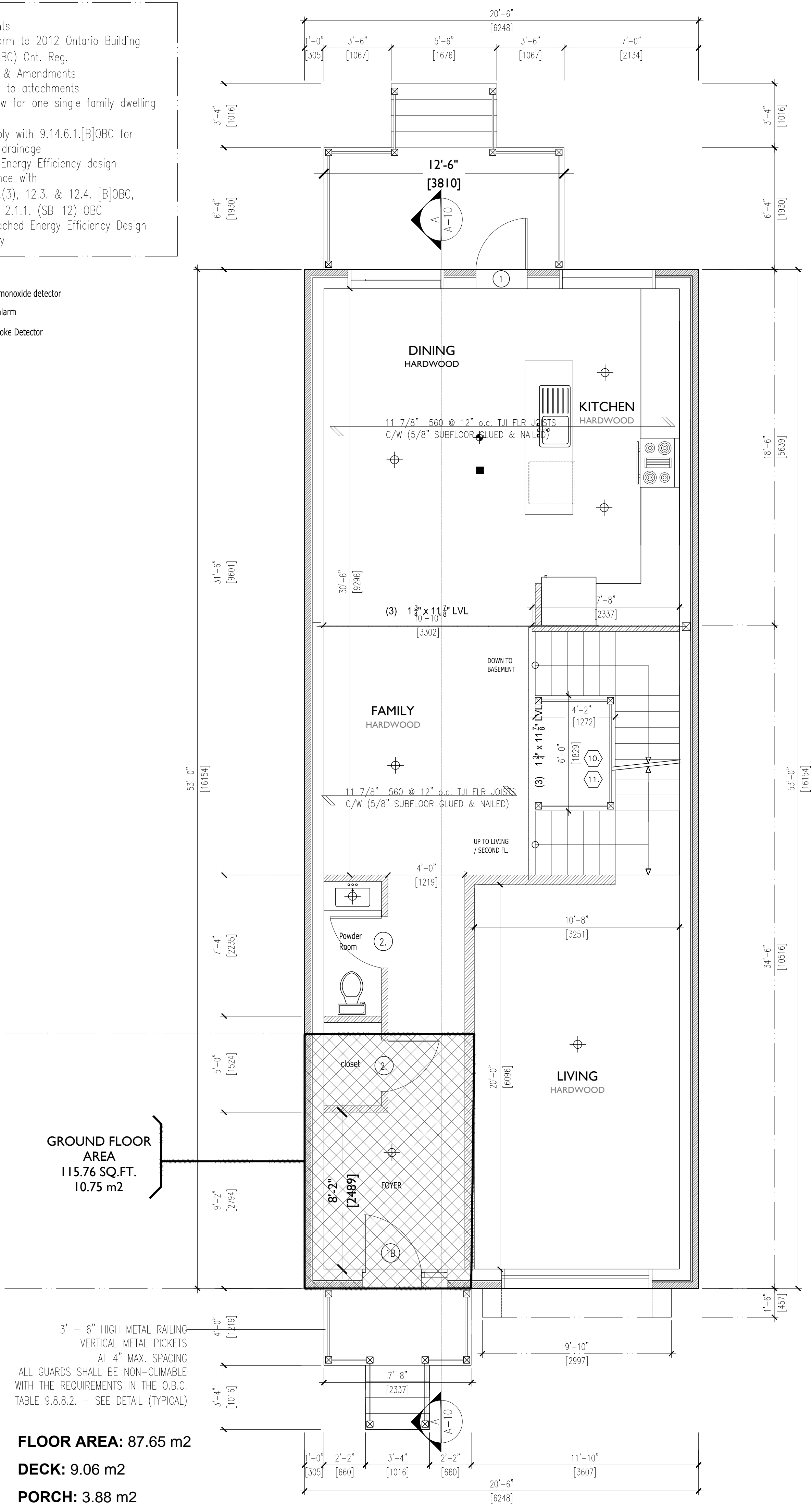
DWG. NO.

A1

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

Comments
1. Conform to 2012 Ontario Building Code (OBC) Ont. Reg. 332/12 & Amendments
2. Refer to attachments
3. Review for one single family dwelling only
4. Comply with 9.14.6.1.[B]OBC for surface drainage
Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
See attached Energy Efficiency Design Summary

- Legend:
- Carbon monoxide detector
 - Smoke alarm
 - Duct Smoke Detector
 - Lighting



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Danilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale: 1:50

Date: APRIL 06 2018

Project: 144 A & B WESTBOURNE AVENUE, TORONTO

Sheet Title: GROUND FLOOR PLAN

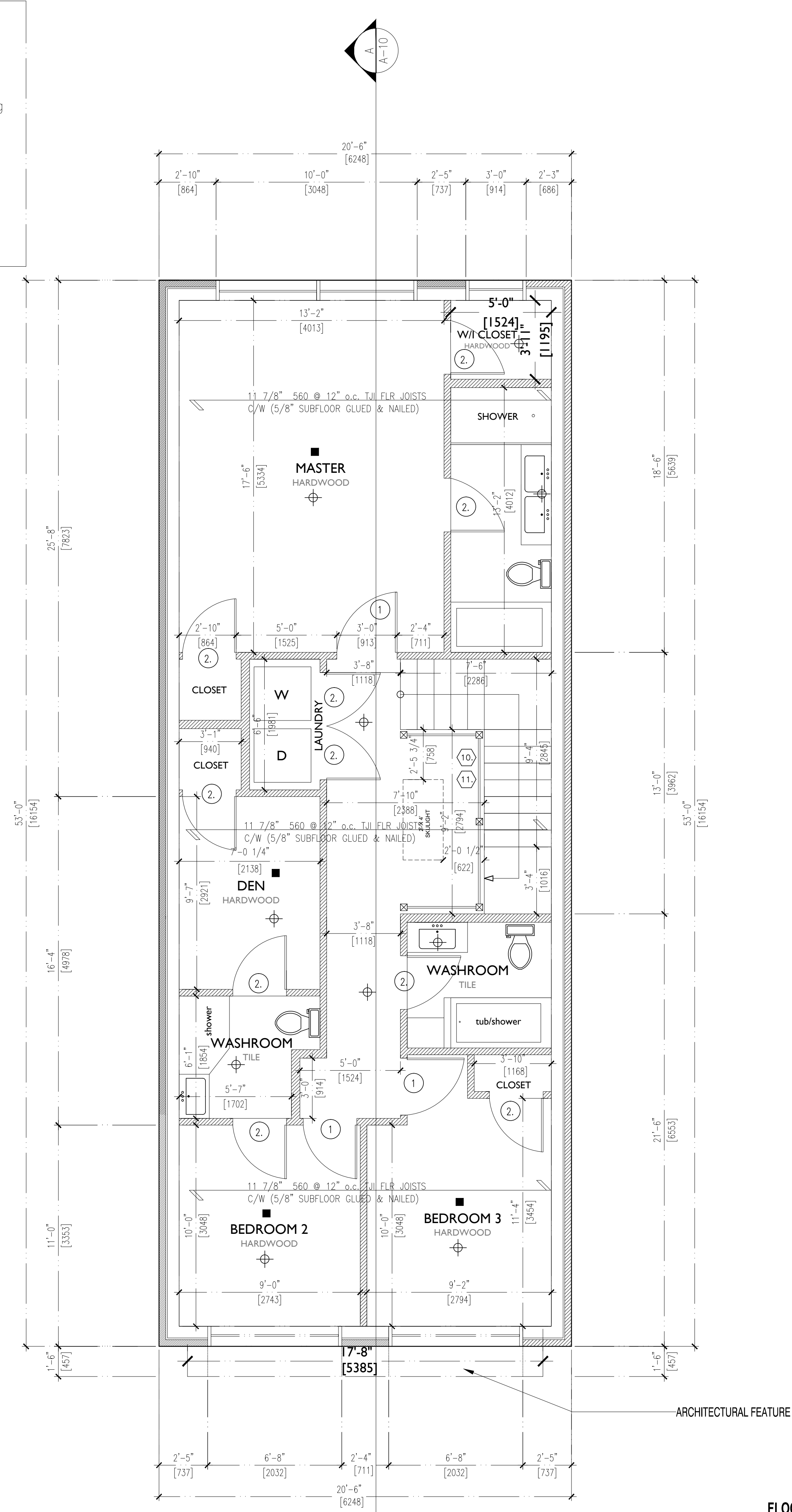
Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A2

Comments
1. Conform to 2012 Ontario Building Code (OBC) Ont. Reg. 332/12 & Amendments
2. Refer to attachments
3. Review for one single family dwelling only
4. Comply with 9.14.6.1.[B]OBC for surface drainage
Provide Energy Efficiency design compliance with 12.2.1.1.(3), 12.3. & 12.4. [B]OBC, 1.1.1.2., 2.1.1. (SB-12) OBC
See attached Energy Efficiency Design Summary

- Legend:
- Carbon monoxide detector
 - Smoke alarm
 - Duct Smoke Detector
 - Lighting



FLOOR AREA: 87.65 m2
CEILING HEIGHT: 2.58 m

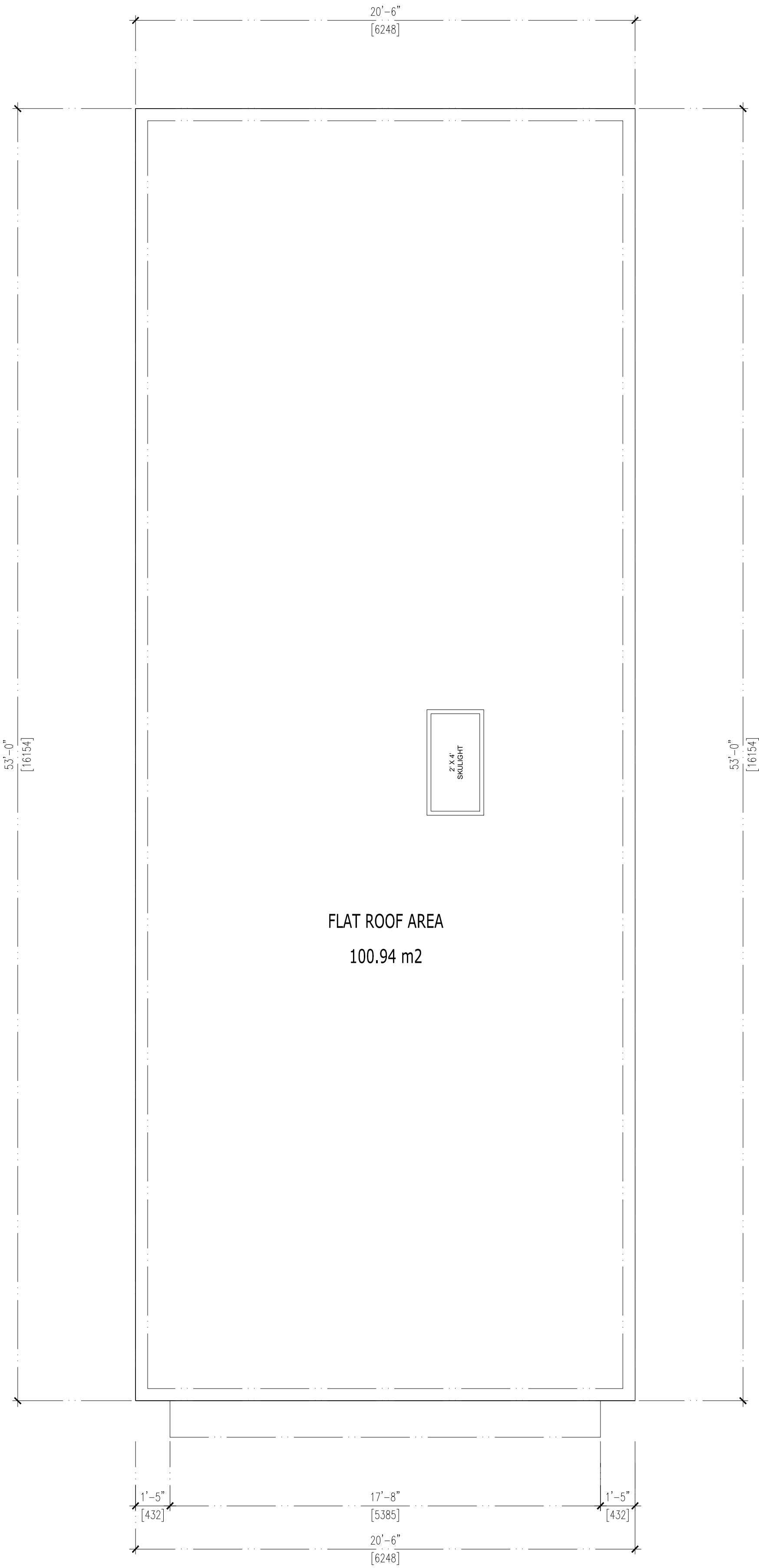
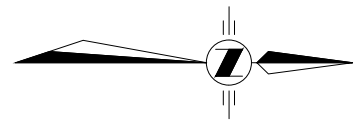


The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer
Danilo Marasigan
Name :
BCIN : 22377
Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale:	1:50	Date:	APRIL 06 2018
Project:	144 A & B WESTBOURNE AVENUE, TORONTO		
Sheet Title:	SECOND FLOOR PLAN		
		Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.	

DWG. NO.

A3



2 ROOF LAYOUT
102 SCALE: 1:50



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

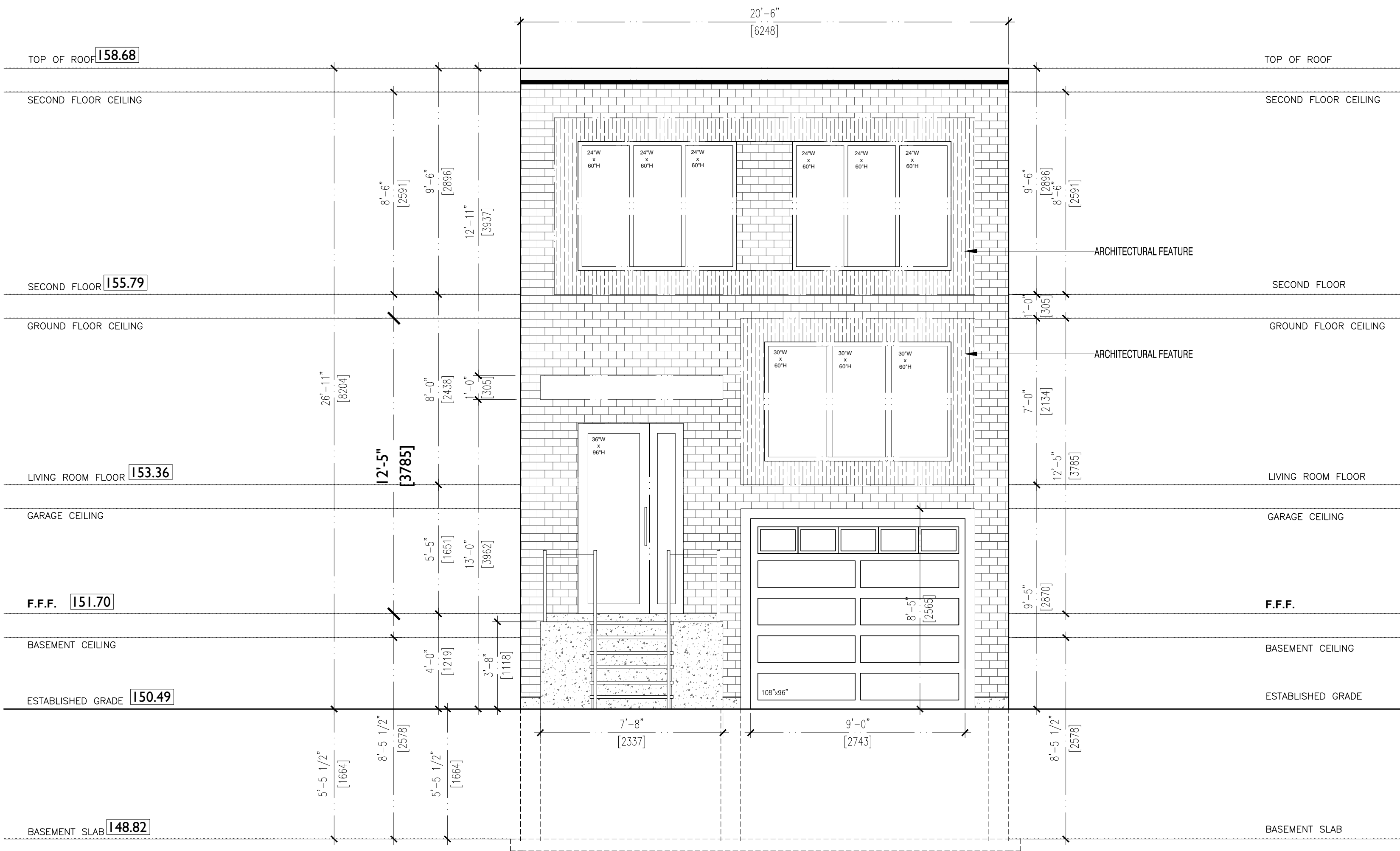
Danilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale: 1:50		Date: APRIL 06 2018	
Project:		144 A & B WESTBOURNE AVENUE, TORONTO	
Sheet Title:		ROOF PLAN	
		Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.	

DWG. NO.

A4



1 FRONT ELEVATION
103 SCALE: 1:50



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Danilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale: 1:50

Date: APRIL 06 2018

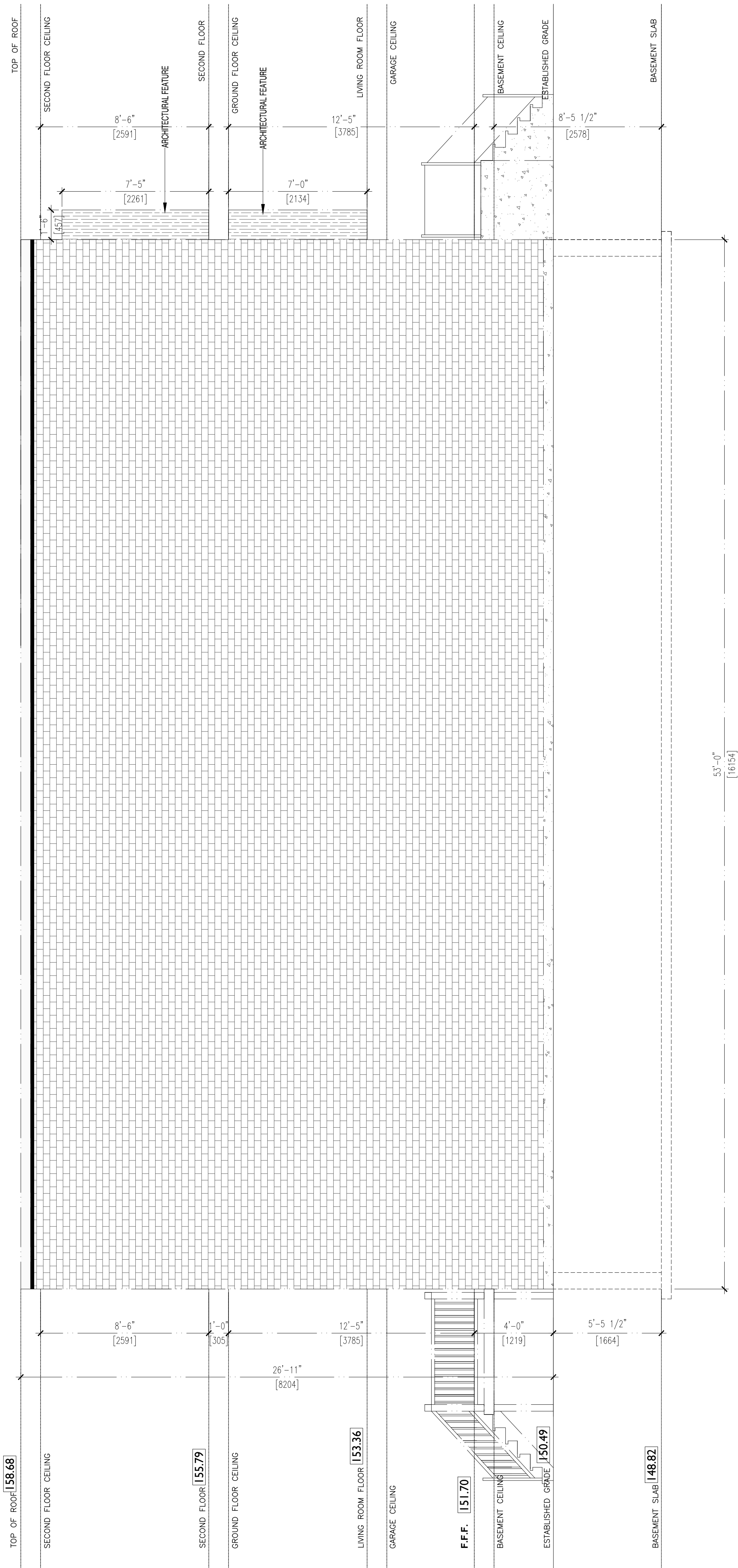
Project: 144 A & B WESTBOURNE AVENUE, TORONTO

Sheet Title: FRONT ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A5



2 SIDE ELEVATION
103 SCALE: 1:50



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Donilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale: 1:50 Date: APRIL 06 2018

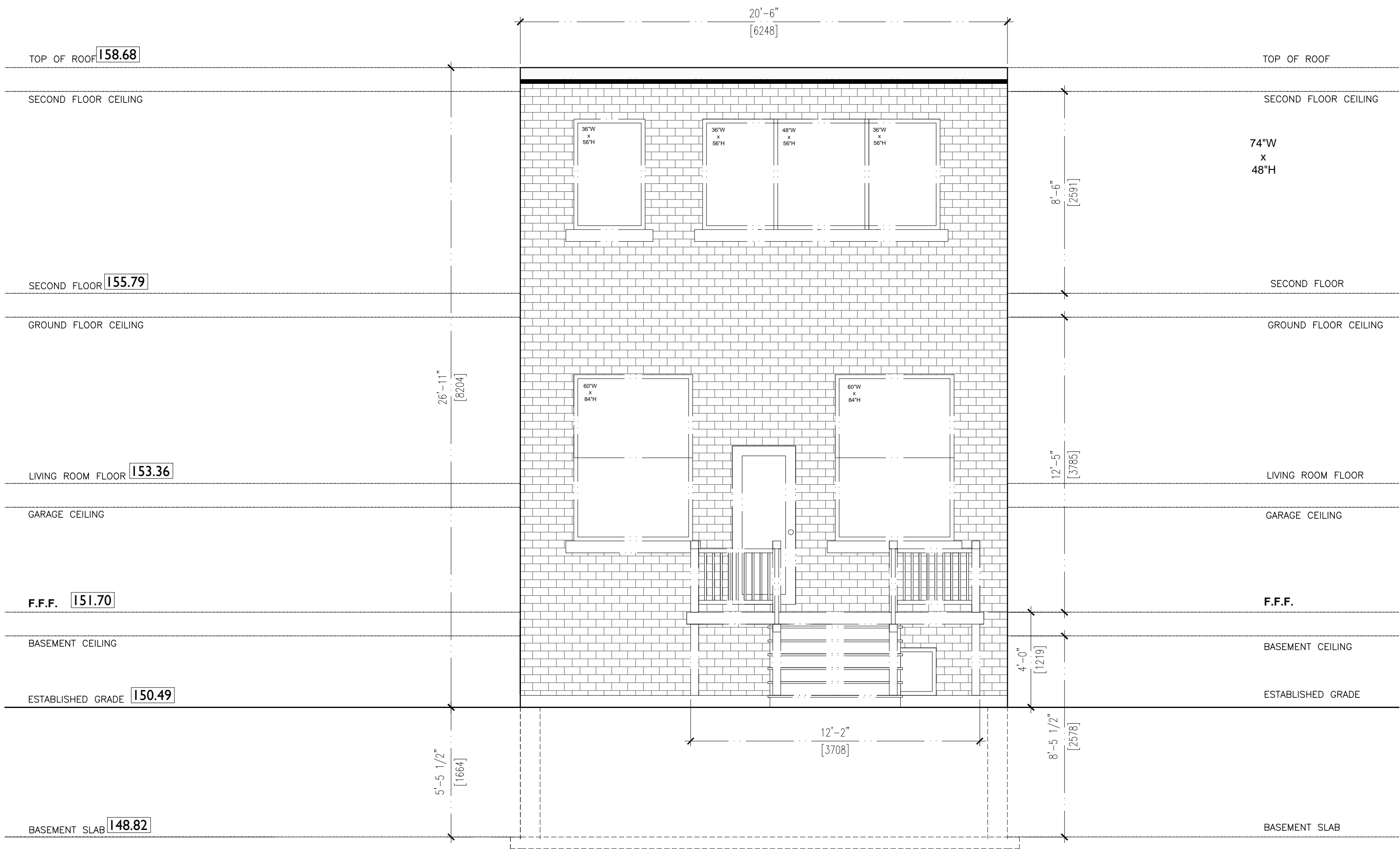
Project: 144 A & B WESTBOURNE AVENUE, TORONTO

Sheet Title: SIDE ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A6



3 REAR ELEVATION
104 SCALE: 1:50



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Danilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale:

1:50

Date:

APRIL 06 2018

Project:

144 A & B WESTBOURNE AVENUE, TORONTO

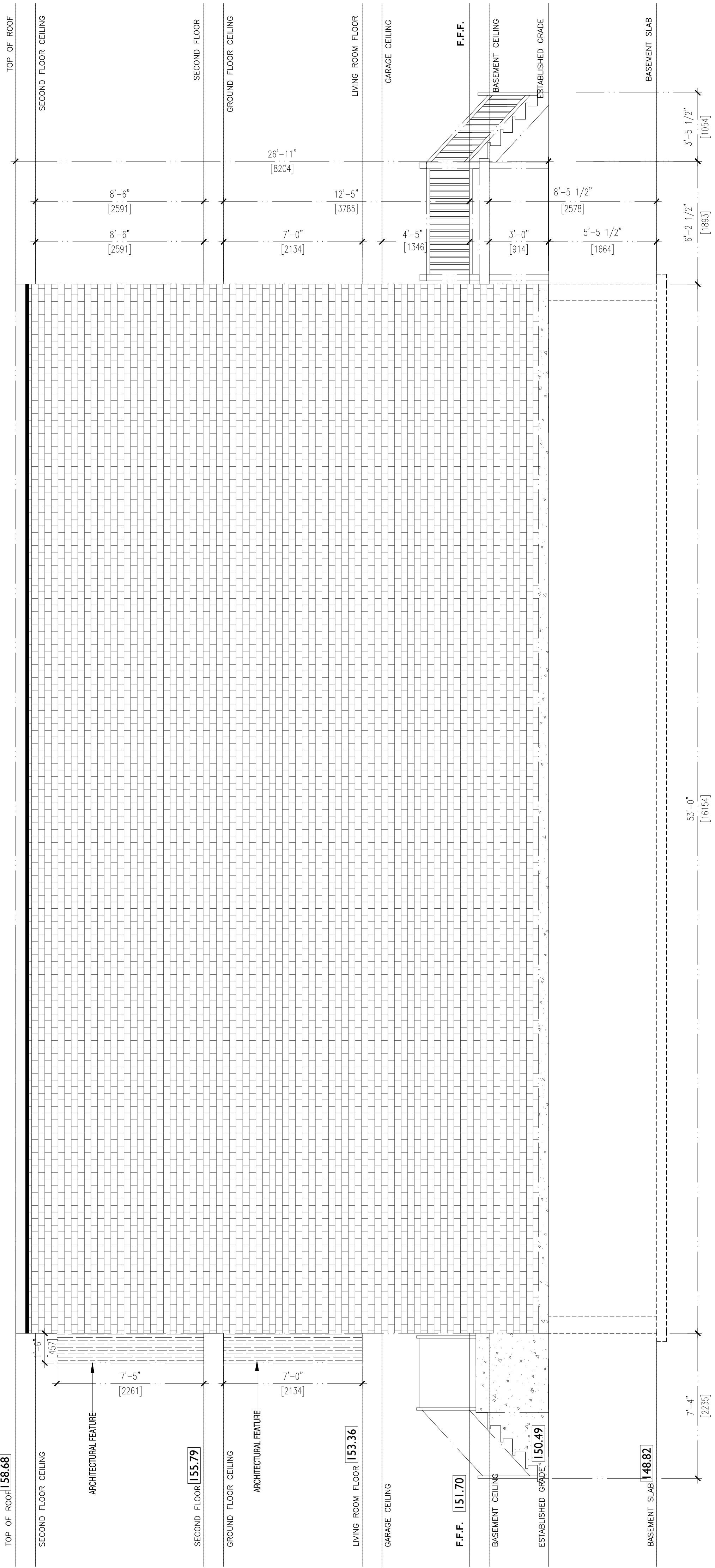
Sheet Title:

REAR ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A7



4 SIDE ELEVATION
104 SCALE: 1:50



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Donilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale: 1:50 Date: APRIL 06 2018

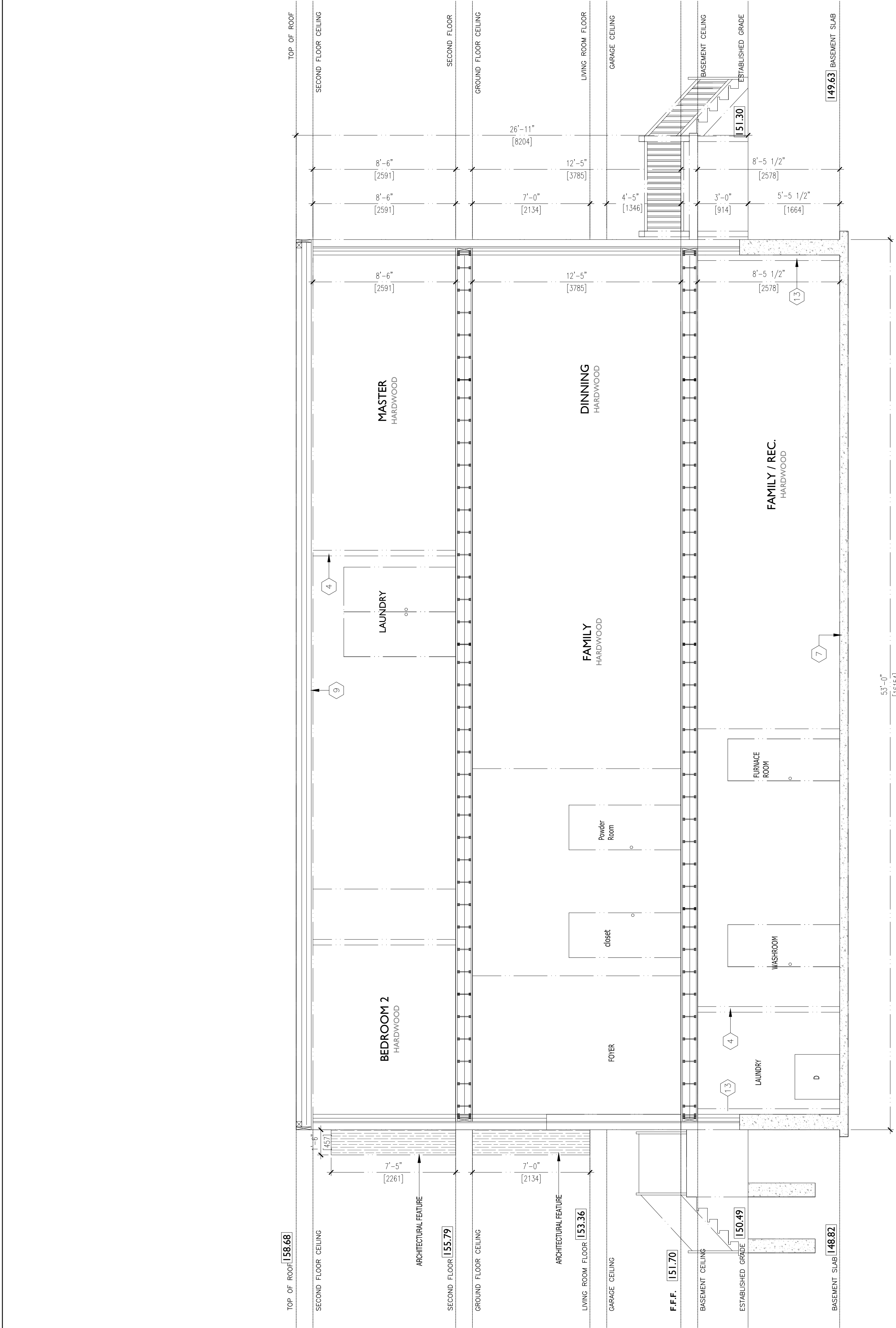
Project: 144 A & B WESTBOURNE AVENUE, TORONTO

Sheet Title: SIDE ELEVATION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A8



A-A BUILDING CROSS SECTION
105 SCALE: 1:50



The Undersigned has reviewed and takes responsibility for this design, and has the qualification and meets the requirements set out in the Ontario Building Code to be a designer

Danilo Marasigan
Name :
BCIN : 22377

Required unless design is exempt under Division C - 3.2.5.1. of the 2006 Ontario Building Code
Firm Name:

Scale: 1:50 Date: APRIL 06 2018

Project: 144 A & B WESTBOURNE AVENUE, TORONTO

Sheet Title: CROSS SECTION

Contractors Must Verify All Dimensions on The Job and Report Any Discrepancy to The Designer Before Proceeding The Work. Drawings are Not To Be Scaled.

DWG. NO.

A9