

DECISION AND ORDER

Decision Issue Date Tuesday, July 23, 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): JAMES GILLIS

Applicant: JANICE ROBINSON

Property Address/Description: 103 HEATH ST E

Committee of Adjustment Case File Number: 17 210209 STE 27 MV

TLAB Case File Number: **18 226669 S45 27 TLAB**

Hearing date: Thursday, January 24, 2019

DECISION DELIVERED BY Ian James LORD

APPEARANCES

| Name | Role | Representative |
|--------------------|-----------------|-----------------|
| Janice Robinson | Applicant | |
| James Gillis | Owner/Appellant | I. Andres |
| Gayle Farnes | Party | |
| Marsha Charney | Party | |
| Robert Spindler | Party | William Roberts |
| Mardi Hall | Party | |
| Terry Mills | Expert Witness | |
| Janice Robinson | Expert Witness | |
| Monika Geisweiller | Participant | |

| Name | Role | Representative |
|-----------------------|-------------|----------------|
| Theresa Harvie | Participant | |
| Clarence Robert Tyson | Participant | |
| Shari Vineberg | Participant | |
| Angela Kirk | Participant | |
| Gail Florance | Participant | |
| Charles Hodgkinson | Participant | |
| Frederic Geisweiller | Participant | |
| Arthur Condliffe | Participant | |
| Jeremy Gawen | Participant | |

INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (TLAB) from a decision of the Toronto and East York Panel of the City of Toronto (City) Committee of Adjustment (COA) refusing minor variances. The variances were sought to permit the alteration of an existing two-storey duplex by converting the attic into habitable space and constructing third storey dormers (Application). Two of the four variances sought, building length and a 'zero' south lot line setback for a portion of the building, were said to be for the recognition and maintenance of an existing condition.

The Application, as initiated, sought additional relief. However, as a result of discussion, intended mediation, a councillors' comment, By-law 569-2013 coming into force and the owner consideration, the Applicant/Appellant unilaterally made revisions, as follows:

- a. Eliminating an east side second storey balcony, converting same to a 'Juliet' style with railing and no external platform;
- b. Revising the extent and design of the south facing third floor dormer to ensure it did not extend to the existing roof line and contained no openings;
- c. Eliminating a third storey deck.

As a result of the modifications a revised set of plans were the subject of an Examiners Notice dated September 20, 2018. This included the identification of a revised variance to building length. The original request sought to recognize and maintain the existing building at a length of 19.51 m; however, the revised number suggested this measure should be changed to 21.5 m.

I was asked to permit this revision pursuant to section 45 (18.1.1) of the Planning Act, as minor and simply reflective of an existing building condition. The only physical external changes proposed to the dwelling at 103 Heath Street East (subject property) are the proposed dormer extensions, being projections south and west from the existing roof line. The revision is appropriate without further notice as building length was addressed, and no suggestion was made that its consideration was in any way compromised.

As revised, the requested variances required by the Application are set out in **Attachment A** hereto. The plans upon which the Application is premised are dated October 29, 2018 and are attached to the witness statement of Janice Robinson, Exhibit 1, and reproduced as **Attachment B** hereto.

Variances that were before the COA and related to zoning by-law 438-86 were abandoned as no longer being required or enforced by the City Buildings Department.

I indicated I had performed a site visit as mandated by Council and had reviewed much of the pre-filed materials; however, for material to be considered evidence it needed to be referenced by a witness for proof and testing.

The Applicant/Appellant was present represented by counsel, with Mr. Andres substituting for Mr. Bronskill, and by Ms. Janice Robinson, whom I recognized as qualified to give professional opinion evidence as a Registered Professional Planner, on land use planning matters.

The neighbour at 99 Heath Street East was present, Robert Spindler, represented by counsel, Mr. William Roberts, and by Mr. Terry Mills, whom I also recognized as qualified to give professional opinion evidence on land use planning matters.

A number of other Parties were present; four were listed to give evidence: Gayle Farnes; Marsha Charney; Mardi Hall and Robert Spindler. These individuals were not reached on the first day of the Hearing, January 24, 2019. However, each spoke and participated as Parties on the reconvened date of July 16, 2019. In addition, Mr. Clarence Tyson addressed the TLAB and Ms. Hall called Steven Blaney, whom I qualified as a consulting engineer and expert in the Ontario Building Code.

Finally, Jeremy Gawen, Participant, spoke on behalf of the Moore Park Residents Association, an incorporated entity.

The evidence of each of these witnesses is reviewed briefly, below.

BACKGROUND

The subject property is located north of St Clair Avenue, west of Mount Pleasant Road in the prestigious 'Moore Park' area of the City. There were certain common

descriptive elements to the neighbourhood and the subject property that are worthy of note:

- a). the subject property is located in a somewhat isolated enclave adjacent the Avoca Ravine with limited street accessibility due to traffic calming measures isolating access and through movements from Mount Pleasant Road;
- b). the subject property is located at the south west confluence of three streets: Heath Street East, Heath Crescent and Rose Park Crescent; Heath Crescent terminates at the ravine and provides frontage for some 6-8 residential buildings northerly and westerly of the subject property;
- c). substantial 'executive' quality housing is characteristic of a mature neighbourhood of 1-3 storey residences consisting of detached single, duplex and triplex residential uses;
- d). the subject property and its immediate neighbours to the west and south were described as legal non-conforming duplexes;
- e). the subject property is amongst the largest of the dwellings in the immediate neighbourhood: it fills the majority of its lot and has no ravine component; it was said to have been constructed in the 1920's and, apart from façade treatment, has remained in essentially the same built form footprint, to date;
- f). the presence of 'dormers' of differing description, style, size, location and functional design attributes is a common feature in the immediate neighbourhood.
- g). nothing turned on the areal extent of the definition of the neighbourhood.

MATTERS IN ISSUE

Resident and neighbourhood objection to the Application, even as it had evolved, centred principally on the scale of the building, the requested recognition of the additional floor space index (from 0.6 x lot area to 1.36 x), and the proposed addition of 3 large 'dormers', up to some 4 m in length, effectively opening up and extending third story 'attic' space under the existing roof. The 'existing roof' was said to be of recent origin. On the evidence of Mr. Blaney, it is the resultant product of a Building Permit applied for and issued in 2016.

A concern of Ms. Hall was the intended recognition of roof eaves at a 0.0 m setback from the south lot line as this was said to be accompanied by the existing eaves troughs overhanging and encroaching on her property to the south, at 6 Rose Park Crescent.

No substantive issue was taken with the recognition of the building length although dissatisfaction with its measurement by the Plans Examiner was expressed by Ms. Hall if it sought to recognize and add patio space to the east limit of the dwelling.

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 for the Greater Golden Horseshoe for the subject area ('Growth Plan').

Minor Variance – S. 45(1)

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

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

Section 45(2)

Upon Appeal, the TLAB, upon any such application where any land, building or structure, on the day the pertinent by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit:

Legal Non-Conforming Use And Other Relief Applications– S. 45(2)(a)

i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; ...

I have included this latter jurisdiction under Section 45 (2) (a) of the *Planning Act* not because it was specifically referenced or the subject matter of the appeal, but for the purpose of recognizing and considering the legislative acknowledgement that uses, such as that presented in the form of a duplex as legal non-conforming, are not fixed in nature and scale for all time.

EVIDENCE

Ms. Robinson was called on behalf of the Applicant/Appellant and addressed the above policy and statutory tests applicable to the Application and plans in **Attachment's A and B**.

Building on the above consensual facts, she emphasized that the only physical expansion proposed to the subject property are the three 'dormers', themselves contributing only 15.2 square metres of additional floor space. She advised of a 2016 building permit obtained to finish the existing attic space of 87.7 square metres on the third floor. She noted that the zoning by law allowed an 11m height limit with which the building and plans complied and did not regulate the number of storeys.

Her evidence largely preceded on the assumption that the only true additional space being recognized by the floor space index (fsi) sought to be approved (1.36 x), was that notionally ascribed to the three dormer additions, two (2) to the west, one (1) to the south, totaling approximately 15.2 square metres.

In noting that there were no physical expansions at grade, she opined that the incremental increase in floor area visible to the public "is very small". She acknowledged that the existing building is one of the largest in the neighbourhood and the fsi variance would further exacerbate this measure of that reality; however, its derivative was primarily in the construction of the building, which predated zoning and whose external dimensions have remained unaltered.

She advised that the Examiner's notes identified the third floor space as 'attic'; the intention is to provide heated flooring, fire retardant access and enhanced bedroom space/washroom space, in the proposed dormers. The third floor space is ancillary to the duplex unit comprising the second floor and space above.

Ms. Robinson reviewed provincial policy, the Official Plan, zoning by-law and tests of whether the variances are minor and desirable. It was her thesis that, with the mediation session, plans evolution and the revisions resulting in **Attachment A and B**, the requests were not unusual in the use of attic space. Further, they are in keeping with the neighbourhood, based on multiple photographs of dormer additions on third storeys, in close proximity.

In examining each variance to the criteria of section 4.1.5 of the Official Plan for neighbourhood compatibility, she noted none of the proposed dormers faced a street or streetscape and their small change to mass and scale, although incremental, would not be a material change to the structure. She felt the recognition of existing conditions and the presence of dormers throughout the neighbourhood were an integrating element of physical character that was being maintained, reinforced, respected and implemented in a compatible manner.

She explained that the Plans Examiner considered the west wall a side wall and that this was the rationale for the variance to recognize the dormer wall height. Otherwise, all side, front and rear walls comply with the wall height.

In summary, she was of the opinion that: the magnitude of the dormers were a small increase; that they demonstrated the owners commitment to the investment in regenerating the dwelling and that that is desirable; and that the variances were without any offsite impact and were compatible to the streetscape. She felt the westerly 11.5 m separation distance across abutting driveways from the westerly dormer additions mitigated impact. She said that to the extent overlook was increased, mutual overlook with 99 Heath Crescent is already an existing condition and can be expected in a closely knit urban condition.

She noted no City Staff comments and recommended approval of the variances sought as being consistent with good community planning.

In cross examination she again acknowledged that the subject property was one of the largest existing in the neighbourhood. She did not know but doubted whether the building permit, showing the existing third floor as 'finished attic space' and 'accessory', as a label, would have any effect on the interpretation of its role in fsi calculation.

The only other party to ask questions of Ms. Robinson was Ms. Mardi Hall, owner of the adjacent property to the south. Ms. Hall made extensive reference to pre-filings, building permit history and a pattern of construction activity, including in 2016.

In response to questions by Ms. Hall, the planner expressed the belief that the eaves variance is to recognize an existing historical condition that was not changing but she stated that nothing in that variance would permit, authorize or recognize any encroachment on the property to the south. Ms. Robinson acknowledged the existence of a new survey showing the encroachment of eave troughs onto the Hall property. She would not agree the property is a triplex and reiterated that the 'volume' of the subject property has been constant since the 1920's.

Mr. Mills was called by the Party resident to the west, through Mr. Roberts. He too built on the above areas of agreement and provided a fuller historical backdrop to the build-out of the neighbourhood. He expanded on the immediate context of the Spindler property, noting that the adjacent carport had been converted to the amenity space for 99 Heath Crescent. He noted that the proposed westerly facing dormers

would overlook this driveway space and would present to Heath Crescent a roof line and prominent view that would change the appearance of the streetscape.

Mr. Mills took particular issue with the two westerly dormers suggesting that their 4 m 'shed' design, duplicated on the west wall, were not proportional with the standard in zoning that required dormers to not occupy more than 40% of their main wall.

He said that as designed, these dormers would occupy 53% of the main wall and, as separated, create a greater impact in terms of appearance. He said that from the plans they were to provide floor space to be furnished as rooms. While he acknowledged dormers in the area are a part of its physical character, in his view their predominant purpose is to admit light and views but were not normally constructed as rooms or room additions in the scale proposed.

As a planner, he described the property 'as built' as an 'outlier', already excessive in scale. He felt the dormers had the effect of 'sticking' two half rooms outside of the building and their contribution to fsi was under-represented as the space between the attic, the 'knee walls' of the existing space and the dormers roof extension, was not fully counted.

He stated that, as accessory space, the attic would not be counted in fsi/gfa; despite this, his issue was with the addition of the dormers opining that they failed to respect and reinforce the streetscape, contrary to section 2.1.1. of the Official Plan, introducing instability by propelling scale and built form beyond anything in the neighbourhood.

Mr. Mills was of the view that the fsi departure failed to meet the test in section 3.1.2 as being harmonious and of limited impact. He said the dormers were in a prominent position and adversely impacted 99 Heath Crescent and the public realm of open space and the appearance of public and private spaces.

He said no justification had been provided for the increased density 'beyond the existing envelope'. His main area of concern was the requested increased gross floor area (fsi) and the 'protrusions' of the dormers creating an 'extraordinarily' large space – almost one-half of the floor space of an average house in the area. He found this to be 'very substantial' and not meeting the test of being minor. Moreover, its extension of unjustified adverse impacts on the neighbours made the variances undesirable warranting the appeal to be dismissed.

In cross examination by Mr. Andres, he acknowledged he had never been on the supporting side to a proposal, suggesting 'planning opinions are either on one side or the other'. He said the existing house repeated fails to meet the standards of the current by-law and although its presence is part of the existing context of the neighbourhood it is 'disproportionate', a "one-off", an anomaly, like a freak of weather." He suggested its presence is not part of the relevant tests: that the structure is unusual and the statistical measures and charts provided show it is of a distinctively different character.

He did acknowledge that there was nothing in the tests that direct a penalty for age of the structure or limit its consideration. He gave no weight to the ‘concessions’ the Applicant had made and said that they ‘should never have been made a part of the application’ and that it was ‘not a ‘concession’ to release the balconies’.

When asked directly as to whether the statute or relevant tests required an Applicant to justify a ‘hardship’ or ‘need’ for the request he initially demurred but ultimately suggested that the requests require demonstration of a ‘good purpose’. When asking for additional space, he said the Official Plan, section 5.6.1.3, required a planning justification to demonstrate why the additional space was needed – later to be refined ‘to explain what is being done and its purpose’.

He agreed that the additional space of the attic should be permitted but that space beyond the ‘knee walls’ “should never be permitted.”

At the outset of the second day, on July 16, 2019, Mr. Andres rose to object to the late filing and intended introduction by Ms. Hall of the witness, S. Blaney. Ms. Hall had filed correspondence from Mr. Blaney dated January 24, 2019, together with other associated documents being Building Permit plans, an Expert Witness Form and expert duty attestation Form, all on July 11, 2019.

Ms. Hall sought to justify the late filing based on the need to respond to Ms. Robinson’s description of floor space inclusions in fsi, Mr. Andres own late filings in September of 2018, and a June meeting with the prospective Witness. She indicated there was no new report from Mr. Blaney but that one was in preparation “for further litigation.” She said Mr. Blaney could provide direct evidence on building permits, plans, work not seen in the plans, additions to gross floor area and changes to the dwelling not disclosed and that was not properly put before the COA or the TLAB.

He was said to speak on gross floor area, including plans that still show a balcony, building code and fire regulation matters.

In an oral Ruling: first, I accepted that Mr. Blaney could be called and qualified (eventually accepted as a consulting engineer with Ontario Building Code expertise), but that evidence as to supposed building permit infractions would not be allowed as being potentially suitable for a different forum under the *Ontario Building Code Act*. Second, that his Report of January 24, 2019 would be excluded; the TLAB does not condone the late filing of expert reports clearly available months earlier, as constituting ‘trial by ambush’. Third, that the witness address his evidence to the variances sought with permissible reference to the Building Permit plans filed, being public documents referenced earlier in the Hearing.

With that matter resolved, Mr. Roberts called Robert Spindler his client and sole witness, owner of 94 Heath Street East. Mr. Spindler’s property, a centre-hall plan dwelling, has an excellent oblique view plane of the westerly façade of the subject property, subject to two intervening deciduous trees and the right-of-way across Heath Crescent. He said that he spoke for nine neighbours, many of whom are named as

Participants. Their names, filings and property locations were not specifically identified. As such, I am only able to weigh his evidence.

Mr. Spindler was very clear as to the nature of his objections:

- a) impact on streetscape;
- b) impact of personal privacy;
- c) implication perceptions for street parking.

He described the variances as enabling large dormers enhanced by the increased main wall height and large tall windows. He said the westerly facing two dormers would have a 'dramatic impact' at the curve of the street, which, being close to the street, did not have the benefit of significant setback or sidewalk separation.

He felt the dormers, though common throughout Moore Park, 'pushed all three dimensions', but could be suitable if redesigned, made more discrete and not a 'glass wall'. He felt the unusual mass, size and scale of the house would be accentuated by the dormers and be invasive to his front windows (living room; front bedroom).

In cross examination he acknowledged that his objection was to the further erosion of his privacy through the 'fishbowl' effect of the dormers and that, while common, the Application sought discretionary not as-of-right construction with the attendant right to object. He also suggested a direct correlation existed between the new space sought, the number of people occupying the subject property and the increase in associated vehicles.

He acknowledged that neither City Planning nor Transportation Staff had raised any servicing or traffic movement issues.

Marsha Charney, owner of 96 Heath Street East, addressed issues similar to Mr. Spindler, her neighbour to the west also on the north side of the street.

She spoke more precisely to the design of the westerly dormers, preferring that the main roof line be maintained, the dormers be set back and smaller in scale. She felt the proposed design, which she would be able to view from the side, was an 'aberration, a departure from the normal, atypical with five-foot windows, excessive and unwelcome'.

On questioning, she acknowledged she was not aware that zoning did not regulate window size and could not comment on the third floor shed dormer and deck on Ms. Hall's property without 'construction drawings'. She indicated knowledge of design matters and was firm that a peaked roof on the proposed dormers could not be accomplished without exceeding the main roof height. There was no reply evidence on this point.

Gayle Farnes, owner of 102 Heath represented the duplex property immediately to the west of the subject property. She noted that the dormers, looking westerly, impact

her second floor tenancy and presented views of her east building face, including a bedroom, den, kitchen and bathroom. She said the intervening cedar trees shown in the photo montage were near 'end of life' and could not be relied upon to offer privacy.

She felt the dormers, despite the double driveway separation, would have clear vision and, as such, 'will look, feel and function as a third floor overlook'. She felt the existing second floor windows on the subject property are inconspicuous and had not been an issue for 40 years.

On questioning, she acknowledged the 11+ m setback between buildings.

Mr. Jeremy Gawen gave evidence on behalf of the Moore Park Residents Association, being a director and Chair of its Planning Committee.

Like the previous witnesses, he expressed no concerns with the two variances recognizing existing conditions but focused on the west wall dormers and associated floor space addition. He said the existing building dominates the site and that the requested fsi constitutes 'creeping intensification' that is accentuated by the proposed westerly dormers, with a massing that is detrimental to the neighbours.

He said his Association objects to overbuilding, in this case from a realistic existing fsi of 1.12x to the requested 1.36x lot area, 'almost 3x that allowed'. He suggested the building was 'way too large' and overpowering and that the intent of the Official Plan is to maintain, not worsen, the streetscape.

He felt the Application would create a full third storey on the west side, of which there are very few full third storeys in the neighbourhood.

When questioned, he agreed to no interest in the south dormer but the westerly dormers 'could be seen from Robs' (Spindler).

Steven Blaney was called by Ms. Hall and filed Exhibit 5, his Witness Statement Form, Duty Form and attached *curriculum vitae*, with qualifications as above described.

He acknowledged no familiarity with the 'four tests'.

Mr. Blaney briefly described aspects of three sets of 'plans': Permit Plan 16117129; the OLAK Plans and the current 'OM' plans, **Attachment B**.

He provided evidence that potentially extensive changes had been made as shown in the most recent plans from what was presented in the both prior building permit plans.

He said the 'all new' alterations to the third floor roof structure were made on the basis of an approved permit. He described the evolution of improvements made on the basis of the permit plans issued December 31, 2015 and March 7, 2016.

In describing changes evidenced in the current plans including three metered panels, he suggested there was an intent that there be more than two apartments in the building. He suggested that the **Attachment B** Plans by OM Architects, with the differences shown, could be part of the 'bait and switch' terminology suggested by his client, Ms. Hall. The TLAB interprets this to be a reference to undertaking works and seeking confirmatory approvals after the fact.

Mr. Blaney was candid in the following admissions:

- a) Plans show the removal of the east side porch and a conventional patio door;
- b) He was unaware whether the Plans of Attachment 2 were before the City, the Plans Examiner, or the COA, but that there would have to be plans submitted for any subsequent building permit application to effect the dormers and that that those plans 'will be subject to review by Toronto Buildings';
- c) He was unaware of any Infraction Notice, Stop Work Order; investigation; Notice/Order to Comply or enforcement action of any kind in respect of the subject property. He had spoken with City Buildings Staff.
- d) That while eave troughs 'appear to encroach' over the south limit of the subject property, this was a visual not a measured assessment.

Under cross examination, Mr. Blaney acknowledged there was no request before the TLAB to acknowledge any lot encroachment. Second, that the plans showed the south dormer addition to be set back from the main south building wall and that any window had been removed.

Ms. Mardi Hall, owner of 6 Rose Park Crescent gave evidence based upon extensive filings. Despite being a Party, calling and examining Mr. Blaney, she was permitted herself to testify but not re-examine herself.

A central thesis of her evidence was to the effect that approved permit plans had since been substantially altered by actual construction ('completely changed') and that none of these changes had been revealed or approved by City Buildings.

She was particularly adamant that Ms. Robinson's characterization that these changes be ignored or disguised by reference to the addition of a mere 15.4 square meters, represented by the floor space of the dormer additions, was 'just belligerence'.

Ms. Halls objections, she said, were not to regentrification, but to the sequence of what has happened, viewed as a detriment to the peace and enjoyment of her property. Her evidence and materials describe instances of trespass, refuse deposits on her property, constant construction activities, workers improper conduct, encroachments, threatening communications, litigation and disrespectful neighbourly contact or the lack thereof.

Undue adverse impact is a relevant criteria for the consideration of variance approvals.

Ms. Hall, by reference to a listing agreement and the Plans Review conducted by Mr. Blaney, stated that the changes to the internal configuration of the subject property are, in effect, to turn the building into a three unit, three storey building described by her as being 'absolutely hideous'.

In cross examination, she acknowledged that her 1904 house as originally constructed has a third floor external rear terrace accessed by a shed dormer. It also was a north facing dormer with window for which she expressed concern that the subject property's south dormer (and west dormer) would have a window added, post any approval which 'will look at me'.

She questioned how that dormer could be built without access to her property. She noted the presence of four skylights 'not shown on the Plan' as part of a pattern of unilateral action and 'manipulating the system'.

As an aside and as Chair I indicated that the TLAB decision would not turn on personal attacks or influence, regardless of source, oral or written. While it is regretful that neighbourly communications sometimes cannot progress on a platform of mutual trust and respect, land use planning decisions on real property are more related to the best long term interests of land and its use and not the personalities that may inhabit them from time to time. The Province has provided a dispute resolution process for all circumstances.

This is not to say that decisions in the public interest cannot incorporate consideration of consequences on the living environment, public health and safety and habitation.

It is on an inclusive basis that the TLAB encourages communications, even as between intermediaries, in the hope of mutually arrived at and consensual applications and mediation. All still need to be trial tested, on principles of good community planning.

All Parties and Participants in opposition to the Applications, above identified, requested that the variances, especially those related to fsi and main wall height, be refused.

Mr. Andres, Mr. Roberts, Ms. Charney, and Ms. Hall all exercised their right to provide oral argument. Ms. Farnes was content with the submissions of like interest made. The TLAB is appreciative of this economy.

ANALYSIS, FINDINGS, REASONS

In the foregoing I have attempted to fairly capture the essence of the contributions of the witnesses. Certainly, the filings on this matter are extensive and I have reviewed these again and the site photographs for any inconsistencies.

Certain evidentiary impressions are prevailing; first, that the subject property has a prominent location albeit not within a high vehicular traffic area given the traffic calming measures described and Heath Crescent being a cul-de-sac, terminating at the Ravine.

Second, that the Applicant /Owner has made considerable effort over several years, both exterior and interior to the subject property, to update and employ available space on the lot.

Third, the Owner/Applicant has been singularly unsuccessful in winning several neighbouring residents support of those plans.

Finally, the objections taken to the variances sought are largely perceptual, premised upon observation and apprehensions as to further consequences of any approval.

Attachment A identifies the variances sought. Two of these require little comment and, on the evidence, can be accepted as simply a recognition of largely existing conditions.

Variance 3 would permit a maximum building length of 21.5 m and is described above. If Ms. Hall is correct, this length may include aspects of an as-built terrace raised above grade on the east face of the building at the first floor level. Described variously as a balcony, a patio, a terrace it permits access to the ground floor level. From the photographs supplied, it was built in recent times by the current owner. There was no evidence as to whether a permit was required for this structure or applied for. Even if the length variance incorporates this space, I was apprised of no adverse impact and the evidence in every other circumstance took no exception to building length or this feature shown on the east façade elevations of **Attachment B**. It seems a normal and incidental space, accessory to a residential use; it is of limited size and usefulness and given its position, low profile, exposure and apparent construction of enduring materials is otherwise not noteworthy. Substantial landscaping contributes to minimizing its contribution to the streetscape.

Variance 4 would recognize that roof eaves may be located 0.0 m from the south lot line. Only Ms. Hall raised this variance in two aspects: eaves trough encroachment on her property and the potential for nuisance. The Applicant described this variance as being in recognition of an existing condition and one that is long standing given the development of the two lots - represented by the subject property and Ms. Hall's home at 6 Rose Park Crescent. If Ms. Hall is correct, this variance may actually advance recognition aspects of an as-built condition. From the photographs supplied, the third floor roof eaves were built in recent times by the current owner. There was no clear evidence whether building permits received in 2015 and 2016 incorporated this construction or whether it was advanced anticipatory to a variance application.

In my view, if there is an encroachment of eaves or eave troughs on Ms. Hall's property, that is a civil matter which is not altered by the variance request which would

permit “roof eaves (to) be located 0.0 m from the south lot line”. For clarity, I would amend **Attachment A** to include ‘eave troughs’. In inner city locations, while not desirable, it is not uncommon that buildings, especially roof structures, are to be recognized as extending to the property line. The nuisance that can be occasioned from this recognition (water overflow; roof tile separations; snowfall) falling into the adjacent yard are obvious and offer the potential for civil claim, but are likely rare; with proper maintenance, their avoidance is the responsibility of the roof’s owner.

On the acknowledgement that the roof proximity is a longstanding reality, however recently confirmed, there was no evidence to conclude the circumstance was avoidable or subject to other appropriate remedy.

Variances 1 (fsi) and 2 (exterior side wall height exceedance by 0.7 m (27.6 inches) constitute the requests that have flamed opposition. Indeed, the participation by numerous area residents both before the COA and the TLAB and the very extensive filings on-line in this matter attest to the degree of interest shown.

It is appropriate to examine these requested variances both separately and in conjunction one with the other, as, in built form sense, they are interdependent.

I was informed that the subject property was built in the 1920’s and likely was subsequently severed to permit construction of the property to the immediate west. Ms. Hall described her property as being built in 1904.

It is plain that construction extant predates zoning. The establishment of an fsi control of 0.6 times the area of the lot is patently inapplicable to circumstances wherein the structure predates the regulation and the severance has removed the lot area that could have made it compliant, as might be the circumstance of Ms. Hall’s property, with a large ravine component. It follows that the resultant density, whether 1.12x as expressed by Mr. Gawer or some other number, is a reality to which no court in the land would order compliance to implement subsequent zoning regulations.

Ms. Hall, and others including Mr. Mills, suggest that the Application, however, may be more insidious, in two respects: the recognition of as-built additional living space (and units) caused by home improvements, including attic incorporation; and the suggestion by the planner Robinson, that only 15.4 square meters of new space is being added by the three dormer additions.

I accept that the fsi of the subject property is oversized under current zoning. I also accept that no alteration is proposed to the footprint of the building; namely, that all renovations and proposed renovations are entirely within the vertical alignment of the long existing structure.

I was directed to no policy or regulation in the City Official Plan or zoning by-law that addresses the incorporation of existing space within a building in a more functional manner. Certainly, if that incorporation further exacerbates a regulation, permission may

be required and that is exactly how the Applicant has proceeded, first by building permit permission, and then by identified regulatory variances.

Ms. Hall raises, quite properly, the apprehension that work that proceeded under issued permits may now be found to have exceeded the bounds of that permission and requires approval.

The TLAB does not condone breaches of municipal by-laws, if any, but must examine each fact circumstance sought for approval from the perspective that the work did not exist.

In this circumstance, to the extent that living space within the dwelling has been expanded and converted, whether based on issued permits or not, the issue is whether the request to recognize and permit such space meets the applicable *Planning Act* tests, recited above.

The witnesses in opposition focus on the incorporation of new 'attic space', not previously incorporated as living space or the fsi measure.

Again, there was no policy impediment referenced in the Official Plan preventing the incorporation of attic space. If that is accomplished in this circumstance by the zoning fsi standard, its relief must stand or fall on the application of the tests.

In my view, there is nothing in the evidence that mitigates against incorporation of existing attic space, even where made more relevant by roof restructuring done in accordance with an approved building permit. If the owner takes a risk in performing roof improvements without a contemporaneous variance, there is a risk - but equally there may well be reason to do roof improvements without a Machiavellian plan to enhance living space.

In this case, I see no undue off-site impact or failure to meet any of the four tests in the allowance of an increase in fsi premised upon making greater use of existing floor space within a structure. In this regard, both planners advanced support for the proposition that the use of existing volumes of space constituted regeneration of the use and was a good thing. Most residents, apart from a concern of the scale of the resultant fsi number, avoided directly contesting the employment of attic space, and its consequent increase in the fsi number. Certainly Mr. Mills acknowledged he had participated in a somewhat similar scheme within the greater neighbourhood.

I would come to a similar conclusion had the application been framed as a request to expand or enlarge internal space as a matter under section 45 (2), extracted above. This would have required a determination that the property was a legal non-conforming use as a duplex, to so conclude. That latter matter was not placed in issue in this proceeding.

Some evidence was advanced that the Applicant planned a triplex use of the subject property given internal facilities, three utility service feed/registers and room

configurations. There was no application to this effect; for clarity it should be stated that no variance is sought for a third unit; nanny's quarters and a secondary suite would not normally convert the subject property to a permitted triplex.

I accept the opinion of both planners that making use of 'attic space' is not objectionable and that that portion of the fsi variance attributable to such incorporation, is not seriously challenged.

In my view, it would be important to ensure that nothing in any approval advances the creation of a third dwelling unit on the subject property.

Ms. Hall may have misunderstood that the Plans in **Attachment B** could necessarily be converted to building permit drawings and thereby receive a full review for compliance with City zoning and building code by-laws. She is quite right to expect that a City Buildings Department review be conducted of such plans. The Applicant holds the risk that a failure to disclose works for which a permit or further variance is required is entirely on the Applicants. To ensure no stone is left unturned, and consistent with the representations made on behalf of the Applicant, the TLAB can ensure that **Attachment B** accompanies and is brought forward into subsequent building permit applications. This should serve to avoid the apprehension expressed by Ms. Hall that changes in Plans can somehow limit by-law enforcement protocols.

I then turn to the characterization by Ms. Robinson that the dormer additions are adding the only new space, 15.4 square meters, contributing to the overall fsi request of 1.36 times lot area (528.9 square meters). Further, her view that such an addition is minor, and the facilitating 0.7 meters of side wall height is 'technical'.

While the sequence by which Ms. Robinson addressed this issue in evidence may have made it less than clear, I accept that her acknowledgement was to the effect that the dormers were not the only recognized contribution and her evidence and witness statement on the matter are clear. The characterization that she did use and to which Ms. Hall took exception can be seen as a form of sorting of information, often employed to 'simplify' a descriptive matter. However, in the hands of an active oversight personage, simplification can be seen as a subterfuge. I am entirely content that no subterfuge was intended or undertaken by Ms. Robinson.

The proposed 'dormers' were opposed primarily on aesthetics: scale; window size; projection, in short: appearance. The residents who challenged these westward extensions of the roof using the shed form acknowledged dormers of all sorts were frequently found in the neighbourhood and could have a place on the subject property.

I am not disposed to preclude the proposed dormers on apprehensions. **Attachment B** shows, in drawings A4.4 the proposed westerly exterior dimensions to be 4.06 m in width. While substantial, they do not replace the roof line, are set back from the street, oriented westward and functionally provide interior space that is not excessive. The roof itself is steeply pitched and some additional vertical space is required to make it potentially usable; nonetheless, substantial original roof presence

and the entire ridgeline remains. I reject the suggestion that these shed like protrusions are analogous to a complete third floor addition. Viewed from the side they are noticeable but not offensive; they retain the eave projection and eave trough, softening the appearance of the height variance (28 inches) by breaking the separation with the second floor and affording the appearance of some setback. This feature of the Plans is deserving of being assured. Being above the second floor, even the most northerly dormer is not in an immediate view plane. Nor are any of the dormers visible from the front perspective of the dwelling, being the most accessible and obvious character contributor. While those on the west roofline would extend an oblique view partially down Heath Crescent, this is a very short corridor with little direct visibility.

Regretfully, I can give little weight to the concerns expressed by Mr. Splinter and Ms. Farnes as being subject to the most proximate issues of view planes. Across Toronto, in equally prestigious neighbourhoods, far smaller separation distances exist than are experienced here by 11m separation driveways and a municipal road allowance. Windows currently exist and have been experienced 'for forty years'. I am unable to contribute much weight that additional windows will materially augment these view planes, that trees might die or that proposed bedrooms might be converted to more active space.

I find that the consequential effects of the proposed dormers have been exaggerated, that the rhetoric has exceeded reality and that the consequential effect on the streetscape would not be as dramatic as described. None of the dormers face the streetscape and there is nothing in their function or appearance that necessitates there being called attention to. Proposed materials are intended to replicate the structure and the proposed windows, as the west elevation drawing demonstrates, are not floor to ceiling or a 'wall of glass', as described.

I appreciate that there is 'history', even exasperation with undertakings related to the subject property and that, numerically, it would enjoy an fsi measure higher than readily found elsewhere. The density number alone is illusory, caused by the lot size. On today's standards, the existing house is oversized. That reality, used as a weapon, is the application of a revisionists' theory of history. In my view, on the evidence of Ms. Robinson, the internal expansion of living space and the consequential incremental variances, as above described, meet the policy, statutory and administrative law jurisprudence applicable to variances, above listed. The changes proposed are modest, compatible, not impactful on area character and meet the existing and planned context of the subject property.

The evidence of Mr. Mills and the residents (especially Ms. Hall), who testified was and is clearly articulated and strongly opinionated, of that there is no doubt. Moreover, it has served to identify aspects of the proposal worthy of an additional level of protection, addressed by conditions. I am appreciated of that participation.

DECISION AND ORDER

1. a) The appeal is allowed, and the variances shown in **Attachment A**, as modified therein, are approved.

b) The plans in **Attachment B** are approved insofar as the variances in paragraph 1 a) hereof are approved. Any additional variances required or derived from the plans shown in **Attachment B** are expressly not approved.

2. The variances and plans incorporated in paragraph 1 shall be subject to the following additional conditions:

a) no more than two dwelling units are recognized on the subject property;

b) the dormer addition on the southerly third level roof shall not be permitted to have any window or other visual opening and shall be set back from the south building face as shown in **Attachment B**, plan A 4.2;

c) no window or other opening shall be permitted on the projection walls of either of the westerly third level roof dormers;

d) the terrace attached to the east building face at the first floor level shall have no roof projection or awning;


e) the Juliet balcony on the east building face at the second floor level shall not extend outward from the main east building wall despite any indication to the contrary on **Attachment B**, plan A 4.3;

f) dormers on the west building main wall face are to be underscored with a continuous roof overhang and eave trough running horizontally above the second level;

g) despite the preparation of any additional plans for building permit application and issuance purposes, the Chief Building Official shall also be supplied, for information, **Attachment B** for comparative purposes to issued Building Permit Plans and requested building permits; and

h) except as above specified, construction shall proceed in substantial compliance with the site plan and elevation drawings in **Attachment B** hereto.

If any difficulties arise from the implementation of this decision, the TLAB may be spoken to.

X 

Ian Lord
Panel Chair, Toronto Local Appeal Body
Signed by: Ian Lord

ATTACHMENT A

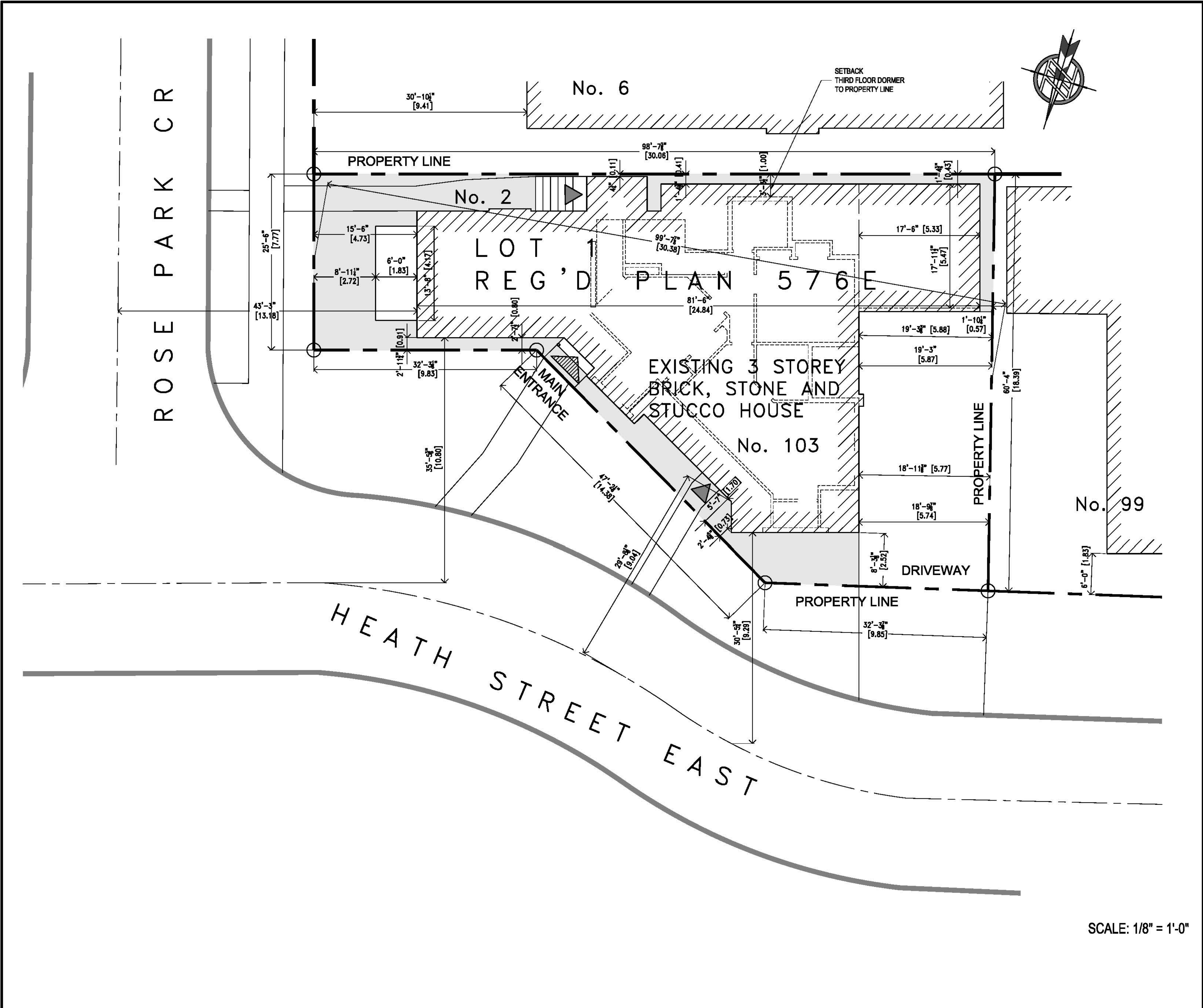
VARIANCE(S) TO THE ZONING BY-LAW:

(Revisions are in italics)

1. **Chapter 10.20.40.40.(1)(A), By-law 569-2013**
The maximum permitted floor space index is 0.6 times the area of the lot (233.1 m²).
The altered building will have a floor space index equal to 1.36 times the area of the lot (528.9 m²).
2. **Chapter 10.20.40.10.(2)(B)(ii), By-law 569-2013**
The maximum permitted height of all side exterior main walls facing a side lot line is 8.5 m.
The height of the side exterior main walls facing a side lot line will be 9.20 m.
3. **Chapter 10.20.40.20.(1)(A), By-law 569-2013**
The maximum permitted building length is 17.0 m.
The altered building will have a length of 21.5 m.
4. **Chapter 10.5.40.60.(7), By-law 569-2013**
Roof eaves may project a maximum of 0.9 m provided that they are no closer than 0.30 m to a lot line.
The roof eaves *and eave troughs* will be located 0.0 m from the south lot line.

ATTACHMENT B

(Attach Exhibit 3 being plans from: OM Architecture Inc., Project 10-15 issued for building permit purposes, February 4, 2016 revised to October 19, 2018).



SCALE: 1/8" = 1'-0"

| DRAWING SCHEDULE: | | | | |
|-------------------|----------------------------|------|-----------------|---------------------|
| A1.1 | COVER PAGE & O.B.C. MATRIX | A4.1 | FRONT ELEVATION | STRUCTURAL DRAWINGS |
| | SITE PLAN | A4.2 | SOUTH ELEVATION | |
| | | A4.3 | EAST ELEVATION | |
| | NOTES & SCHEDULES | A4.4 | WEST ELEVATION | |
| | | A4.5 | NORTH ELEVATION | |
| A2.1 | | | | |
| A2.2 | | | | |
| A2.3 | | A5.1 | | |
| A2.4 | | A5.2 | | |
| | | | | |
| | ARCHITECTURAL DRAWINGS | A6.1 | | |
| A3.1 | BASEMENT FLOOR PLAN | A6.2 | | |
| A3.2 | GROUND FLOOR PLAN | | | |
| A3.3 | SECOND FLOOR PLAN | | | |
| A3.4 | ATTIC PLAN | | | |
| A3.5 | ROOF PLAN | | | |

Firm Name: OM ARCHITECTURE INC
Certificate of Practice Number: 5690
2526 SPEERS RD. UNIT 3
OAKVILLE, ON, L6L 5M2
Tel: 905 271 7148

ONTARIO ASSOCIATION
OF
ARCHITECTS
K. Elak
KRZYSZTOF A. OLAK
LICENCE
7811

The architect's seal number is the
architect's BCIN

Name of Project:
INTERIOR ALTERATION OF TWO UNIT DWELLING

Location:
103 HEATH STREET EAST
TORONTO, ON, M4T 1S5

| Item | Ontario's 2006 Building Code Matrix, Part 9 | O.B.C. Reference |
|-------------------|---|---|
| 1. | Project description: <div><input type="checkbox"/> Change of Use <input type="checkbox"/> New <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Alteration</div> <div><input type="checkbox"/> Part 11 <input type="checkbox"/> 11.1 to 11.4</div> | <div><input type="checkbox"/> Part 9 1.1.2[A] & 9.10.1.3.</div> 9.10.2. |
| 2. | Major Occupancy (s): Group C, Residential Occupancy | 9.10.2. |
| 3. | Building Area (m²) Existing.....230.1 New..... Total.....230.1 | 1.4.1.2.[A] |
| 4. | Gross Area (m²) Existing.....513.5 Altered 103.0..... Total.....526.9 | 1.4.1.2.[A] |
| 5. | Number of Storeys Above Grade.....3 Below Grade: 1 | 1.4.1.2.[A] & 9.10.4. |
| 6. | Building Classification: Facing one (1) street | 9.10.2. |
| 7. | Permitted Construction Actual Construction <div><input checked="" type="checkbox"/> Combustible <input type="checkbox"/> Non-Combustible <input type="checkbox"/> Both</div> | 9.10.6. |
| 8. | Mezzanine (s) Area, m²: | 9.10.4.1. |
| 9. | Occupant load based on: 2 persons per sleeping room or sleeping area in a Dwelling Unit. | 9.9.1.3. |
| 10. | Required Fire Resistance Rating (FRR): Exit enclosure is to be a 45min fire rated separation 9.9.4.2. | 9.10.8.1. 9.10.8.14. |
| 11. | Sound Transmission Rating: min. STC 50 | 9.11.2.1. |
| 12. | Spatial Separation - SEE ELEVATIONS | 9.10.14. |
| Other - Describe: | | |

LOT AREA: 385.5 M2

EXISTING GROSS FLOOR AREA:
GROUND FLOOR 200.0 M2
SECOND FLOOR 226.8 M2
THIRD / ATTIC 87.7 M2

PROPOSED ALTERED FLOOR AREA:
THIRD / ATTIC 103.0 M2

EXISTING LANDSCAPE OPEN SPACE AREA: 185.8 M2

PROPOSED LANDSCAPE OPEN SPACE AREA: 178.2 M2



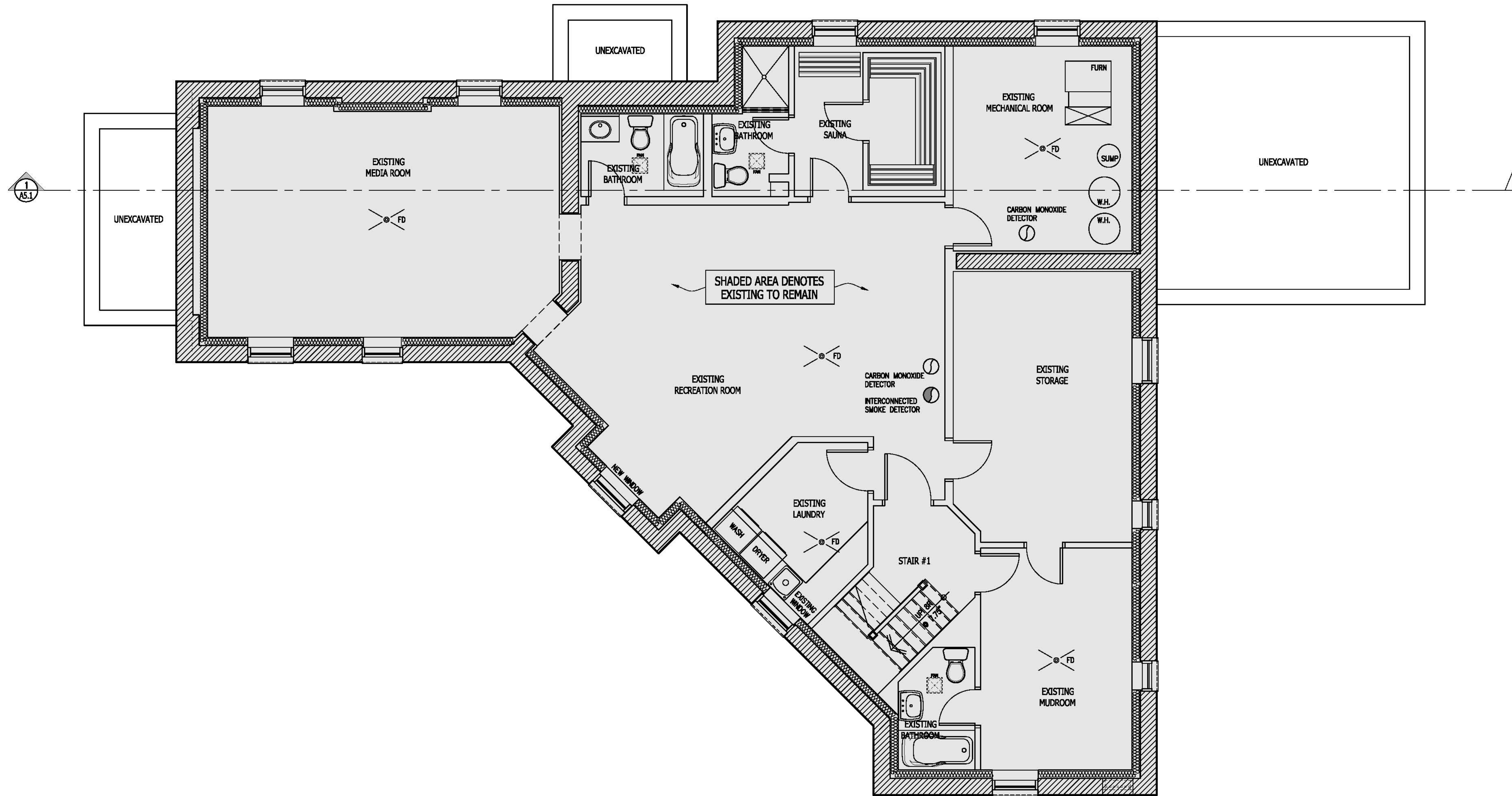
GILLIS RESIDENCE

15-10
BUILDING PERMIT
FEB 04, 2016



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.

| | |
|----|--|
| 1. | DO NOT SCALE DRAWINGS. |
| 2. | ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE SAID ARCHITECT. |
| 3. | CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT. FAILURE TO DO SO WILL CAUSE FORFEIT TO ANY CLAIM. |
| 4. | ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND TO CONFORM TO THE ONTARIO BUILDING CODE OR OTHER CODES HAVING JURISDICTION. |
| 5. | GENERAL CONTRACTOR SHALL GUARANTEE ALL MATERIAL AND WORKMANSHIP FOR A PERIOD OF (1) ONE YEAR FOLLOWING SUBSTANTIAL COMPLETION. ALL OTHER MANUFACTURER'S GUARANTEES TO APPLY. |
| 6. | GENERAL CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS EXCEPT FOR THE BUILDING PERMIT, WHICH WILL BE OBTAINED BY THE OWNER. |
| 7. | PROVIDE ADEQUATE TEMPORARY SHORING AS REQUIRED DURING DEMOLITION OF STRUCTURAL WALLS AND COMPONENTS. ANY AND ALL RESULTING DAMAGE SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. |



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|-----------------------|-----------|--------------------------|
| 6 | DCT 29/18 | MINOR VARIANCE |
| 5 | JUN 26/18 | MINOR VARIANCE |
| 4 | APR 16/18 | BUILDING PERMIT REVISION |
| 3 | FEB 15/17 | MINOR VARIANCE |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |



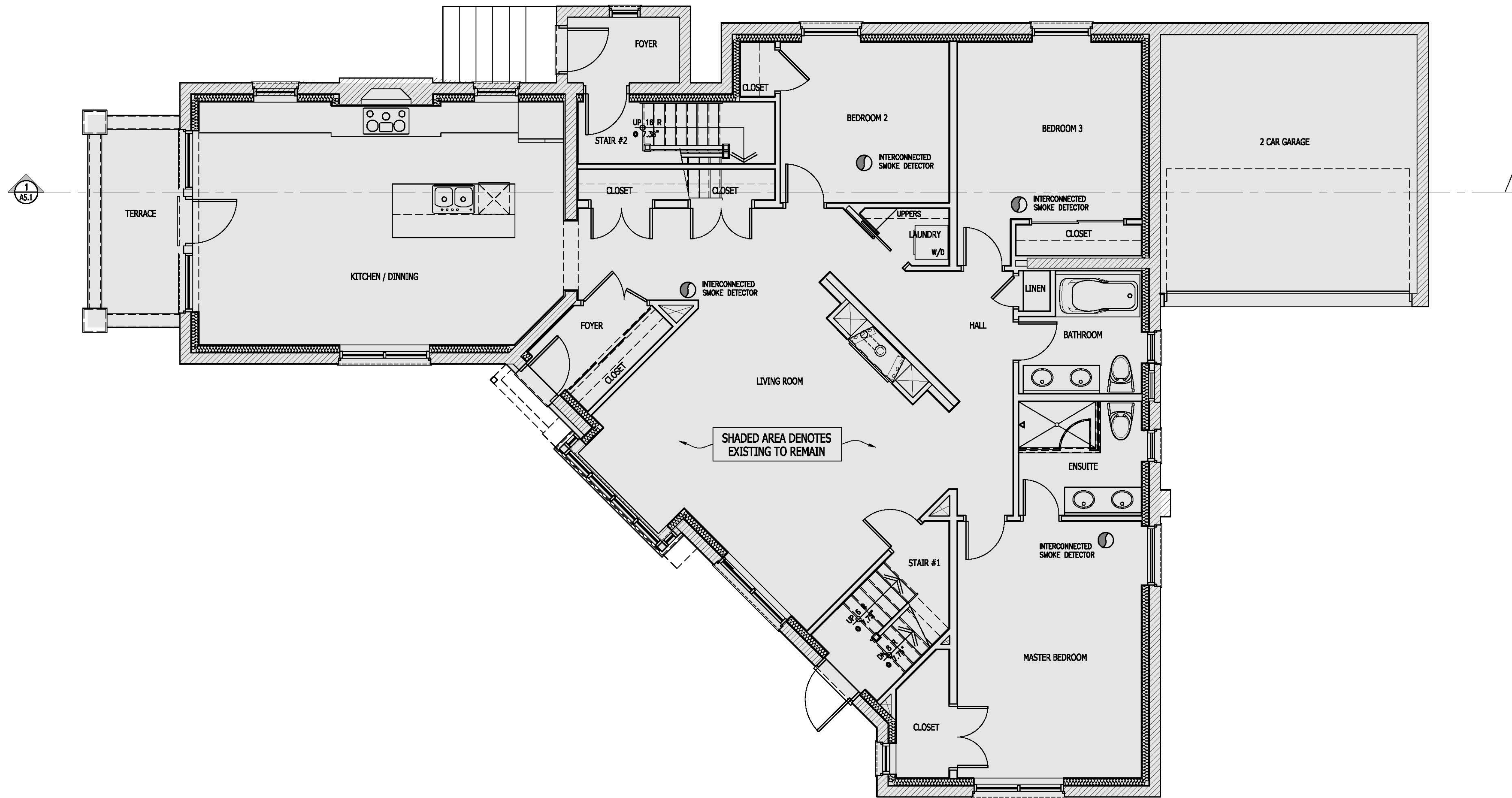
OM ARCHITECTURE INC.
2526 SPEERS ROAD, UNIT 3
OAKVILLE, ON L6L5M2J1
T: 905.825.0433
INFO@OMARCHITECTURE.CA

PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
**BASEMENT FLOOR PLAN
EXISTING**

| | | |
|-------------|----------------|-------------------|
| DRAWN: KOAi | DATE: DEC 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: | SHEET NUMBER: | |
| 15-10 | A3.1 | |



FLOOR AREA 200.00m2 (2153sqFt)
'UNIT ONE'

| | |
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| 6 | DEC 29/18 | MINOR VARIANCE |
| 5 | JUN 26/18 | MINOR VARIANCE |
| 4 | APR 16/18 | BUILDING PERMIT REVISION |
| 3 | FEB 15/17 | MINOR VARIANCE |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | JAN 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |



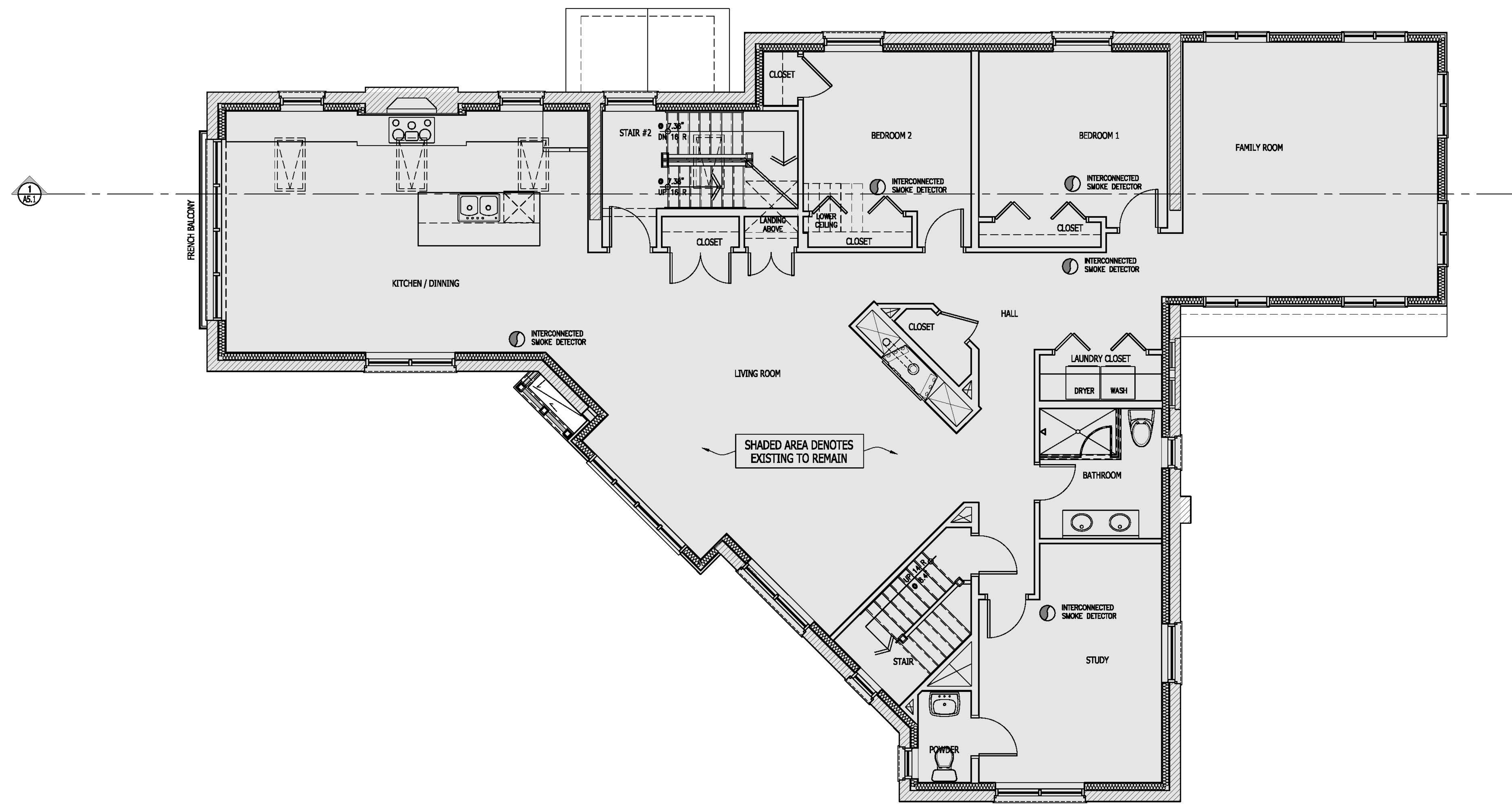
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PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
**GROUND FLOOR PLAN
EXISTING**

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| DRAWN: KOAi | |
| DATE: DEC 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: | SHEET NUMBER: |
| 15-10 | A3.2 |



FLOOR AREA 225.9m2 (2431sqFt)
'UNIT TWO'

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| 7 | OCT 29/18 | MINOR VARIANCE |
| 6 | JUN 26/18 | MINOR VARIANCE |
| 5 | APR 16/18 | BUILDING PERMIT REVISION |
| 4 | JAN 8/18 | REVIEW |
| 3 | FEB 15/17 | MINOR VARIANCE |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |



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PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

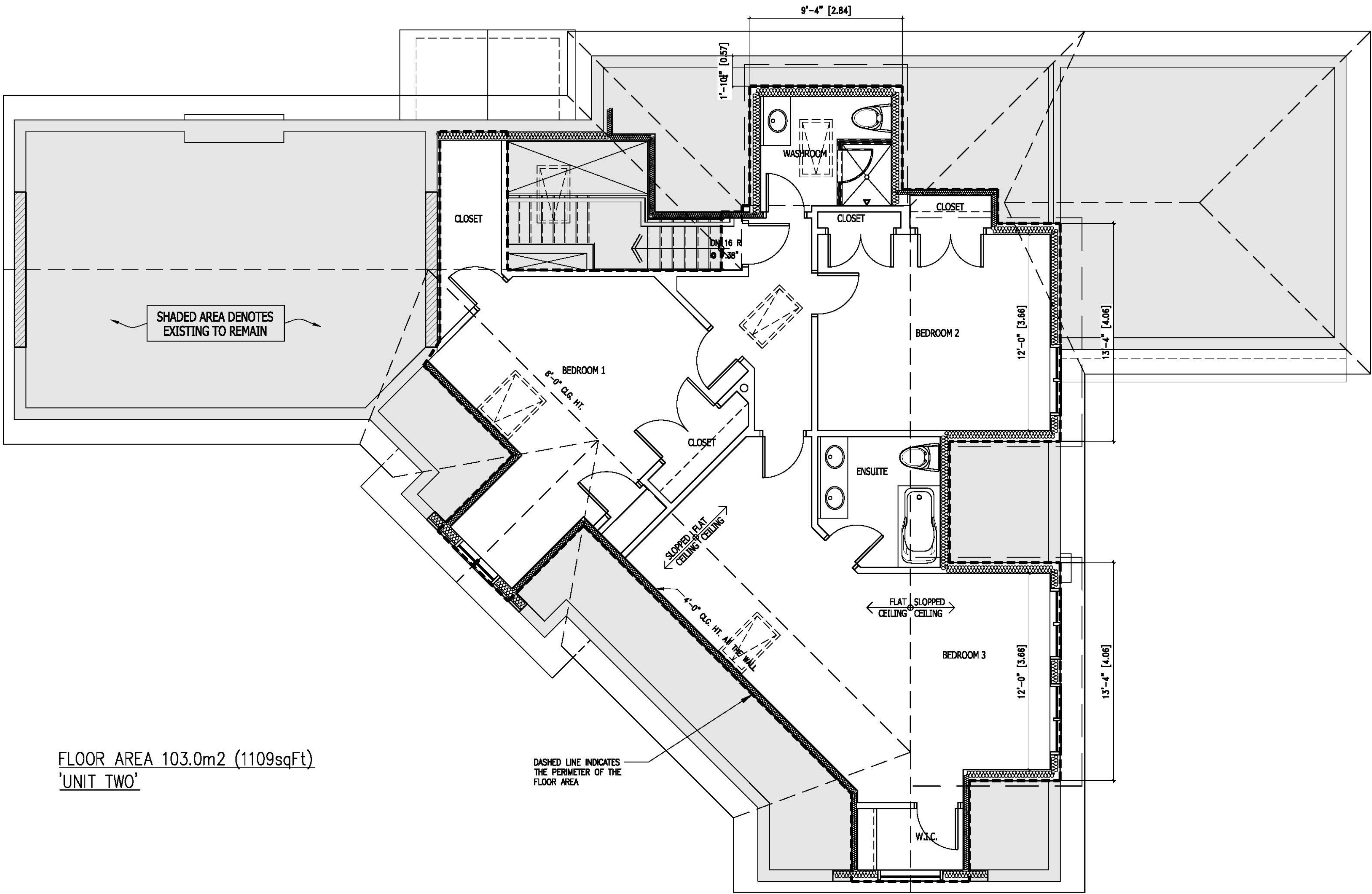
DRAWING TITLE:
**SECOND FLOOR PLAN
EXISTING**

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| DRAWN: KOAi | |
| DATE: DEC 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: | SHEET NUMBER: |
| 15-10 | A3.3 |



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| 8 | OCT 29/18 | MINOR VARIANCE |
| 7 | JUN 26/18 | MINOR VARIANCE |
| 6 | JAN 30/18 | MINOR VARIANCE |
| 5 | JAN 8/18 | REVIEW |
| 4 | FEB 15/17 | MINOR VARIANCE |
| 3 | FEB 26/16 REV. | BUILDING PERMIT |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
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OM ARCHITECTURE INC.

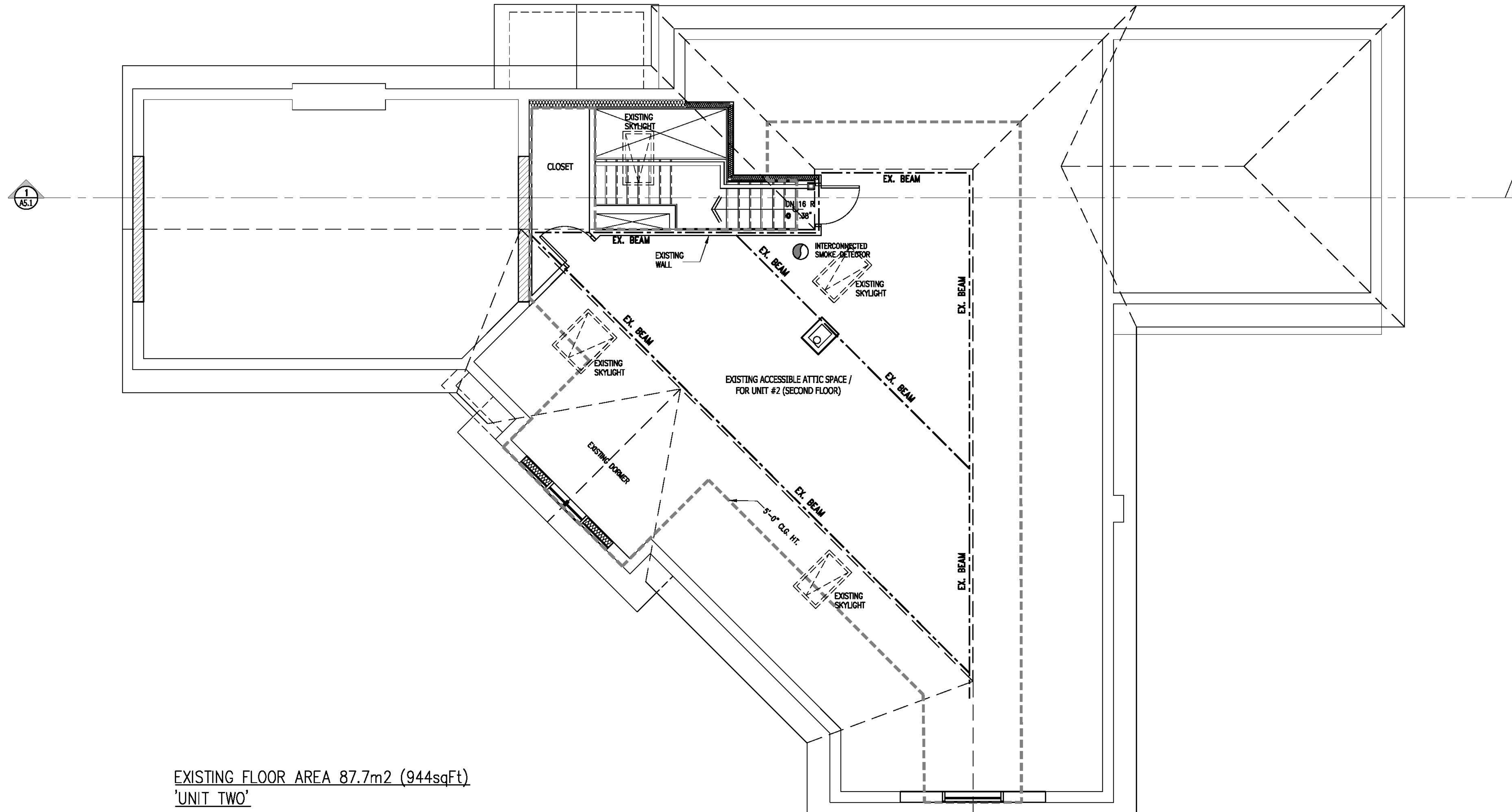
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PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
**ATTIC FLOOR PLAN
PROPOSED**

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| DRAWN: KO | |
| DATE: DEC 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: | SHEET NUMBER: |
| 15-10 | A3.4 |



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|-----------------------|-----------|--------------------------|
| 7 | OCT 29/18 | MINOR VARIANCE |
| 6 | JUN 28/18 | MINOR VARIANCE |
| 5 | APR 18/18 | BUILDING PERMIT REVISION |
| 4 | FEB 15/17 | MINOR VARIANCE |
| 3 | FEB 28/16 | REV. - BUILDING PERMIT |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |



OM ARCHITECTURE INC.

OM ARCHITECTURE INC.
2524 SPEERS ROAD, UNIT 3
OAKVILLE, ON L6L5M21
T: 905.825.0433
INFO@OMARCHITECTURE.CA

PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

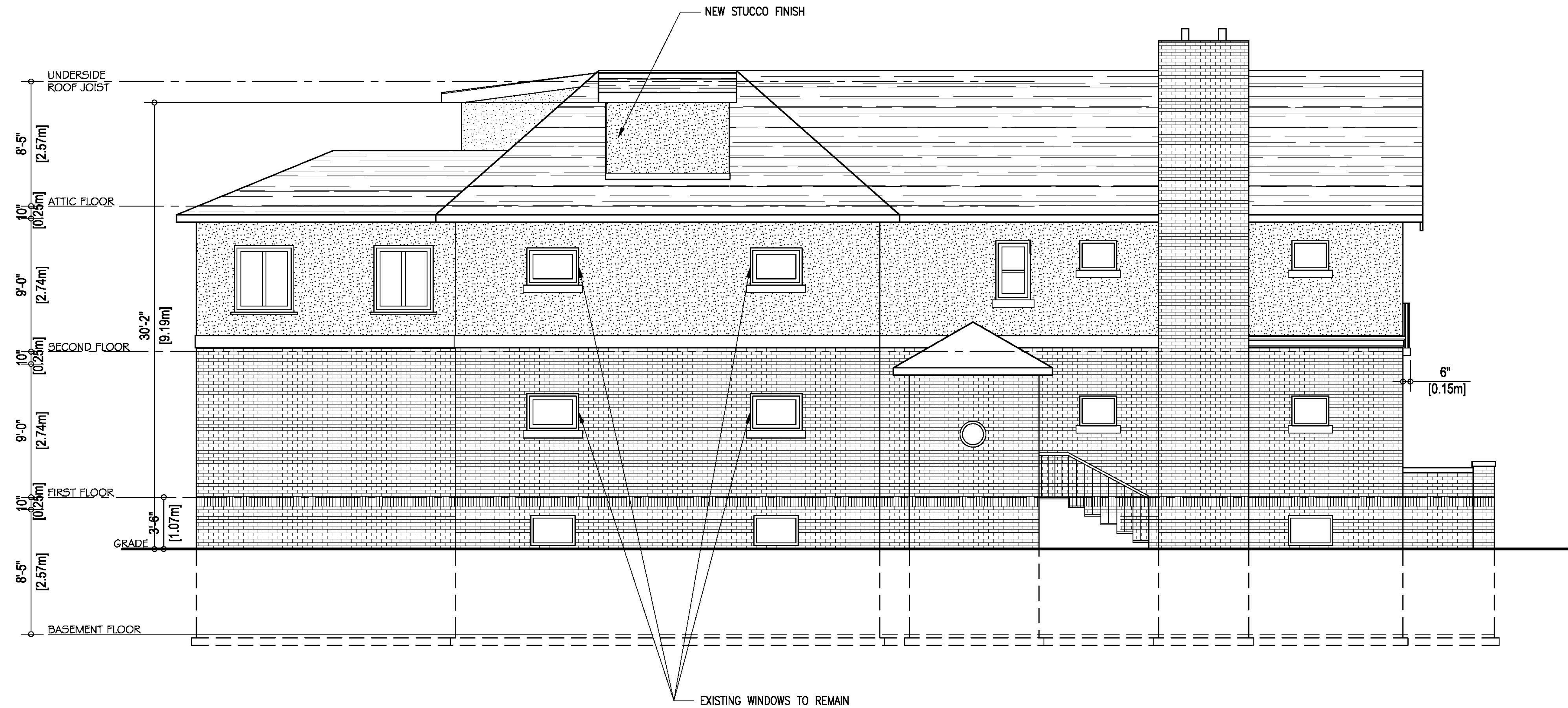
ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
**ATTIC FLOOR PLAN
EXISTING**

| | |
|----------------|-------------------|
| DRAWN: KOAi | |
| DATE: DEC 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: | SHEET NUMBER: |
| 15-10 | A3.4a |



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.



| | | |
|-----------------------|-----------|--------------------------|
| 6 | DCT 29/18 | MINOR VARIANCE |
| 5 | JUN 26/18 | MINOR VARIANCE |
| 4 | APR 16/18 | BUILDING PERMIT REVISION |
| 3 | FEB 15/17 | MINOR VARIANCE |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |

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PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
SOUTH ELEVATION

| | | |
|-------------------|--------------------|-------------------|
| DRAWN: KOAi | DATE: JAN 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: 15-10 | SHEET NUMBER: A4.2 | |



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.



| | | |
|-----------------------|-----------|--------------------------|
| 6 | DCT 29/18 | MINOR VARIANCE |
| 5 | JUN 26/18 | MINOR VARIANCE |
| 4 | APR 16/18 | BUILDING PERMIT REVISION |
| 3 | FEB 15/17 | MINOR VARIANCE |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |



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PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
EAST ELEVATION

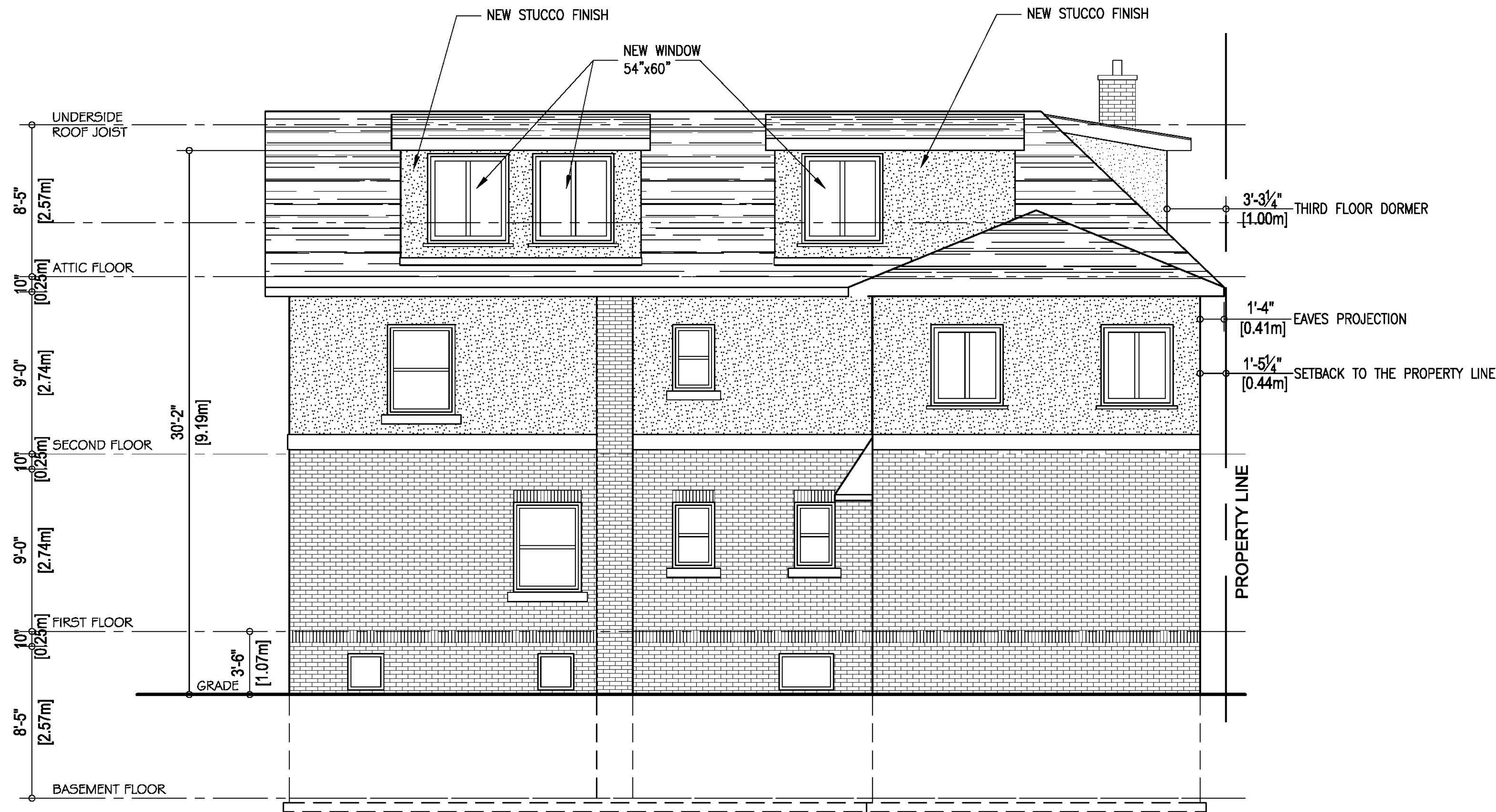
| | | |
|-------------|----------|-------------------|
| DRAWN: KOAi | | |
| DATE: | JAN 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: | | SHEET NUMBER: |

15-10

A4.3



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.



| | | |
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| 6 | DCT 29/18 | MINOR VARIANCE |
| 5 | JUN 26/18 | MINOR VARIANCE |
| 4 | APR 16/18 | BUILDING PERMIT REVISION |
| 3 | FEB 15/17 | MINOR VARIANCE |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |

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PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
WEST ELEVATION

DRAWN: KOAi
DATE: JAN 2016 SCALE: 1/4"=1'-0"
JOB NUMBER: SHEET NUMBER:

15-10 **A4.4**



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.



| | | |
|-----------------------|-----------|--------------------------|
| 6 | DCT 29/18 | MINOR VARIANCE |
| 5 | JUN 26/18 | MINOR VARIANCE |
| 4 | APR 16/18 | BUILDING PERMIT REVISION |
| 3 | FEB 15/17 | MINOR VARIANCE |
| 2 | FEB 04/16 | BUILDING PERMIT |
| 1 | Jan 25/16 | CLIENT REVIEW |
| REF. | DATE: | DESCRIPTION: |
| REVISIONS / ISSUANCE: | | |



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PROJECT:
**GILLIS RESIDENCE
INTERIOR ALTERATION**

ADDRESS: 103 HEATH STREET EAST
CITY: TORONTO

DRAWING TITLE:
NORTH ELEVATION

| | | |
|-------------|----------|------------------------------|
| DRAWN: KOAi | | |
| DATE: | JAN 2016 | SCALE: 1/4"=1'-0" |
| JOB NUMBER: | 15-10 | SHEET NUMBER: A4.5 |