

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): LIXIAO ZHU

Applicant: KHALID IBRAHIM

Property Address/Description: 18 DAWSON AVE

Committee of Adjustment Case File: 18 146761 STE 30 MV

TLAB Case File Number: 19 170098 S45 14 TLAB

Hearing date: Tuesday, October 15, 2019

DECISION DELIVERED BY GILLIAN BURTON

APPEARANCES

Name	Role	Representative
Khalid Ibrahim	Applicant	
Lixiao Zhu	Owner/Appellant	Amber Stewart
Jonathan Benczkowski	Expert Witness	
Robert Price	Party	
Julia Morgon	Party	Andrew Biggart
Arlene Lott	Participant	
Patrick Fordyce	Participant	
Kim Barnes	Participant	
Chris Mason	Participant	
Daniel Simon	Participant	

INTRODUCTION

This was an Appeal to the Toronto Local Appeal Body (TLAB) by the owner of 18 Dawson Avenue from a May 30, 2019 decision of the Committee of Adjustment (COA). This had refused variances to construct a new 2½-storey detached dwelling, with rear ground, second and third floor decks and a rear basement walkout.

The property is located south of Danforth Avenue and east of Jones Avenue. It is designated *Neighbourhoods* in the Official Plan, and zoned R(d0.6)(x736) under By-law 569-2013 and R2(z0.6) by the older By-law No. 438-86.

At the beginning of the scheduled Hearing on October 15, 2019, Ms. Stewart and Mr. Biggart, counsel for Party Ms. Julia Morgon at 16 Dawson Ave., requested additional time for negotiation. A settlement of the Appeal was reached, and Minutes of Settlement (MOS) signed. The TLAB Hearing then continued in order to hear planning evidence.

BACKGROUND

A previous TLAB decision of August 27, 2019 had permitted extended filing dates for the Hearing, as it was apparent then that a settlement was possible. The present Hearing addressed the required tests in the Act for approval of minor variances, as is required even in the context of an executed MOS. The filing of revised exhibits was somewhat delayed even after the Hearing, but has now been completed.

In the earlier COA application in 2018 the existing dwelling had been described as "...1 1/2 storey frame clad dwelling", to be replaced by a "new brick and stone 2 ½ storey dwelling." In its Hearing Notice the COA further described the proposal as above: "To construct a new 2½-storey detached dwelling with rear ground, second and third floor decks and a rear basement walkout." There were six variances requested, for front, rear and side exterior main wall height, floor space index, and the number of parking spaces. Several objections ensued from nearby neighbours.

Planning Staff had initially reported on September 20, 2018 to the COA. At that time, they had had concerns with the proposed dwelling and its impact on the streetscape of Dawson Avenue, as well as with the proposed floor space index (FSI).

They stated that the Dawson Avenue streetscape is primarily made up of dwellings with a front façade of one or two storeys. Existing third-storey structures have either dormers within the roofline, or are recessed from the front main wall. The proposed would be the first building on Dawson with a full three-storey front wall. Such a façade, together with the height and front exterior main wall height variances, would not in staff's opinion respect and reinforce the existing physical character along Dawson Avenue (as the Official Plan requires.)

With respect to FSI, staff noted that on Dawson, four dwellings had been approved for density beyond the permitted (0.6 times the area of the lot). The approvals for FSI were:

Decision of Toronto Local Appeal Body Panel Member: G. BURTON
TLAB Case File Number: 19 170098 S45 14 TLAB

Address	Approved FSI
5 Dawson Avenue	0.81 times the area of the lot
7 Dawson Avenue	0.85 times the area of the lot
19 Dawson Avenue	0.83 times the area of the lot
20 Dawson Avenue	0.78 times the area of the lot

Thus in staff's opinion the proposed density of 1.11 times would not respect and reinforce the existing physical character on Dawson Avenue.

The Planning Department's later Report to the COA on the **revised** application (May 23, 2019) had stated the following:

"The Official Plan, as amended by OPA 320, requires physical changes to established *Neighbourhoods* to be sensitive, gradual and "fit" the existing physical character. Specifically, new development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, with reference to characteristics including prevailing heights, massing, scale, densities and dwelling types of nearby residential properties.

.... The purpose of the respective zoning by-laws is to respect and reinforce a stable built form and to limit the impact of new development on adjacent properties.....

Planning staff note that the front, rear and side exterior main wall height variances relate to the proposed dormer additions and the proposed third storey, which is to be stepped in from the lower storeys of the dwelling, as illustrated in the Plans. These variances should be limited to the extents of these features as proposed, to ensure that they are maintained and to prevent unduly severe main walls in case of future redevelopment."

Therefore, they had changed their view about outright refusal, and recommended that:

"Variances #1, #2 and #3 to Zoning By-law 569-2013, respectively related to front, rear and side exterior main wall height, be limited to the proposed third-storey dormers and addition, provided that they be constructed substantially in accordance with the dimensions shown in drawings A.02 (site plan), A.08 (front elevation), A.09 (rear elevation) and A.10 (left side elevation) in the plans received by the Committee on February 6, 2019."

On May 30, 2019, the COA refused to approve the following variances, cited here for comparison purposes:

1. Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013

The maximum permitted height of all front exterior main walls is 7.5 m.

In this case, the height of the front exterior main wall of the new dwelling will be 9.87 m.

2. Chapter 10.10.40.10.(2)(A)(ii), By-law 569-2013

The maximum permitted height of all rear exterior main walls is 7.5 m.

In this case, the height of the rear exterior main wall of the new dwelling will be 9.87 m.

3. Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.

In this case, the height of the side exterior main walls facing the side lot lines will be 9.77 m.

4. Chapter 10.10.40.40.(1)(A), By-law 569-2013

The maximum permitted floor space index is 0.6 times the area of the lot (105.67 m²).
The new detached dwelling will have a floor space index equal to 0.99 times the area of the lot (174.44 m²).

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

The minimum of number of parking spaces for one dwelling unit in a detached house is one.
In this case, no parking space will be provided on-site.

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

A minimum of one parking space is required to be provided for on-site.
In this case, there will be no parking space provided on-site.

Following the TLAB Appeal of the refusal filed on June 12, 2019, settlement discussions then took place with Ms. Julia Morgon of 16 Dawson Ave., as the nearest and perhaps most affected neighbour. She had apprised other neighbours of their progress, since many of them had filed to become Participants in the Hearing.

MATTERS IN ISSUE

Do the requested variances, as revised and agreed upon, meet the tests in subsection 45(1) of the Act ?

JURISDICTION

For variance appeals, the TLAB must ensure that each of the variances sought meets the tests in subsection 45(1) of the Act. This involves a reconsideration of the variances considered by the COA in the physical and planning context. The subsection requires a conclusion that each of the variances, individually and cumulatively:

- maintains the general intent and purpose of the official plan;
- maintains the general intent and purpose of the zoning by-law;
- is desirable for the appropriate development or use of the land, building or structure; and
- is minor.

These are usually expressed as the “four tests”, and all must be satisfied for each variance, individually and collectively.

In addition, TLAB must have regard to matters of provincial interest as set out in section 2 of the Act, and the variances must be consistent with provincial policy statements and conform with provincial plans (s. 3 of the Act). A decision of the TLAB must therefore be consistent with the 2014 Provincial Policy Statement (PPS) and conform to (or not conflict with) any provincial plan such as the Growth Plan for the Greater Golden Horseshoe (Growth Plan) for the subject area.

Under s. 2.1 (1) of the Act, TLAB is also to have regard for the earlier Committee decision and the materials that were before that body.

EVIDENCE

Planning evidence for the Owner was provided by Mr. Jonathan Benczkowski, who was qualified as an expert, with many appearances before TLAB in this role. His Expert Witness Statement (EWS) is Exhibit 4, finalized after the changes agreed upon by the Parties.

One principal alteration was a reduction in the FSI to 0.95 times the area (the By-law requires 0.6). This was achieved by reducing the length of the dwelling by about 9 inches. The footprint of the home would be pushed back about one foot, or .3 m, so as to be in line with Ms. Morgon's home. This change would not trigger a change in the variances, as the depth, front and rear yard setbacks would be the same.

In the MOS, it was agreed that there would not be a balcony at the second floor rear. This would be a condition of approval. There is no overall height variance. The concern about height at the front façade would be addressed by reducing the height to 9.3 m. to the highest point of the structure. In addition, the canopy over the front porch would be altered in appearance to better resemble a peaked roof style. The side elevations would be altered to delete the balcony at the second floor. The third floor balcony would remain, with a privacy screen installed on the west side (next to Ms. Morgon). It would be limited in size to what is shown in the plans, with a condition of approval that it could not be expanded.

The revised variances now requested for approval are:

Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013

The maximum permitted height of all front exterior main walls is 7.5 m.

In this case, the height of the front exterior main wall of the new dwelling will be 9.38 m.

Chapter 10.10.40.10.(2)(A)(ii), By-law 569-2013

The maximum permitted height of all rear exterior main walls is 7.5 m.

In this case, the height of the rear exterior main wall of the new dwelling will be 9.38 m.

Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.

In this case, the height of the side exterior main walls facing the side lot lines will be 9.38m.

Chapter 10.10.40.40.(1)(A), By-law No. 569-2013

The maximum permitted floor space index is 0.6 times the area of the lot (105.67 m²). The new detached dwelling will have a floor space index equal to 0.95 times the area of the lot (167.32m²).

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

The minimum number of parking spaces for one dwelling unit in a detached house is one.

In this case, no parking space will be provided on-site.

Section 4(4)(b), By-law 438-86

A minimum of one parking space is required to be provided for on-site. In this case, there will be no parking space provided on-site.

Mr. Benczkowski outlined some of the non-planning matters agreed to in the settlement – approval of the final plans, pre-construction report, new privacy fence, waterproofing

of Ms. Morgon's east wall, a possible concrete pad between the properties.

In his ESW (Ex. 4) he illustrated the varied nature of the built forms on the surrounding neighbourhood streets. His photos show that there are many similar but also many dissimilar structures even in the same block, and variety exists on nearby streets. His Study Area for evaluation of the tests in the Act extended from Ravina Crescent to the north, to the Danforth, then Jones Avenue to the TTC yard on the eastern border, and Boulton to the south. It is an insular pocket, he testified, with no exit to the east, so that traffic must go back to Jones Avenue. There is a moratorium on front yard parking here, so there is inevitably a parking variance requested. He provided a chart of previous COA variance decisions. Built form and height variances are frequent. There is an eclectic mix of architectural styles even along Dawson itself. Many three storey fronts appear in the immediate neighbourhood, as seen in his photos (and contrary to planning staff's claim).

There are no setback variances for this proposal, as the length and depth are well below the By-law requirements. Most side yard setbacks in the area are narrow. He termed this proposal to be of a modest size, as at .95 FSI it would be only about 1700 sq. ft. The front wall would now line up with No.16, and the rear wall would be slightly behind it. The permitted length is 17 m, and the proposed is well below at 13.26 m. The third floor would be set well back from the exterior walls of the first and second storeys. This means that the deck there would have no overlook to the neighbouring properties.

It is important to realize that all of the built form of the proposed conforms with the By-laws, except for the exterior side wall heights. The overall height is compliant. The length, depth, side yard and rear yard setbacks and landscaping conform to the By-laws and thus require no variances. The restriction on exterior wall heights is still under appeal and may be reduced in scope.

In Mr. Benczkowski's opinion the proposal would meet the provincial policies for intensification in a compact form, replacing the underutilized bungalow there today.

Respecting the test of meeting the general intent and purpose of the OP, he found that this addition would be a fit with the present mix of bungalows and other low rise structures of up to four storeys in this neighbourhood. Although OPA 320 does not apply to this application, in his opinion the proposal would also comply with the present built forms on the subject block.

It would also ensure that there would achieve the desired compatible built form, as is the goal of the zoning By-law standards. There would be no adverse impacts, as the FSI, main wall heights and parking variances are not large. The heights, scale and massing are already represented on Dawson Avenue and nearby. It is a desirable replacement dwelling, without pushing the zoning requirements, creating a functional family home. There would be no curb cut involved, but parking on the street only. Many similar applications have been approved in his study area. It is indeed a minor proposal, since there are no unacceptable adverse impacts. The depth is well below permitted, and the FSI variance is not caused by additional setbacks. As mentioned, the overall height complies with the By-laws.

Ms. Morgon added that while the neighbours would prefer less FSI here, they had reached a settlement, with suitable conditions imposed, and she could accept this.

ANALYSIS, FINDINGS, REASONS

I agreed with Ms. Stewart's submission that, as permitted by subsection 45 (18.1.1) of the Act, no further notice of the revisions in the variances needed to be given. Since Ms. Morgon had been in discussion with the interested neighbours, and she indicated she had kept them informed, there was no need to provide more notice of these minor (and favourable) alterations to the application. None had attended the Hearing, although many registered to do so.

The minor variances are objectively not large. They have been adjusted and accepted by the near neighbors. Planning staff had earlier concluded: "The concerns raised above with regards to the height, front exterior main wall height and floor space index continue to apply when evaluated against OPA 320". However, fairly significant reductions have been made in the application and the plans. Therefore I agree with Mr. Benczkowski that the proposal now meets the tests of meeting the general intent and purpose of both the OP and the zoning By-laws. Similarly, the modest dwelling is desirable for the street and surrounding area, and its impact will not be great, since the neighbours have reached a settlement in the Appeal.

DECISION AND ORDER

The Appeal is allowed, and the variances in **Attachment 1** are approved, and the Minutes of Settlement are attached as **Attachment 3, for information purposes only. The following conditions will apply:**

1. The proposed dwelling shall be constructed substantially in accordance with the Site Plan and Elevations (Drawings A.02, A.08, A.09, A.10, and A.11) prepared by Memar Consultants Inc. and dated October 16, 2019, as seen in **Attachment 2**.
2. A 1.8 m opaque privacy screen shall be installed on the west side of the 3rd floor rear balcony.
3. The rear 3rd floor balcony shall be constructed to the maximum depth shown on the Third Floor Plan (Drawing A.06) prepared by Memar Consultants Inc. and dated October 16, 2019, and cannot be expanded at a later date.
4. No balcony shall be constructed at the rear of the second floor.

ATTACHMENT 1- VARIANCES

Chapter 10.10.40.10.(2)(A)(i), By-law 569-2013

The maximum permitted height of all front exterior main walls is 7.5 m.

In this case, the height of the front exterior main wall of the new dwelling will be 9.38 m.

Chapter 10.10.40.10.(2)(A)(ii), By-law 569-2013

Decision of Toronto Local Appeal Body Panel Member: G. BURTON
TLAB Case File Number: 19 170098 S45 14 TLAB

The maximum permitted height of all rear exterior main walls is 7.5 m.
In this case, the height of the rear exterior main wall of the new dwelling will be 9.38 m.

Chapter 10.10.40.10.(2)(B)(ii), By-law 569-2013

The maximum permitted height of all side exterior main walls facing a side lot line is 7.5 m.
In this case, the height of the side exterior main walls facing the side lot lines will be 9.38m.

Chapter 10.10.40.40.(1)(A), By-law No. 569-2013

The maximum permitted floor space index is 0.6 times the area of the lot (105.67 m²). The new detached dwelling will have a floor space index equal to 0.95 times the area of the lot (167.32m²).

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

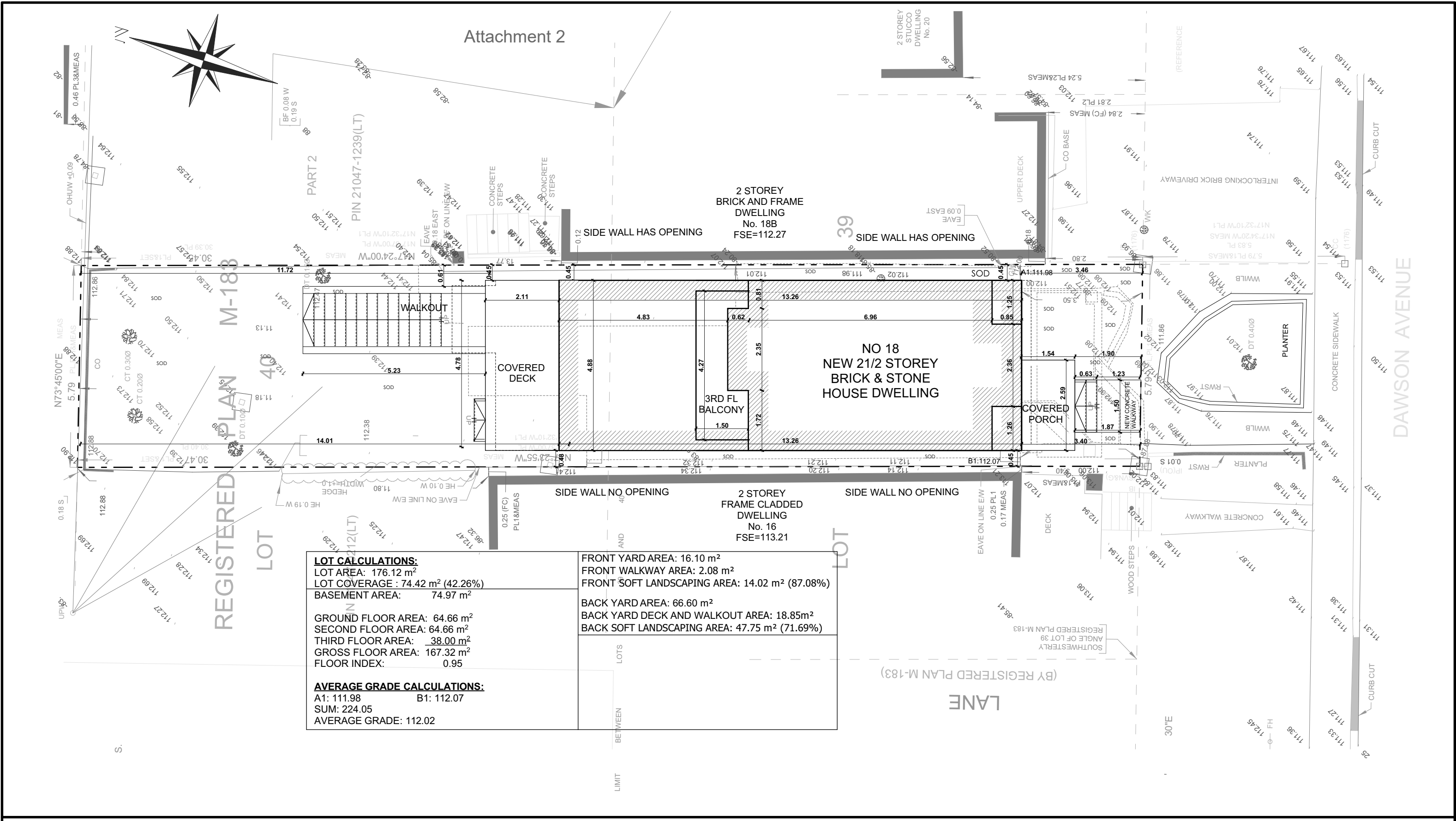
The minimum number of parking spaces for one dwelling unit in a detached house is one.
In this case, no parking space will be provided on-site.

ATTACHMENT 2 – PLANS

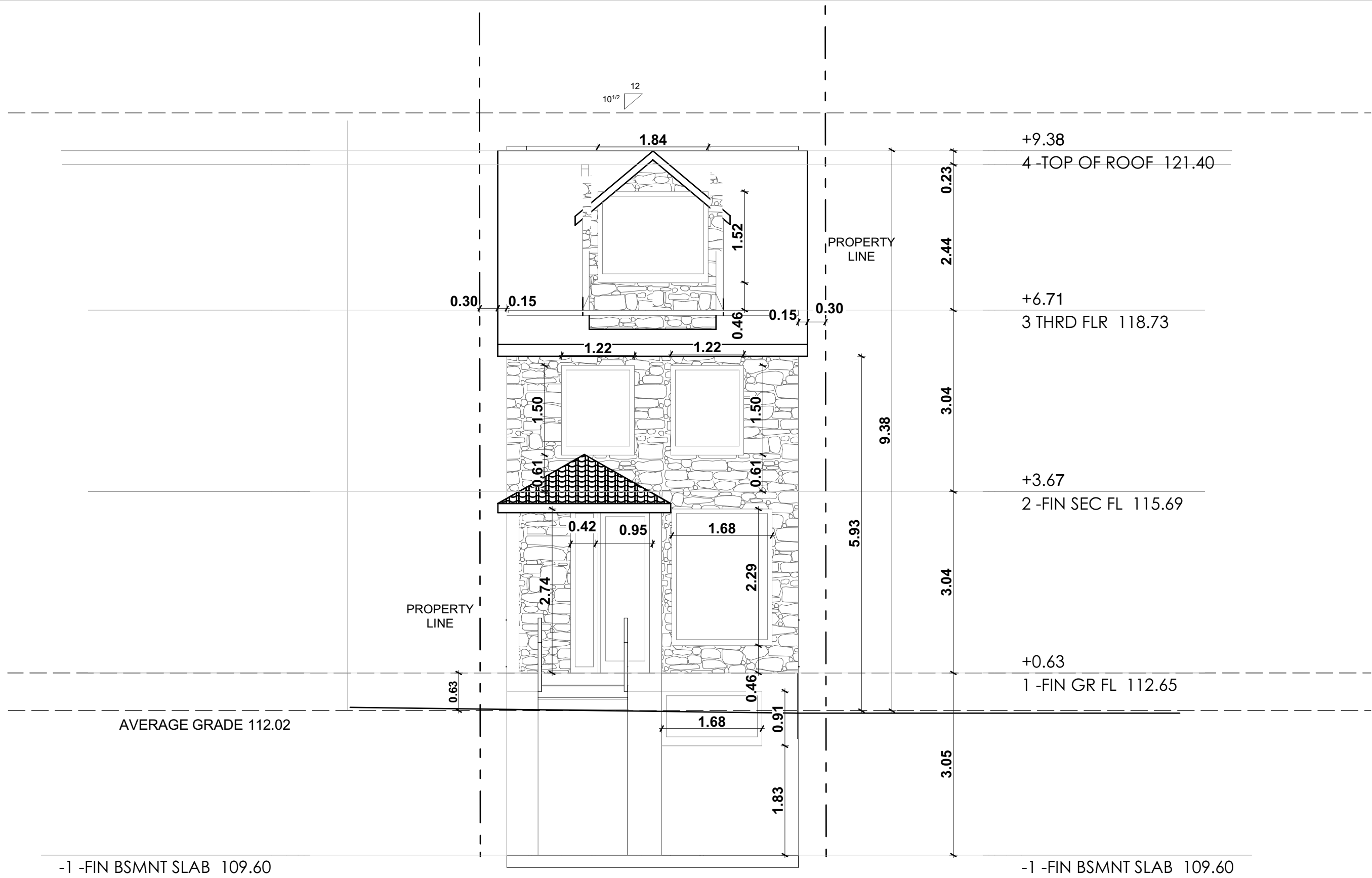
X 

G. Burton

Panel Chair, Toronto Local Appeal Body



ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/BUILDER MUST VERIFY ALL DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION INCLUDING: STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER COPY RIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.	DATE:	ISSUED FOR:	DRAWING TITLE:	DRAWN BY Y.Z. CHKD BY K.I.	SCALE: 1:100 LAST MODIFIED ON: October 16, 2019	THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER. KHALID IBRAHIM 42365 NAME SIGNATURE BCIN MEMAR CONSULTANTS 36837 FIRM NAME SIGNATURE BCIN	<div>MEMAR</div> <div>CONSULTANTS INC.</div> <div>2323 Yonge St, Unit 503 Toronto, ON, M4P 2C9 T: 416-575-4448</div>	A.02
	OCT 3 -2018	FOR COA APPLICATION	SITE PLAN					
		PROJECT TITLE/ADDRESS: 18 DAWSON AVEUE, TORONTO, ON						



ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/BUILDER MUST VERIFY ALL DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER **COPY RIGHT ACT** AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.

DATE:	ISSUED FOR:
OCT 3 -2018	FOR COA APPLICATION

DRAWING TITLE:
FRONT ELEVATION
PROJECT TITLE/ADDRESS:
18 DAWSON AVEUE, TORONTO, ON



DRAWN BY
Y.Z.
CHKD BY
K.I.

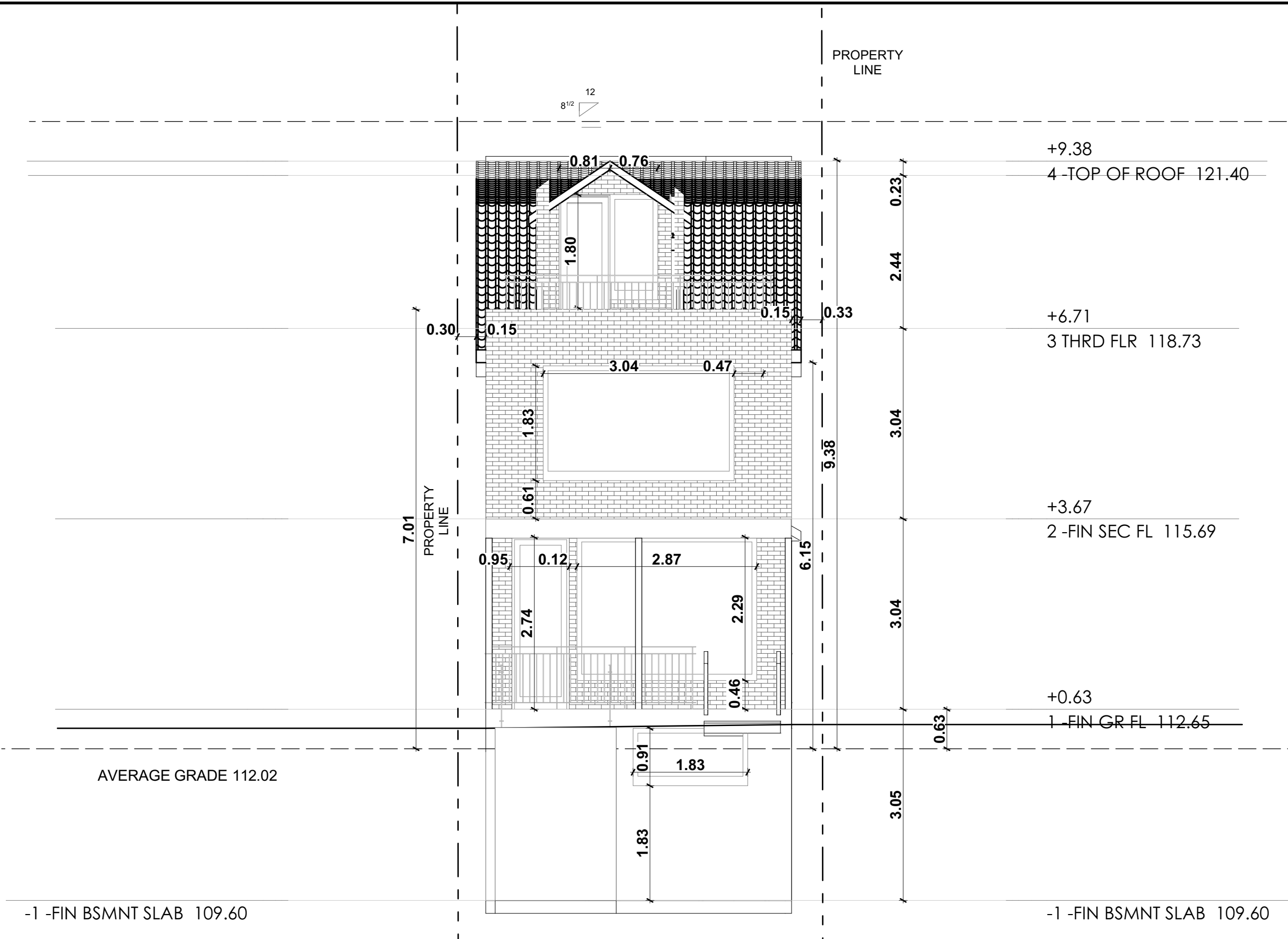
SCALE:
1:64
LAST MODIFIED ON:
October 16, 2019

THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.		
KHALID IBRAHIM	42365	
NAME	SIGNATURE	BCIN
MEMAR CONSULTANTS	36837	
FIRM NAME	SIGNATURE	BCIN

MEMAR
CONSULTANTS INC.

2323 Yonge St.Unit 503
Toronto,ON, M4P 2C9
T: 416-575-4448

A.08



ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/BUILDER MUST VERIFY ALL DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER COPY RIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.

DATE:	ISSUED FOR:
OCT 3 -2018	FOR COA APPLICATION

DRAWING TITLE:
REAR ELEVATION
PROJECT TITLE/ADDRESS:
18 DAWSON AVEUE, TORONTO, ON

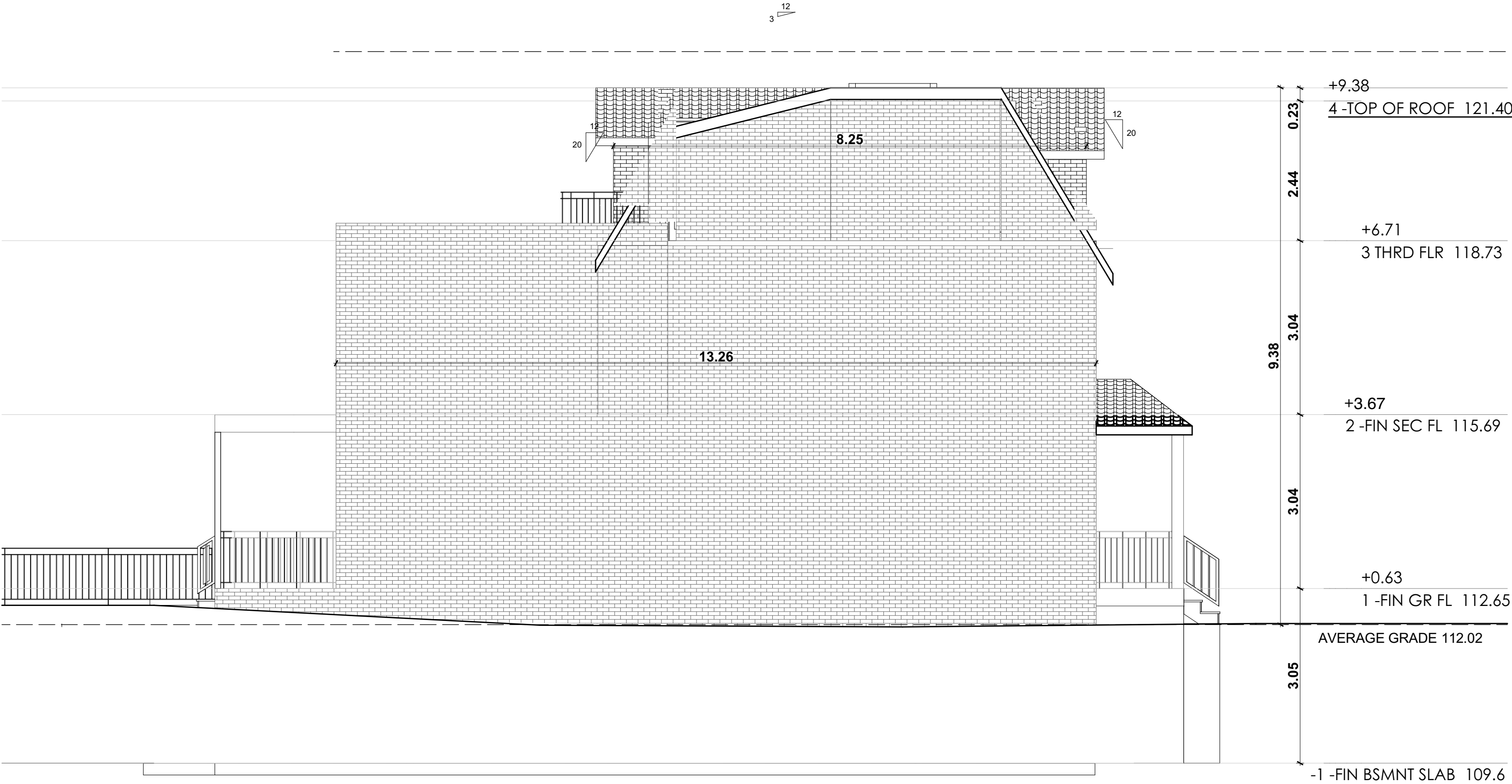
DRAWN BY
Y.Z.
CHKD BY
K.I.

SCALE:
1:64
LAST MODIFIED ON:
October 16, 2019

THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.		
KHALID IBRAHIM	42365	
NAME	SIGNATURE	BCIN
MEMAR CONSULTANTS	36837	
FIRM NAME	SIGNATURE	BCIN

MEMAR CONSULTANTS INC.
2323 Yonge St,Unit 503 Toronto,ON, M4P 2C9 T: 416-575-4448

A.09



ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/BUILDER MUST VERIFY ALL DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER **COPY RIGHT ACT** AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.

DATE:	ISSUED FOR:
OCT 3 -2018	FOR COA APPLICATION

DRAWING TITLE:

LEFT SIDE ELEVATION

PROJECT TITLE/ADDRESS:

18 DAWSON AVEUE, TORONTO, ON

DRAWN BY

Y.Z.

CHKD BY

K.I.

SCALE:

1:64

LAST MODIFIED ON:

October 16, 2019

THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER.

KHALID IBRAHIM 42365

NAME SIGNATURE BCIN

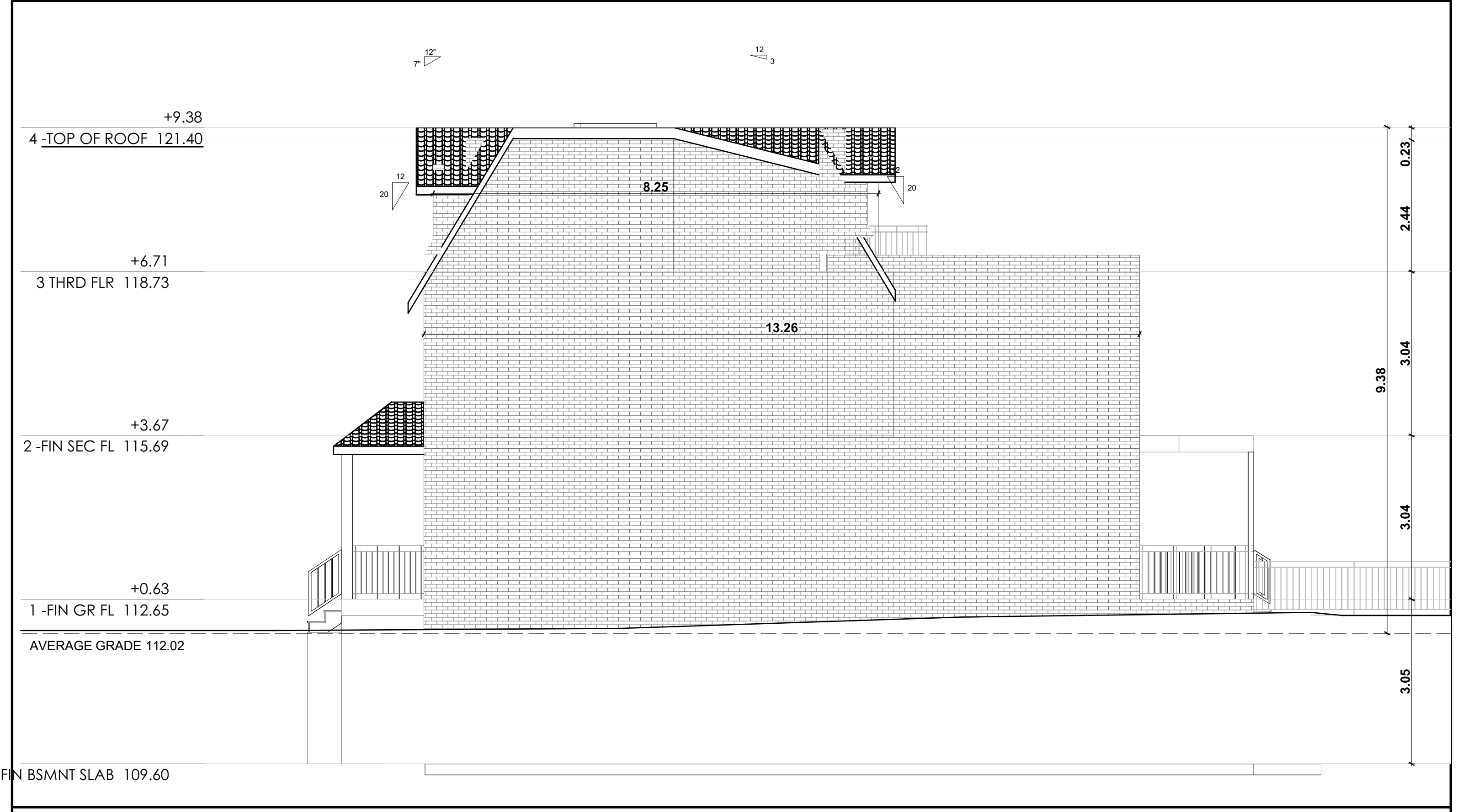
MEMAR CONSULTANTS 36837

FIRM NAME SIGNATURE BCIN



2323 Yonge St.Unit 503
Toronto,ON, M4P 2C9
T: 416-575-4448

A.10



<div>ALL DRAWINGS AND DOCUMENTS ARE PRELIMINARY UNLESS APPROVED BY THE CITY AND MUST NOT BE USED FOR ANY CONSTRUCTION BEFORE ISSUANCE OF BUILDING PERMIT. CONTRACTORS/BUILDER MUST VERIFY ALL DIMENSIONS/SPECS/DETAILS & AS-BUILT INFORMATION INCLUDING STRUCTURAL AND MECHANICAL PRIOR TO COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO MEMAR. DESIGN, DRAWINGS & SPECIFICATIONS ARE ALL PROPERTY OF MEMAR UNDER COPY RIGHT ACT AND MUST NOT BE USED FOR ANY OTHER PROJECT AND/OR BY ANY OTHER PERSON INCLUDING ORIGINAL CLIENT WITHOUT WRITTEN PERMISSION.</div>	DATE:	ISSUED FOR:	DRAWING TITLE:		DRAWN BY	SCALE:	<div>THE UNDERSIGN HAVE REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE DESIGNER. KHALID IBRAHIM42365 NAMESIGNATUREBCIN MEMAR CONSULTANTS36837 FIRM NAMESIGNATUREBCIN</div>	<div>MEMARCONSULTANTS INC. 2323 Yonge St. Unit 503 Toronto, ON, M4P 2C9 T: 416-575-4448</div>	A.11
	OCT 3 - 2018	FOR COA APPLICATION	RIGHT SIDE ELEVATION		Y.Z.	1:64			
			PROJECT TITLE/ADDRESS:		CHKD BY	LAST MODIFIED ON:			
			18 DAWSON AVEUE, TORONTO, ON		K.I.	October 16, 2019			

MINUTES OF SETTLEMENT dated October 15, 2019

B E T W E E N:

LI XIAO ZHU ("the Owner")

- and -

JULIA MORGAN ("Ms. Morgan")

WHEREAS the Owner owns property municipally known as 18 Dawson Avenue ("the Subject Property") and made an application to the Committee of Adjustment for minor variances to permit the construction of a new dwelling on the Subject Property.

AND WHEREAS Ms. Morgan is the owner of property municipally known as 16 Dawson Avenue ("16 Dawson").

AND WHEREAS the Owner and Ms. Dawson are parties (collectively, "the Parties") to the appeal to the Toronto Local Appeal Body ("TLAB") bearing file no. 19 170098 S45 14TLAB.

AND WHEREAS the Parties wish to settle the issues as between them in the within proceeding.

NOW THEREFORE the Parties hereto agree as follows:

1. The Owner agrees to submit the revised plans attached hereto as Schedule A and the revised List of Variances and Conditions attached hereto as Schedule B to the TLAB for approval.
2. The Owner agrees and shall pay for the waterproofing of the foundation and basement wall on the east side of the existing dwelling on 16 Dawson, which work shall include waterproofing to the footings and above-grade in accordance with industry standards using dimple membrane and a weeping system ("Waterproofing") The Waterproofing shall be provided based on one of the following options, in Ms. Morgan's sole discretion:
 - a. The Owner's contractor may complete the work at the cost of the Owner, provided that Ms. Morgan consents to such work being undertaken and provides access to 16 Dawson;
 - b. If Ms. Morgan chooses to retain her own contractor, Ms. Morgan will obtain three quotes to complete the work and the Owner shall pay up to a maximum of the average of the three quotes upon presentation of an invoice from the contractor who completes the work.

The Parties shall make best efforts to coordinate the Waterproofing in order to have the work completed in a timely and cost-effective manner and to minimize delay and exposure of the footings. This will include provision of notice in advance of applicable stages of construction.

3. The Owner will provide a copy of the engineering and architectural plans for the new dwelling at 18 Dawson to Ms. Morgan prior to submitting them to the City for the purpose of reviewing and providing comments if necessary.

4. Prior to commencing demolition, the Owner agrees to retain their engineer to complete a pre-construction review of the existing condition of 16 Dawson, and to prepare a report with photographs summarizing the review. The report will be provided to Ms. Morgan upon completion and at least three weeks prior to commencing construction. Ms. Morgan will grant the engineer access to the interior and exterior of her dwelling at a mutually agreeable time.
5. The Owner agrees to remove the hedge along the common lot line with 16 Dawson, and to install a new wood board-on-board fence on the lot line commencing at an agreed-upon location, all at the Owner's cost.
6. The Owner agrees to pour a concrete pad in the side yard, with proper drainage, between the Subject Property and 16 Dawson at the Owner's cost if Ms. Morgan so requests prior to the completion of landscaping.
7. Notice as required under these Minutes of Settlement shall be provided by email to Ms. Morgan at cardinalsoars@gmail.com. Notice to the Owner shall be provided by email at tinazg2000@gmail.com. The Owner shall also provide Ms. Morgan with their contractor's contact information once known.
8. The Parties warrant that they have had the opportunity to consult or have consulted with legal counsel, and that they understand all of the terms of and obligations contained in these Minutes of Settlement.
9. This Addendum constitutes a legally binding agreement which shall be governed by and construed in accordance with the laws of the Province of Ontario.
10. This Addendum can be signed in counterparts, and a facsimile, photocopy, or email copy of this Addendum is as binding as the original thereof.

IN WITNESS WHEREOF the Parties have executed these Minutes of Settlement as of the dates noted below.

Witness:	_____	_____
	Name:	Li Xiao Zhu
	Date:	
 Witness:	 _____	 _____
	Name:	Julia Morgan
	Date:	