

DECISION AND ORDER

Decision Issue Date Wednesday, November 06, 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): ESTONIAN (TORONTO) CREDIT UNION LIMITED

Applicant: MIKE DROR

Property Address/Description: 9 MADISON AVE

Committee of Adjustment Case File: 18 255179 STE 20 MV

TLAB Case File Number: 19 165642 S45 11 TLAB

Hearing date: Tuesday, October 08, 2019

DECISION DELIVERED BY DINO LOMBARDI

APPEARANCES

Name	Role	Representative
Mike Dror	Applicant/Expert Witness	
City of Toronto	Owner	
Estonian Credit Union Ltd.	Appellant	Kelly Oksenberg
Kenneth Chan	Expert Witness	
Vaino Einola	Participant	
Ellen Valter	Chair, Board of Directors, Estonian Credit Union	
David Kalm	Project Manager	

INTRODUCTION

This is an appeal from the decision of the Toronto and East York District Panel of the City of Toronto (City) Committee of Adjustment (COA) approving variances, with conditions, to construct a three-storey mixed-use building containing assembly

(Estonian Centre), retail uses and a roof top terrace at 9-11 Madison Avenue (subject development site). The new building will be used in conjunction with the existing three-storey commercial building at 11 Madison Avenue.

The International Estonian Centre Inc. and the Estonian (Toronto) Credit Union Limited (Appellant) are the respective registered owners of the properties municipally known in the City as 9 Madison Avenue and 11 Madison Avenue

The site is located on the east side of Madison Avenue, approximately 50 metres north of Bloor Street West in the prestigious neighbourhood known as the 'Annex' in downtown Toronto. The development site consists of two lots, the south lot, 9 Madison Avenue, and the north lot, 11 Madison Avenue. The lot frontage is 41.3 m and the combined lot area is 1,589.1 m².

The properties are located in an area designated *Mixed-Use Areas* in the City Official Plan (OP). The *Mixed-Use Areas* designation provides for a broad range of commercial, residential and Institutional uses, in a single-use or mixed-use buildings, as well as parks, open spaces and utilities.

The subject site is split zoned. 11 Madison Avenue is zoned CR 1.5 (C1.5; r1.0) under the new harmonized Zoning By-law 569-2013 (new By-law) and CR (T1.5 C1.0 R1.) under the former Zoning By-law 438-86 (former By-law). 9 Madison Avenue is zoned CR 2.0 (r2.0) under the new By-law and MCR T.30 (C2.0 R2.5) under the former By-law.

Currently, the southern lot (9 Madison) contains a Toronto Parking Authority surface parking lot which has been declared surplus by the City. The northern lot (11 Madison) contains a 2 1/2-storey detached dwelling that is currently vacant but was most recently used as a Buddhist Temple.

The proposed new building will be attached to the rear of the commercial building at 11 Madison Avenue and will extend south over the existing surface parking lot with the majority of the building fronting Madison Avenue.

BACKGROUND

In December 2011, the City declared the property at 9 Madison Avenue surplus, aside from below-grade strata to protect for the subway tunnel and an above-grade easement to protect this infrastructure. The City assigned the property to Build Toronto (now CreateTO), its real estate division, for disposition.

The Estonian Credit Union, Estonian Foundation of Canada, and Tartu College (a partnership later incorporated as International Estonian Centre Inc.) subsequently entered into an agreement of purchase and sale with Build Toronto to redevelop the property. The sale of that property to the Appellant has since been finalized.

The property at 11 Madison Avenue was purchased by the Appellant in February 2014, with the intent of assembling the two properties as one contiguous redevelopment site.

Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB

Following an initial community consultation meeting attended by various stakeholders including City Planning staff, and after subsequent other meetings with City staff, the Annex Residents Association and the Estonian Toronto community as part of a pre-application process, the Appellant submitted a Site Plan Control (SPC) application to the City in March 2018 for approval.

The SPC application proposed the redevelopment of the site to permit a 3-storey “U”-shaped mixed-use building to house the Estonian Centre – cultural center, community hub and gathering place for Toronto’s Estonian community, including retention of the house at 11 Madison.

After receiving circulation comments from City staff as part of the SPC application process, the Appellant applied to the COA in November 2018. That Application sought relief both from the former and new By-laws for a total of seven variances related to the height of the first storey, rear yard setback, minimum building frontage along Madison Avenue, permitted uses in the existing building at 11 Madison Avenue, and a reduced parking rate for the proposed development.

On April 8, 2019, additional materials were filed with the COA seeking two additional, identical variances, one for each applicable Zoning By-law, to allow a minor increase in height for the proposed mixed-use building from 12.0 m to 12.85 m.

At its meeting on May 15, 2019, the COA approved the nine variances being requested by the Applicant, with conditions; six variances under the new, harmonized Zoning By-law 569-2013 (new By-law) and three variances under the former Zoning By-law 438-86 (attached as **Attachment 1** hereto), although three of the variances in the new By-law are equivalent to those requested from the former By-law. In brief, the variances can be summarized as follows:

- A reduction in rear yard setback;
- A reduction in the building front setback;
- A reduction in the number of on-site parking spaces;
- A reduction in the first-storey height;
- An increase in building height;
- Relief to permit additional uses in the existing house at 11 Madison Avenue.

The decision was also subject to the following conditions:

1. Prior to the issuance of a building permit, building permit drawings, including plans, elevations and details shall be submitted to the satisfaction of the Senior Manager, Urban Design/Heritage, City Planning Division and a heritage permit shall be obtained under the provision of Section 42 of the *Ontario Heritage Act*.
2. The owner shall provide to the satisfaction of the Executive Director and Chief Planner, City Planning Division, a Privately Owned Publicly-Accessible Space (POPS) generally on the lands identified as ‘square’ on Ground Floor Plan Drawing A2.02, prepared by Kongats Architects and received by the Committee of Adjustment on April 16, 2019; and, a Public Pedestrian Walkway with a dimension no less than 3.0 m in width, 18.9 m in length, and 3.2 m in vertical clearance, to form part of a mid-block connection to 300 Bloor Street West.

3. The owner shall lease 19 parking spaces off-site, within 300 m of the subject site, and surplus to the requirements of the Zoning By-law for the donor site, to the satisfaction of the Manager, Traffic Planning, Transportation Services, Toronto and East York District.

Condition #3, above, related to the leasing of additional parking off-site, was introduced on the initiative of the Committee of Adjustment and was not recommended by Transportation staff or any other City department. Although the Appellant was supportive of the conditions recommended by Heritage Preservation Services (Condition 1) and Community Planning staff (Condition 2) and are pleased with the Committee's decision to grant the requested variances, they nevertheless took issue with Condition #3 which they assert imposes obligation related to leasing 19 parking spaces off-site, within 300 m of the subject development.

The Appellant filed an appeal of the COA's decision with the TLAB, and a Hearing date was set for October 8, 2019.

In the Notice of Appeal (Form 1), their solicitor argued that from a planning and transportation perspective the Committee's imposition of Condition #3 is "*unnecessary and unduly onerous,*" and that "*this is especially so, given that the proposed use will not generate the level of demand warranting the parking supply requirements imposed by the Condition.*"

In her opening statement, the Appellant's solicitor, Ms. Kelly Oksenberg (Stikeman Elliott), asserted that the proposed development has been fully vetted by the City, there was no opposition to the proposal from City staff at the COA, and that the City is in attendance at the Hearing.

In addition, she also noted that no neighbouring residents or members of any local resident's associations were in attendance.

She confirmed that the only two expert witnesses to be called in support of the Application, Mike Dror, a land use planner, and Kenneth Chan, a transportation engineer, have been retained by the Appellant.

The only person in opposition is Mr. Vaino Einola, who elected Participant status in the Hearing pursuant to the TLAB Rules of Practice and procedure (Rules).

In the occasion, I described that pursuant to Council's direction I had visited the site, walked the surrounding area and had reviewed the pre-filed materials but that it is the evidence to be heard at the Hearing that is of importance.

MATTERS IN ISSUE

The issue on appeal was whether the nine variances sought, individually and collectively met the policy considerations and the four statutory tests below recited. Additionally, the Appellant is of the opinion that Condition #3 imposed by the Committee related to off-site parking is unnecessary and therefore the TLAB should approved the

variances granted under the Variance Decision, without the imposition of that specific Condition.

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.

EVIDENCE

I qualified Mr. Dror, a land use planner and associate with the planning firm, Bousfields Inc., to provide professional opinion evidence in the area of the land use planning. I found his evidence, demeanor and competence to be precise, thorough, well researched and appropriate. He proved to be fully alert to the issues, the neighbourhood, the assessment criteria and requisite research. His Witness Statement (Exhibit 2) and Document Book (Exhibit 3) exemplified detailed and balanced research.

I am particularly grateful for his Outline of Evidence document (Exhibit 1) which provided a more concise summary of his evidence in sequential order.

Site Context and Neighbourhood Description

Mr. Dror described the development site as consisting of two abutting properties, 9 and 11 Madison Avenue.

9 Madison Avenue is currently occupied by what is typically referred to as a 'Green P' surface parking lot with approximately 35 parking spaces, previously owned and operated by the Toronto parking Authority. The Toronto Transit Commission's (TTC) Line 1 and 2 subway tunnels travel east-west underneath the property and will continue to be owned by the City.

11 Madison Avenue is occupied by a vacant 2 ½ storey detached house that includes a one-storey enclosed porch set back 2.21 m from Madison Avenue, 0.55 m from the north property line shared with 13 Madison Avenue, and 3.69 m from the

existing property line shared with 9 Madison Avenue. The house is set back approximately 14 m from the rear lot line.

The development site is surrounded by the following:

➤ *North*

Immediately to the north is 13 Madison Avenue, a 2-storey detached dwelling occupied by a residential use. These include the properties at 14-18 Madison Avenue which occupy three now-connected buildings containing the Madison Pub, a restaurant and bar with multiple patios, and the associated boutique Madison hotel (20 Madison Ave.). He described the architectural character of the street north to Huron Street, generally up to Lowther Street, as consisting of predominantly of residential built-form typology containing a mix of office, institutional, commercial, hotel and fraternity/sorority uses typical of an area in the downtown and in proximity to the University of Toronto.

➤ *West*

Across the street is Paul Martel Park, an 870 m² public park that abuts the easterly entrance to the Spadina subway station and bus terminal. South of the park, at the northwest corner of Madison Ave. and Bloor Street West, is 316 Bloor St. W. This site is occupied by a 3-storey office building that has zoning in place to permit a 29-storey tower with a maximum height of 98 m including an approved 5-storey podium base with access from Madison Avenue.

➤ *South*

Immediately south is the 18-storey Tartu College building (310 Bloor St. W.), an L-shaped building that houses 460 student residence units also owned by the Estonian community. The building is massed toward Bloor St. W. and includes a rear loading area and below-grade parking garage as well as a small surface parking lot accessed from Madison Avenue. South of Bloor Street West is the University of Toronto Schools building.

➤ *East*

To the east is the Bloor Street United Church (300 Bloor St. W.), which, along with the Pidgeon House (478 Huron St.), are the subject of a recent rezoning approval in principle permitting the development of a 29-storey mixed-use building containing residential, office, worship, retail and community uses. A mid-block connection is to be secured through the subject site connecting Huron Street to Madison Avenue. A similar mid-block connection exists further east, connecting to St. George Street, across from the St. George subway station.

Proposal

Employing an extensive photo book (Exhibit 3), architectural illustrations and the site plan/elevation drawings of the proposed development (Exhibit 4, Tab 20B), Mr. Dror provided an extensive outline of the proposal. He highlighted the following main features of the development:

**Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB**

- The proposed new building, to be located on the 9 Madison Ave. lot, will consist of a three-storey, U-shaped structure fronting on Madison Avenue. The building will have a gross floor area of 2,769 m², resulting in an overall gross floor area of 3,225 m², including the existing 456 m² house at 11 Madison Ave., which will be retained. The proposed uses in the new building will include non-residential, community center (Grand hall, classrooms, etc.), a financial institution, retail, and office at grade (the Estonian Credit Union), with a small café in the lobby.
- The building will have a maximum height of 12.85 m and an overall density of 1.74 times the area of the lot.
- The proposed building will include a privately-owned publicly-accessible space (POPS) at grade, in a new courtyard in the middle of the U-shaped structure. There will also be a mid-block pedestrian path that would connect to Huron Street through a recently-approved redevelopment immediately to the east, at 300 Bloor and 478 Huron Streets.
- Entrances to the building will be from Madison Avenue, the courtyard and the mid-block connection to Huron Street. The entrance to the core of the new building is located between the café and the existing house (11 Madison), where a ramp will provide access to the main lobby.
- The second and third storeys are to be occupied by the community center and office, antechamber/bar area, flex space, and a 2-storey grand hall on Level 2. A board room, meeting rooms, and studio space will be situated on Level 3. Additional community space is to be located in the basement level.
- The roof area will include a mechanical penthouse massed along the east lot line, while the remaining roof area will be used as a green roof and amenity terrace (219 m²) oriented towards the courtyard.
- Although no loading spaces are required, loading capability is proposed to be shared with Tartu College, to the south. No on-site parking is proposed.

On a clarifying question regarding the programming of the space within the new building in general, and the community center/banquet hall use specifically, he confirmed that the community center will consist of a 'grand hall' designed to function as a 'flex space' with theatre-hall seating capability that can accommodate multiple types of uses including banquet hall activity. With this in mind, the design incorporates a small kitchen as part of the facility.

Furthermore, he also clarified the community center component noting his interpretation as defined in Zoning By-law 569-2013. He asserted that this component is not intended to function as a 'social club' which the By-law defines as *"a premises operated by or on behalf of a government or non-profit organization providing community activities such as arts, crafts, recreation, social, charitable, education activities. A club is not a community center."*

In differentiating the two uses, he submitted that a 'club' maintains full membership for attendees and limits meetings at that location to those members whereas the proposed use is not a 'member-only' community center function open to the wider community, and he suggested that the two should not be conflated.

Policy and Regulatory Context

Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB

Mr. Dror opined that the proposed development is consistent with the PPS (2014) and conforms to the Growth Plan (2019). He highlighted various policies within the PPS, including 1.1.1, 1.1.2, 1.1.3, 1.1.3.3, 1.1.3.4, 1.6.7.4, 1.7.1 (a, b, c, d, j) and 1.8.1 (a, b, c, e, f, g), and summarized that the proposal will result in an efficient development pattern that locates a mix of non-residential uses including a non-profit community center in one of the most transit-accessible locations in the City. This, he asserted, has significant potential to reduce the length and number of vehicle trips to and from the development by providing zero on-site parking spaces. The result is the promotion of alternative modes of transportation and the optimal use of the land.

With respect to the Growth Plan, he referred to Policies 2.2.1(2) and (3)(c), 2.2.2(3)(a, c, d, e, f), 2.2.3(1) & (2), and 2.2.4(1), 92) & (3), opining that the development proposes urban form that will optimize infrastructure and introduce a mix and range of uses in a compact form within a delineated urban growth centre and a Major Transit Station Area (MTSA). He clarified the significance of the location of the proposed development within an MTSA as important given that the Growth Plan targets growth in strategic growth areas including MTSA's.

He reviewed the overall policy framework of the City OP and, in particular, Policies 2.1(3), 2.2(2), 2.2.1(1), 2.2.1(5), 2.4(3), 2.4(7), 3.1.2(1) to (5), and 4.5(2). The proposed mix-use building is designated *Mixed Use Areas* which permits a mix of commercial and institutional uses and envisions a balance of high quality uses that reduce automobile dependency and meet the needs of the local community.

As to the proposal's 'fit' with its existing and/or planned context (Policy 3.1.2) and adherence to the development criteria in Mixed Use Areas (Policy 4.5.2), he opined that the development will provide a transition between areas of different development intensity and scale through the construction of a modest 3-storey building that provides a logical transition from the one- to three-storey building typology along Madison Avenue to the taller developments to the south of the subject site along Bloor Street west.

He posited that the proposal appropriately frames the street at the north end by conserving the existing house at 11 Madison Avenue *in situ* and frames a new privately-owned public accessible space (POPS) on site.

Mr. Dror reviewed several other policy documents of significance that impact the overall site, as follows;

9 Madison Avenue

Official Plan **Site and Area Specific Policy (SASP) 334** applies to the 9 Madison Avenue component (Exhibit 3, p. 45) as shown on Map 1 – Nodes and Precincts. The site is within the '*Institutional Precinct*' which provides for key policies related to Built Form, Culture and the Public Realm identified as: balancing provisions of a POPS and mid-block connection providing street-facing buildings with at-grade uses; filling in parking lots; providing visual cohesion through the use of massing and architectural elements and tying to the heritage-contributing building at 11 Madison; and contributing to a cohesive and pedestrian-oriented public realm.

Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB

He referenced **Official Plan Amendment 365** which is not yet fully in force as it applies to the subject site but portions of which have been approved relating to tall building heights along Bloor St. W. Although the subject site is not within the Spadina Node precinct in **SASP 334**, the Amendment provides the City with the ability to secure publicly accessible open spaces as has been done with the mid-block connection proposed on the site that connects to the adjacent property at 300 Bloor St. W. (Bloor Street United Church).

11 Madison Avenue

Site and Area Specific Policy 198 applies to the 11 Madison Avenue portion of the overall development site. This policy provides that residential, institutional and commercial uses are permitted in house-for buildings along Madison Avenue and directs that new development will conserve the valued heritage buildings (such as the house at 11 Madison), reinforce the architectural unity that characterizes the area, and maintain the character of the heritage landscapes (Exhibit 3, p. 51).

Mr. Dror also noted that the subject development, being located on Madison Avenue, is within the **Madison Avenue Heritage Conservation District (HCD)**. The policies of the **HCD** restrict the erosion of heritage attributes or character of contributing buildings (such as 11 Madison) through alterations and/or additions. There are policies specifically related to the height of proposed additions to these buildings such that they “must not be higher than the ridge of the main roofline of the property as seen from any point on the public sidewalk.”

With respect to 11 Madison, he asserted that the proposed development has appropriate regard for the **HCD** policies given that the house is to be conserved *in situ*, the proposed addition is located behind the house, the maximum height of the addition at 12.58 m matches the roofline of the existing building, and the addition will be set back so that the existing house is visible both north and south from the street.

Furthermore, he noted that Heritage Preservation Services (HPS) staff did not object to subject Application but, rather, recommended the following condition upon approval:

“Prior to issuance of a building permit, building permit drawings, including plans, elevations and details shall be submitted to the satisfaction of the Senior Manager, Urban Design/Heritage, City Planning Division and a heritage permit shall be obtained under the provision of Section 42 of the *Ontario Heritage Act*.”

He submitted that this was an appropriate condition and that it acceptable to the Appellant as a condition of approval.

Mr. Dror examined each of the statutory tests of Section 45(1) and briefly addressed the reasons why, in his opinion, the requested variances, both individually and cumulatively, satisfy these tests.

1. Maintains the general intent and purpose of the OP

Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB

He opined that the proposed mixed-use building (at 9 Madison Avenue), with a revised height of 12.85 m, conforms with the Mixed Use Area development criteria, previously recited, providing a modest 3-storey building that creates a logical transition along Madison Avenue to the taller developments, both existing and proposed, to the south along Bloor St. W., including Tartu College. It also conforms to SASP 334 and will provide a mid-block connection on Madison Ave. to Huron Street, through the POPS in accordance with the emerging policy direction in OPA 365.

With respect to the 11 Madison Avenue component, although the existing home is not listed or designated a heritage building, it is identified as a contributing property and the proposal conserves the heritage elements as identified in the **HCD**, at the request of HPS staff. He asserted that the proposed building element at the north end of the POPS will be set back 2.31 m from Madison Avenue to promote views of the house at 11 Madison and although the proposed height of 12.85 m is slightly (his word) taller than the 12 m height limit for the site, it is still below the height of the roof peak of the conserved building.

2. Maintains the general intent and purpose of the Zoning by-law

Mr. Dror submitted that Zoning By-laws are intended to establish zoning regulations (i.e., massing, scale and location of buildings) in relation to neighbouring properties resulting in a consistent and cohesive character and feel in built form and other standards. He suggested that a minor variance application is the mechanism to obtain relief from a Zoning By-law in cases where general provisions do not apply.

He opined that the proposal generally complies with both the new and former By-law except in six specific areas that are reflected in the requested variances: building height, first storey height, rear yard setback; frontage; uses; and parking supply.

a. Height

The proposed 12.85 m height of the proposed building is only slightly taller than permitted and previously proposed height of 12 m, and the permitted overall building height of 17.0 m (includes the 5.0 m high mechanical penthouse and elevator/stairs overrun) is maintained.

b. First-Storey height

The new By-law requires a minimum ground floor height of 4.5m which ensures viable commercial floor-to-ceiling heights. He noted that the proposal includes only non-residential uses, and the proposed ground floor height of 3.74 m is taller than a typical 3 m residential 'floor-to-ceiling' height.

c. Setbacks

He submitted that the Development Standard Set 2 (SS2) of the CR zone in By-law 569-2013 requires a 7.5 m rear yard setback whereas the proposed building is to be constructed to the rear lot line. This typically applies along main streets to provide for separation from low-rise residential uses; however, the properties

abutting the subject site are all zoned CR. Additionally, he noted that Zoning By-law 438-86 does not require any rear yard setback.

With respect to Variance 5 being requested, the SS2 development standard requires at least 75% of the main wall of the building facing the front lot line must be at or between the front lot line and a maximum of 3.0 m from the front lot line to ensure that buildings frame the public street. He asserted that only 29% of the main wall will be within 3.0 m of the front lot line due to locating the new public courtyard (POPS) in the center of the site with the two building wings framing the POPS.

Uses

Mr. Dror submitted that the proposed community center and office uses are permitted as-of-right by both By-laws on both properties. However, Exception 12(2) 219(A) of By-law 438-86 (prevailing in the new By-law) does not permit a bank or financial institution, a restaurant or take-out restaurant at 11 Madison Avenue.

The Appellant is proposing to retain the house at 11 Madison, which is currently vacant. No new tenant(s) has yet been secured. They are requesting variances (#3 under 569-2013, and #2 under 438-86) that would permit two additional and specific uses typically permitted in the CR zone and found along Madison Avenue in proximity to the site to allow for flexibility in leasing this space.

d. Parking Supply

Each applicable Zoning By-law requires parking spaces to be located on the site - 18 spaces under By-law 438-86, and 19 spaces under By-law 569-2013. None are proposed by the Applicant. To support the variance request for zero on-site parking, the Applicant retained transportation consultants to prepare a traffic impact study, a transportation demand management study, and a Parking Study in support of the proposed development.

Details of these studies are provided in the witness's previously filed submissions (Exhibit 3, Applicant's Document Book) and his evidence (EWS). In addition, the specifics of these studies are recited by the Applicant's expert transportation witness and the author of said studies, Mr. Chan, later in this Decision.

Mr. Dror asserted that the LMM Parking Study, dated May 18, 2018, concluded that the provision of no on-site parking at this location was appropriate. He advised that the City's Engineering and Construction Services (ECS) staff had requested additional information as to the impact of the loss of the existing Toronto Parking Authority lot at 9 Madison and the anticipated parking arrangements with Tartu College, which the Appellant provided.

Furthermore, the Appellant commissioned a second, independent parking study prepared by Mr. Chan (LEA Consulting) and appended to his Expert Witness Statement (EWS, Exhibit 5). This study was prepared in support of the proposed development following the appeal notice, and the findings are consistent with the LMM Parking Study conclusions.

Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB

This resulted in the ECS's concerns being addressed to their satisfaction as expressed in a revised ECS memo dated February 2, 2019, which confirmed no objections to the proposal with conditions.

Mr. Dror opined that given the findings in the various studies produced by both LMM Engineering and LEA Consulting (Mr. Chan), and the location of the subject site vis a vi two interchange subway stations, that the variance to permit zero on-site parking spaces maintains the general intent and purpose of the applicable By-laws.

He asserted that the COA approved all of the requested variances that are before the TLAB but chose to make that approval conditional on the Appellant leasing 19 off-site parking spaces. He suggested that the imposition of that condition by the Committee was premised on the comments in the October 2018 ECS memorandum, which he noted has since been superseded, without any explanation as to the impact of the evidence provided.

Desirable and Appropriate & 4. Minor

With respect to the tests of desirable and minor, Mr. Dror opined that the proposed development and the requested variances are appropriate and desirable for the site and its context as they will permit a distinctive new building that will add to the diverse mix of building types and uses in the surrounding neighbourhood. The proposal will also allow a development that incorporates and conserves the existing house at 11 Madison Avenue *in situ*, with no variances requested for height or gross floor area for that structure.

As to whether the requested variances are minor, he submitted that this test is not solely a numerical assessment but rather one that predominately involves an assessment of 'impact'. He opined that the proposed development will not create any significant additional adverse impacts onto the surrounding areas.

He then reviewed the conditions of approval recommended by the COA and confirmed that Conditions 1 & 2 in the Committee's May 15, 2019 decision were acceptable to the Appellant and should be imposed by the Tribunal should the TLAB approve the Application.

However, he suggested that Condition 3 requiring off-site parking spaces for the proposed development is unnecessary and would be unduly onerous for the Appellant.

He opined that the variances, both individually and collectively, meet the four statutory variance tests and recommended that the TLAB approve the variances, subject to Conditions 1 and 2 only.

I, next, qualified Kenneth Chan to provide opinion evidence in the areas of engineering and transportation planning; he is a Transportation Engineer and head of Transportation Engineering and Planning at LEA Consulting Ltd. He is also a certified Professional Traffic Operations Engineer (PTEO), and a member of the Institute of Transportation Engineers (ITE) to name only a few of his accreditations.

**Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB**

He briefly reviewed his retainer, advising that he had been retained by the Appellant in July 2019 to complete a Parking Study for the subject development; prior to his retention he had reviewed the previously authored LMM Parking Study but completed the above recited Study which contained his own opinions.

Mr. Chan's evidence was detailed, extremely rigorous, and thorough. He described the methodological approach to the conclusions produced in his Parking Study; his staff completed two days of parking demand surveys of the existing Estonia House, the proxy site, located on Broadview Avenue 600 m north of Bloor Street East, as well as within a 400-metre radius of the subject site (on Madison Avenue). The results are found in Exhibit 5 (Table 3, p. 20).

In summary, he noted that the surveys revealed a total of 480 residual parking spaces under peak parking demand conditions in the subject neighbourhood of the proposed development which he suggested would be available to guests of the proposed development even after accounting for the relocation of the existing peak parking demand on-site. He concluded that a residual parking supply of 444 spaces would remain even if applying conservative estimates of future parking demand at the proxy site.

He therefore opined that considering the proposed uses and the multi-nodal nature of the site location and the abundance of nearby public parking, the proposal for zero on-site parking spaces is supportable and appropriate and represents good transportation planning. Conversely, he opined that securing off-site parking for the proposed development is unnecessary, and the redevelopment at 9-1 Madison.

Mr. Vaino Einola, a Participant to the proceedings who filed a Participant Witness Statement (Exhibit 6) as well as a response to the Witness Statements of both the Applicant's experts, is a retired professional engineer who was previously a member of the Estonian House. His experience with the Estonian House also included having been appointed a special auditor by the membership at one time. Mr. Einola's acknowledged his interest in this project is purely personal and his attendance and participation are as a result of monitoring the progress of the proposed development and his interest in the matter.

His concerns regarding the proposal stems primarily from his disagreement with the characterization and definition of the development as a 'community centre', and the parking requirements/ramifications resulting from his submission of what the actual intended uses will be.

He submitted that Mr. Dror's characterization of the Estonian Centre as a 'not for profit' is inaccurate as is his assertion it is not a 'social club.' He argued that the function of the Centre has been misrepresented by the Appellant and that the classification of the proposed uses is fundamental in calculating the parking space requirements. He noted that the Appellant's assertion that the Centre will have 'limited commercial use' is inconsistent with the fact that 'the facility will consist of 30,000 sq. ft., 10,000 sq. ft. of which will be leasable commercial space and 20,000 sq. ft. to be community and common space.' (Exhibit 6, p. 2)

Furthermore, he asserted that the Centre, in fact, will function as a commercial event facility evidenced by the inclusion of a small kitchen component capable of catering. In his response to assertions made by Mr. Dror that the proposed development represents good planning in both policy and context, he argued that *“the proposal will be dysfunctional as an operation and will have a negative impact on neighbours...It introduces a grand hall which will be marketed as an assembly hall for up to 330 people or a dining hall for up to 250 people that will be rented out a minimum of 4 times a week without the requisite parking.”* (Response to Party Witness Statement, dated September 25, 2019, p. 1)

With respect to the issue of parking for the proposed development, Mr. Einola asserted that the Parking Study completed by Mr. Chan *“has come to an erroneous conclusion because it is based on several wrong assumptions.”* (Response to Party Witness Statement, dated Oct. 3, 2019, p. 1) He noted that Mr. Chan has acknowledged in his Study that there are both assembly and commercial components to the proposed Centre but he submitted that the Study failed to apply the parking requirements to the gross floor area aspect of each use.

He submitted that an analysis of the Zoning By-law standards when applied to the ‘defined uses’ proposed in the subject development would require providing a total of 70 parking spaces. Given that the Applicant is proposing zero on-site spaces, he posited therefore that this variance cannot be considered minor.

He also questioned Mr. Chan’s methodological approach to undertaking the parking demand surveys completed for the existing Estonian House (the proxy site) arguing that the times and dates during which the surveys were completed gave a false conclusion regarding parking loads and event activities.

Finally, Mr. Einola disagrees with Mr. Chan’s conclusion that there is available and underutilized parking in the vicinity of the subject development and that providing zero parking on-site will encourage the use of other modes of transportation. He argued that Mr. Chan employed incorrect assumptions regarding the population that will be using the cultural centre component of the development suggesting that the majority of users are older and will not avail themselves of public transit.

He also questioned why there are no loading facilities required or provided on-site for servicing vehicles, and why the Appellant has not been required to provide ‘handicap’ parking spaces given that the Centre has been advertised as being “handicap accessible”.

On cross-examination by Ms. Oksenberg, he acknowledged that he currently lives at least 10km from the subject site and that the proposed development will not impact him directly. He also conceded that he has not been a licensed professional engineer since 1999, has no formal training in transportation planning nor is he a land use planner. He confirmed that he submitted correspondence outlining his opposition to the proposal to the City in March 2018 prior to the COA hearing and that City Transportation staff still notified the Committee of no objections to the proposed development.

ANALYSIS, FINDINGS, REASONS

The Application before the TLAB is essentially a request for relief from the applicable zoning by-laws for nine variances to permit the proposed redevelopment of the subject site. The proposal was submitted to the City for Site Plan Approval in 2018 and was the subject of considerable discussion and review as part of an extensive consultation process involving City staff, the local councilor, and residents and neighbourhood resident's associations. That SPA process is on-going.

The consultation process referenced above included subsequent iterations of the proposal and resulted in the identification of requested variances which the COA approved in May 2019 and which are before the TLAB on appeal.

The Appellant's expert witnesses, Mr. Dror and Mr. Chan, have provided uncontroverted opinion evidence that the proposed development represents good planning with respect to both its policy and existing and planned physical context, and I agree. I accept Mr. Dror's opinion that the proposal represents a desirable and modest addition to the surrounding mixed uses context of the immediate area along Madison Avenue, and the more general surrounding neighbourhood which includes various uses, building typologies and densities commonly found in an urban, but more importantly, a downtown location.

I agree that the proposed height of the new mixed-use building is generally similar to nearby lots and conditions within the 'Annex' neighbourhood and the proposal is within the existing requirements for floor space index, lot coverage, front and side yard setbacks. I also agree that the proposed redevelopment of the subject site will not result in any unacceptable adverse impacts in terms of light, view and privacy resulting from the variances requested.

I find that the proposed development has appropriate and adequate regard for matters of provincial interest, is consistent with the PPS and conforms to the Growth Plan. Furthermore, it is my opinion that the variances, individually and collectively, meet the four statutory tests as set out in Section 45(1) of the *Planning Act*, maintain the general intent and purpose of the applicable Zoning By-laws and Official, and are minor and desirable for the appropriate development and use of the subject site.

With respect to the main issue of this appeal, as identified both by the Appellant and Mr. Einola, that is, the condition (Condition 3) imposed by the COA requiring the Appellant to enter into a lease arrangement for 19 off-site parking spaces, I find to be unnecessary to the approval of the requested variances.

I agree with the Applicant's solicitor that the TLAB has been provided with uncontroverted and convincing opinion evidence from two well-qualified experts that Condition 3 is inappropriate from a land use and transportation planning perspective. Specifically, with respect to Mr. Chan's extensive evidence, I agree that any future parking demand resulting from the proposed development can be absorbed by the residual parking supply available in the surrounding neighbourhood.

While I recognize Mr. Einola's apprehension of the perception of lack of parking being proposed as part of the subject development and appreciate the concerns he

**Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI
TLAB Case File Number: 19 165642 S45 11 TLAB**

expressed, I note that there are many other areas in the City of Toronto where off-site parking would be an appropriate requirement/condition imposed on the approval of a similar proposal/use. I agree with Mr. Chan's evidence that requiring the Owners to lease off-site parking does not make sense in a situation where there exists an identified residual, abundant and year-round parking supply of over 400 spaces within a 300-metre radius of the subject site. This is in addition to the site's proximity to excellent transit connections at the Spadina and St. George Subway Stations.

I agree with Ms. Oksenberg that Mr. Einola's assertions are not based on policy or an expert understanding of the Zoning By-laws but rather on conjecture and unsubstantiated assumptions that border on speculation. Although I found him knowledgeable, to some degree, as to the machinations of the Estonian House of Toronto as a corporation, I find his attempt to decipher the applied By-law parking requirements for the proposed development to be flawed. This was expertly exposed through his cross-examination by Ms. Oksenberg when he acknowledged that he was unaware of specific zoning by-law parking exceptions for financial, institutional and retail use in Policy Area 1 of the CR zone.

In this regard, the axiom that one *'first understand and then be understood'* is appropriate since Mr. Einola is contending that the parking requirements for this development be re-examined by the City based solely on the information he presented at the Hearing. He, himself, acknowledged that the evidence before the TLAB had already been considered by City staff and presented at the COA hearing. And yet, City staff did not oppose the development nor attend the Hearing in opposition.

I also find that Mr. Einola's assertions that the Appellant has somehow misrepresented the true nature of the proposed development and its anticipated function, and an attempt at obfuscation as he claimed in his Witness Statement, to be somewhat unfounded. I agree with Ms. Oksenberg that the Mr. Einola's inference that the proposal is shrouded in some type of 'cloak and dagger' smokescreen (her words) and that the Appellant is purposely misleading the City and the public is not warranted.

As previously recited, the plans for this development have been vetted thoroughly by City staff as part of a parallel Site Plan Control approval process and have been reviewed by the community in an open, transparent and consultative manner. I understand Mr. Einola is concerned about the public interest but I also note that City staff did not oppose the Application, only recommending conditions.

I am satisfied that Condition 3 imposed by the COA should not be a compulsory prerequisite to approve the requested variances given the evidence provided by the two expert witnesses as the proposed on-site parking supply of zero spaces is adequate to serve the redevelopment of the subject site. The multimodal nature of site's location includes excellent access to walking, cycling and transit, including the proximity to two interchange stations on the City's busiest subway lines, as well as access to an existing residual supply of parking spaces within a reasonable walking distance of the site. I agree that this parking supply can accommodate the anticipated and planned parking demand resulting from the proposed development.

I note that the proposed development is still subject to Site Plan Control approval and that the final specific configuration, design and associated easements related to the

POPS and the Public Pedestrian Walkway associated with the plans will be finalized as and secured through the concurrent SPC application. As recited previously, the proposed development will contain a cultural hub and will include a courtyard square (POPS) with a walkway connection to the lands east, in addition to a mid-block connection that will enhance pedestrian movements and create a sense of place within this mixed-use area which is the subject of significant redevelopment.

DECISION AND ORDER

The appeal herein is allowed; the Committee of Adjustment decision is modified, and the TLAB authorizes the following variances, subject to the Conditions that follow.

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

1. Chapter 40.10.40.10.(2)(A), By-law 569-2013

The maximum permitted building height is 12 m.

The new three-storey building will have a height of 12.85 m.

2. Chapter 200.5.10.1.(1), By-law 569-2013

A minimum of 19 parking spaces are required to be provided on the lot.

In this case, zero on-site parking spaces will be provided.

Chapter 900.11.10.(x2481)(A)(i) & (ii), By-law 569-2013

In a CR zone under the "c" zone label, the following uses are not permitted:

A bake-shop, caterer's shop, a newsstand, a branch of a bank or financial institution, a restaurant, a take-out restaurant, a tailoring shop, a dry-cleaning shop, a dry-cleaner's distributing station, a laundry shop, a personal grooming establishment; a retail store, a pawnbroker's shop, a pet shop, a real estate sales office, a photographer's shop, a showroom, an auctioneer's premises, a service, rental or repair shop, a duplicating shop, an industrial computer service, a data processing establishment, or a security service.

In this case, restaurant, take-out restaurant, and branch of a bank or financial institution uses will operate from the building at 11 Madison Avenue.

4. Chapter 40.10.40.10.(5), By-law 569-2013

The minimum height of the first storey, measured between the floor of the first storey and the ceiling of the first storey is 4.5 m.

The height of the first storey of the new three-storey building will be 3.2 m.

5. Chapter 40.10.40.70.(2)(A), By-law 569-2013

At least 75% of the main wall of the building facing a front lot line must be located at or between the front lot line and a maximum of 3.0 m from the front lot line.

In this case, 29% of the main wall will be located at or between the front lot line and a maximum of 3.0 m from the front lot line.

6. Chapter 40.10.40.70.(2)(B)(i), By-law 569-2013

The minimum required rear lot line setback for a building is 7.5 m.

In this case, the new three-storey building will be located 0 m from the rear lot line.

1. Section 4(2)(a), By-law 438-86

The maximum permitted building height is 12 m.
The new three-storey building will have a height of 12.85 m.

2. Section 12(2)219(a), By-law 438-86

The following uses are not permitted at 11 Madison Avenue:

A bake-shop, caterer's shop, a newsstand, a branch of a bank or financial institution, a restaurant, a take-out restaurant, a tailoring shop, a dry-cleaning shop, a dry-cleaner's distributing station, a laundry shop, a personal grooming establishment; a retail store, a pawnbroker's shop, a pet shop, a real estate sales office, a photographer's shop, a showroom, an auctioneer's premises, a service, rental or repair shop, a duplicating shop, an industrial computer service, a data processing establishment, or a security service.

In this case, restaurant, take-out restaurant, and branch of a bank or financial institution uses will operate from the building at 11 Madison Avenue.

3. Section 4(5)(B), By-law 438-86

A minimum of 18 parking spaces are required to be provided on the lot.

In this case, zero on-site parking spaces will be provided.

CONDITIONS OF VARIANCE APPROVAL

(1) Prior to the issuance of a building permit, building permit drawings, including plans, elevations and details shall be submitted to the satisfaction of the Senior Manager, Urban Design/Heritage, City Planning Division and a heritage permit shall be obtained under the provision of Section 42 of the Ontario Heritage Act.

(2) The owner shall provide to the satisfaction of the Executive Director and Chief Planner, City Planning Division, a Privately Owned Publicly-Accessible Space (POPS) generally on the lands identified as 'square' on Ground Floor Plan Drawing A2.02, prepared by Kongats Architects and received by the Committee of Adjustment on April 16, 2019; and, a Public Pedestrian Walkway with a dimension no less than 3.0 m in width, 18.9 m in length, and 3.2 m in vertical clearance, to form part of a mid-block connection to 300 Bloor Street West.



Dino Lombardi
Panel Chair, Toronto Local Appeal Body



City Planning Division
Michael Mizzi, MCIP, RPP
Director, Zoning and Secretary-Treasurer,
Committee of Adjustment

Committee of Adjustment
Toronto and East York District

100 Queen Street West, 1st Floor
Toronto, Ontario M5H 2N2
Tel: 416-392-7565
Fax: 416-392-0580

NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)

File Number: A1049/18TEY
Property Address: 9-11 MADISON AVE
Legal Description: PLAN M2 LOT 33 LOT 34
Agent: MIKE DROR
Owner(s): CITY OF TORONTO & ESTONIAN CREDIT UNION LTD.
Zoning: CR 2.0 (c2.0; r2.0) & CR T2.0 C2.0 R2.0 (9 Madison Ave); CR 1.5 (c1.5; r1.0) & CR T1.5 C1.5 R1.0 (11 Madison Ave) (Waiver)
Ward: University-Rosedale (11)
Community: Toronto
Heritage: Designated

Notice was given and a Public Hearing was held on **Wednesday, May 15, 2019**, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a three-storey mixed-use building containing assembly (Estonian Centre), retail uses and a roof top terrace. The new building will be attached to the rear of the commercial building at 11 Madison Avenue and will extend south over the existing surface parking lot. The new building will be used in conjunction with the existing three-storey commercial building at 11 Madison Avenue.

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

- 1. Chapter 40.10.40.10.(2)(A), By-law 569-2013**
The maximum permitted building height is 12 m.
The new three-storey building will have a height of 12.85 m.
- 2. Chapter 200.5.10.1.(1), By-law 569-2013**
A minimum of 19 parking spaces are required to be provided on the lot.
In this case, zero on-site parking spaces will be provided.

3. Chapter 900.11.10.(x2481)(A)(i) & (ii), By-law 569-2013

In a CR zone under the "c" zone label, the following uses are not permitted:

A bake-shop, caterer's shop, a newsstand, a branch of a bank or financial institution, a restaurant, a take-out restaurant, a tailoring shop, a dry-cleaning shop, a dry-cleaner's distributing station, a laundry shop, a personal grooming establishment; a retail store, a pawnbroker's shop, a pet shop, a real estate sales office, a photographer's shop, a showroom, an auctioneer's premises, a service, rental or repair shop, a duplicating shop, an industrial computer service, a data processing establishment, or a security service.

In this case, restaurant, take-out restaurant, and branch of a bank or financial institution uses will operate from the building at 11 Madison Avenue.

4. Chapter 40.10.40.10.(5), By-law 569-2013

The minimum height of the first storey, measured between the floor of the first storey and the ceiling of the first storey is 4.5 m.

The height of the first storey of the new three-storey building will be 3.2 m.

5. Chapter 40.10.40.70.(2)(A), By-law 569-2013

At least 75% of the main wall of the building facing a front lot line must be located at or between the front lot line and a maximum of 3.0 m from the front lot line.

In this case, 29% of the main wall will be located at or between the front lot line and a maximum of 3.0 m from the front lot line.

6. Chapter 40.10.40.70.(2)(B)(i), By-law 569-2013

The minimum required rear lot line setback for a building is 7.5 m.

In this case, the new three-storey building will be located 0 m from the rear lot line.

1. Section 4(2)(a), By-law 438-86

The maximum permitted building height is 12 m.

The new three-storey building will have a height of 12.85 m.

2. Section 6(3) Part II 3.C(I), By-law 438-86

The following uses are not permitted at 11 Madison Avenue:

A bake-shop, caterer's shop, a newsstand, a branch of a bank or financial institution, a restaurant, a take-out restaurant, a tailoring shop, a dry-cleaning shop, a dry-cleaner's distributing station, a laundry shop, a personal grooming establishment; a retail store, a pawnbroker's shop, a pet shop, a real estate sales office, a photographer's shop, a showroom, an auctioneer's premises, a service, rental or repair shop, a duplicating shop, an industrial computer service, a data processing establishment, or a security service.

In this case, restaurant, take-out restaurant, and branch of a bank or financial institution uses will operate from the building at 11 Madison Avenue.

3. Section 4(5)(B), By-law 438-86

A minimum of 18 parking spaces are required to be provided on the lot.

In this case, zero on-site parking spaces will be provided.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to approve this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

- (1) Prior to the issuance of a building permit, building permit drawings, including plans, elevations and details shall be submitted to the satisfaction of the Senior Manager, Urban Design/Heritage, City Planning Division and a heritage permit shall be obtained under the provision of Section 42 of the Ontario Heritage Act.
- (2) The owner shall provide to the satisfaction of the Executive Director and Chief Planner, City Planning Division, a Privately Owned Publicly-Accessible Space (POPS) generally on the lands identified as 'square' on Ground Floor Plan Drawing A2.02, prepared by Kongats Architects and received by the Committee of Adjustment on April 16, 2019; and, a Public Pedestrian Walkway with a dimension no less than 3.0 m in width, 18.9 m in length, and 3.2 m in vertical clearance, to form part of a mid-block connection to 300 Bloor Street West.
- (3) The owner shall lease 19 parking spaces off-site, within 300 m of the subject site, and surplus to the requirements of the Zoning By-law for the donor site, to the satisfaction of the Manager, Traffic Planning, Transportation Services, Toronto and East York District.

SIGNATURE PAGE

File Number: A1049/18TEY
Property Address: 9-11 MADISON AVE
Legal Description: PLAN M2 LOT 33 LOT 34
Agent: MIKE DROR
Owner(s): CITY OF TORONTO & ESTONIAN CREDIT UNION LTD.
Zoning: CR 2.0 (c2.0; r2.0) & CR T2.0 C2.0 R2.0 (9 Madison Ave); CR 1.5 (c1.5; r1.0) & CR T1.5 C1.5 R1.0 (11 Madison Ave) (Waiver)
Ward: University-Rosedale (11)
Community: Toronto
Heritage: Designated

DISSENTED

Nancy Oomen (signed)

Joanne Hayes (signed)

Worrick Russell

DATE DECISION MAILED ON: **TUESDAY, MAY 21, 2019**

LAST DATE OF APPEAL: **TUESDAY, JUNE 4, 2019**

CERTIFIED TRUE COPY

Sylvia Mullaste (signed)
Acting Deputy Secretary-Treasurer
Committee of Adjustment, Toronto and East York District

Appeal Information

All appeals must be filed with the Deputy Secretary-Treasurer, Committee of Adjustment by the last date of appeal as shown on the signature page.

Your appeal to the Toronto Local Appeal Body (TLAB) should be submitted in accordance with the instructions below unless there is a related appeal* to the Local Planning Appeal Tribunal (LPAT) for the same matter.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB you need the following:

- a completed TLAB Notice of Appeal (Form 1) in **digital format** on a CD/DVD or USB;
- \$300 for each appeal filed regardless if related and submitted by the same appellant;
- Fees are payable to the **City of Toronto** by cash, certified cheque or money order (Canadian funds).

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB web site at www.toronto.ca/tlab.

LOCAL PLANNING APPEAL TRIBUNAL (LPAT) INSTRUCTIONS

To appeal this decision to the LPAT you need the following:

- a completed LPAT Appellant Form (A1) in **paper format**;
- \$300.00 with an additional reduced fee of \$25.00 for each connected appeal filed by the same appellant
- Fees are payable to the Minister of Finance by certified cheque or money order (Canadian funds).

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Environmental & Lands Tribunals Ontario (ELTO) website at <http://elto.gov.on.ca/tribunals/lpat/forms/>.

*A **related appeal** is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal to the **Local Planning Appeal Tribunal (LPAT)** should be submitted in accordance with the instructions above.