

Toronto Local Appeal Body Meeting with Toronto Building Department

Location: 481 University Ave, 9th Floor, Boardroom

June 3rd, 2019

10:00 a.m. to 12:00 p.m.

Start Time: 10:02 a.m.

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| Present: | Tim Crawford , Alan Shaw , Bill Stamatopoulos, Sandra Burrows, Nick Samonas , Natasha Zappulla , Susan Paolucci, Angela Beppele , Ian Lord, Dino Lombardi, and Hsing Yi Chao |
| Regrets: | |
| Minutes: | Nadia Ramoutar |

| Item # | Topic | Action By |
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| Introduction | <ul style="list-style-type: none"> • Ian identified three TLAB audiences <ul style="list-style-type: none"> ○ The member ○ The loser of the appeal ○ Chief Building Official's Office | |
| 1 | <p>Is there anything that the TLAB can do better, more consistently or with greater particularity in its 'Decisions and Order' component to aid in building permit issuance?</p> <ul style="list-style-type: none"> • Tim Crawford indicated that it was good that TLAB ran a test period prior to initiating the meeting as now they know the appropriate questions to ask. <ul style="list-style-type: none"> ○ Impressed by the amount of information is in the TLAB folders (i.e. photos, staff reports from Planning, etc.) • At the end of the day applicants that are not happy contact the Building Official to police implementation and agreements <ul style="list-style-type: none"> ○ Perhaps the TLAB decisions can help dissuade this from happening • Tim Crawford indicated that Toronto Building will visit a site in two scenarios: <ul style="list-style-type: none"> ○ Requested inspection ○ Complaint • Tim Crawford brought up house flippers taking chances and not | |

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| | <p>having closed building permits</p> <ul style="list-style-type: none"> ○ Alan Shaw indicated that this becomes an issue with title insurance, but that insurance companies are now asking for the reports before issuing title insurance ● Alan Shaw raised the issue of required inspections <ul style="list-style-type: none"> ○ There are only a handful of requirements ○ Toronto Building cannot watch every brick being laid ○ Neighbors are the best set of eyes to issues/concerns ● Time Crawford outlines that Toronto Building has been contacted by TLAB for PPR <ul style="list-style-type: none"> ○ Attach drawings ○ Ask the applicant to apply for PPR ● Dino was under the impression that it is common practice to attached the drawings <ul style="list-style-type: none"> ○ Drawings shouldn't include the floor plan, but should include elevation and exterior ● Tim Crawford agreed that the sharing of information is helpful to both | |
| 2 | <p style="text-align: center;">Is there value in attaching plans for 'substantial construction compliance'?</p> <ul style="list-style-type: none"> ● Dino indicated that the decisions should be more detailed <ul style="list-style-type: none"> ○ Tim and Natasha agreed ○ It is helpful to explain why certain drawings are attached ● Ian indicated that the plans should be attached and special issues noted ● Natasha indicated that it can still be a guessing game <ul style="list-style-type: none"> ○ 90% of plans not attached | |
| 3 | <p style="text-align: center;">Is the method of addressing further clarification timely, appropriate, efficient or helpful?</p> <ul style="list-style-type: none"> ● Ian indicated that sometimes the inspector will call TLAB for clarification ● Natasha said that the normal procedure would be to refer them back to Plan Review <ul style="list-style-type: none"> ○ Nick and Alan indicated to the Plans Examiner ● Tim stated that the inspector should not be acting as a mediator ● Ian said that amendments to decisions should only come from a managerial level | |

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| | <ul style="list-style-type: none"> ○ There are 10 managers in Plan Review ○ Field inspectors should escalate to their manager who will contact Plan Review (internal process) ○ TLAB can contact the Plan Review Managers ● Ian indicated that Inspectors are sometimes engaged by the property owners (i.e. in person or by email) <ul style="list-style-type: none"> ○ Tim said that they are reluctant to open this process up to the public <ul style="list-style-type: none"> ▪ Manager level is better ▪ The Inspector can forward the owner's questions and/or concerns to the Manager of Plan Review | |
| 4 | <p style="text-align: center;">Are 'Conditions' tied to fulfillment 'prior to the closure of the building permit' appropriate? Are there other preferred alternatives?</p> <ul style="list-style-type: none"> ● Toronto Water <ul style="list-style-type: none"> ○ Sewers bylaw is not applicable law ○ If the intent is to connect to the sewer , applicant will need to get an exemption ○ Conditions just say Toronto Water Clearance ● Tim indicated that tying into the sewer would be subject to an indemnity agreement with Committee of Adjustments <ul style="list-style-type: none"> ○ Toronto Water will need to provide an email or memo that there is no further action necessary ● Reverse Driveways <ul style="list-style-type: none"> ○ Tim indicated that this is getting rare ● Natasha indicated that TLAB members should make sure that their conditions are enforceable ● Ian asked about conditions of variance related to Toronto Water or Transportation Services <ul style="list-style-type: none"> ○ Tim replied that Toronto Building would need to received written confirmation from the department regarding acceptance and compliance ○ If it is a zoning issues no permit will be issued. ● Sandra indicated that windows and noise conditions are hard to enforce ● Ian asked if TLAB could impose a condition that if the structure is closer to the street, could they require triple-glazed windows? <ul style="list-style-type: none"> ○ Tim indicated that this could be tough for future enforcement | |

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| 5 | <p style="text-align: center;">Are the Decisions themselves read?</p> <ul style="list-style-type: none"> • Tim indicated that Toronto Building does read the decisions | |
| 6 | <p style="text-align: center;">Are there distinctions between severance appeals, variance appeals, combined appeals and associated conditions that need to be observed?</p> <ul style="list-style-type: none"> • Toronto Building does not collect clearances for severances • Does TLAB receive applications just for severances? <ul style="list-style-type: none"> ○ Not usually | |
| 7 | <p style="text-align: center;">Once a 'Stop Work/Order to Comply' has been issued, is there any reason why the TLAB should be apprised of its content when a subsequent appeal comes before the TLAB as a corrective measure?</p> <ul style="list-style-type: none"> • Dino asked if an Order to Comply does not come up in the information, how is TLAB supposed to know that one was issued <ul style="list-style-type: none"> ○ Natasha questioned if TLAB was supposed to know ○ Hearing should be based on the 4 tests of the Planning Act ○ Should not have bearing on the outcome of the appeal – no emotion in decision | |
| 8 | <p style="text-align: center;">What role does Buildings play in the enforcement of conditions and their clearance, for example, imposed by the TLAB but arising from Urban Forestry; Engineering Services or private settlement terms?</p> <ul style="list-style-type: none"> • Building vs Landscaping <ul style="list-style-type: none"> ○ Landscaping issue would most likely be sent to Urban Forestry (i.e. removal or planting of trees, shrubs, etc.) ○ Once the file has been closed, MLS would enforce non-compliance issues for building • There is a fine line between MLS and Toronto Building | |
| 9 | <p style="text-align: center;">Can the TLAB represent to the Parties that they can rely on the enforcement of conditions that it imposes?</p> | |

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| | <ul style="list-style-type: none"> • Conditions need to be enforceable • Ian brought up lots that are too close and denying the variance due to risk to existing neighbor(s) <ul style="list-style-type: none"> ○ Building Code ensures safety of existing building ○ Can have a shoring system but there may be a negative impact on existing home • Ian questioned whether it would be ridiculous or relevant to request that applicants obtain a structural engineering report. <ul style="list-style-type: none"> ○ Tim said that the authority to impose this condition could be argued ○ Building code has provisions to prevent undermining • Bricking and scaffolding <ul style="list-style-type: none"> ○ 2 ft. up to 2 stories ○ Space needs to be taken into account regarding scaffolding, needs minimum space to erect but also needs space to access and work • Toronto Municipal Code 363 <ul style="list-style-type: none"> ○ Request for access ○ Maintenance and alterations ○ Intent of bylaw should include "can this be built and maintained after the fact" | |
| 10 | <p style="text-align: center;">Are there time sensitive constraints to different types of conditions that may have been experienced?</p> <ul style="list-style-type: none"> • In the decision, timing issues related to zoning can be problematic <ul style="list-style-type: none"> ○ i.e. "You have to do this within 3 months" • Time limits and expiring decisions should be avoided <ul style="list-style-type: none"> ○ i.e. Mechanic shop Etobicoke reference: Variance granted for 3 years | |
| 11 | <p style="text-align: center;">Is there an audit done of plans and approvals granted between the TLAB decision and the plans submitted for permit issuance and what does that look like?</p> <ul style="list-style-type: none"> • Plans are compared prior to permit issuance to ensure compliance • Zoning Examiner will compare if new plans are substantially in accordance with TLAB decision | |