

DECISION AND ORDER

Decision Issue Date Friday, December 06, 2019

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the *Planning Act*

Appellant(s): STEFANO OLIVERIO

Applicant: AMBIENT DESIGNS LTD

Property Address/Description: 273 B RANEE AVE

Committee of Adjustment Case File: 17 278678 NNY 15 CO, 17 278689 NNY 15 MV, 17 278692 NNY 15 MV

TLAB Case File Number: 18 185466 S53 15 TLAB, 18 185469 S45 15 TLAB, 18 185471 S45 15 TLAB

Teleconference date: Tuesday, November 19, 2019

DECISION DELIVERED BY TED YAO

APPEARANCES

Name	Role	Representatives
Andrea Oliveri, Stefano Oliveri	Owners	Russell Cheeseman, Eliot Cheeseman
Theodore Cieciura	Expert Witness	
Mounesh Ramrichia	Applicant (Ambient Designs Ltd)	
City of Toronto	Party	Aderinsola Abimbola, Laura Bisset
Yishan Liu	Expert Witness	
David Afonso, Patricia Doe, Haricleia Mihele, Edwin Mifsud, Tracy Stapleton	Parties	Barnet Kussner
Melanie Melnyk	Expert Witness	

INTRODUCTION

The Oliveris wish to sever 273B Ranee Ave and build 2 new two-storey homes.

BACKGROUND

The hearing began on April 23, 2019, at which time it was adjourned to allow settlement discussions. Those discussions have resulted in a settlement in which the Oliverii family will build a pair of semi-detached homes instead of two detached homes and allow the required setback to the side lot line of each of their neighbours. The settlement required a revision to the original plans, and these were presented to me by telephone conference call on November 19, 2019.

This site is very unusual in that it is vacant; it has no existing building to be demolished. In all of Mr. Cieciora's experience and in mine, we have never come across a vacant lot in Toronto which appears to have somehow escaped development despite being a lot of record for decades. **Because of these unusual facts and because this is a settlement, this case is not a precedent for other applications for severance in the future.**

Ranee Ave is the east-west street just south of the Yorkdale Shopping Centre and there is at least one other example of semis on 9 m wide lots in the area. I heard from Mr. Cieciora, a qualified land use planner, who supported the settlement. I did not hear from Ms. Liu or Ms. Melnyk, but they were in attendance on April 23, 2019 and presumably were able to provide professional planning advice to their clients in respect of the settlement without needing to be called to testify.

Table 1 shows the sought-for variances. As municipal numbering has not been decided, I will arbitrarily call the new homes 273½A (east side or Part 2) and 273½B (west side or Part 1). Condition 2 requires that municipal numbering be established as part of the severance.

Table 1. Variances sought for 273½A and 273½B Ranee Ave			
		Required	Proposed
Variances from Zoning By-law 569-2013			
1	Side yard setbacks for platforms (Part 1 east side, Part 2 west side)	1.8 m	Zero
2	Side yard setbacks for walls (Part 1 east side, Part 2 west side)	1.8 m	Zero

Table 1. Variances sought for 273½A and 273½B Ranee Ave			
3	Lot area	690 m ²	352.8 m ² (Part 1) , 352.5 m ² (Part 2) ,
4	Lot frontage	18 m	9.15 m
5	Front yard setback	7.1 m	6 m
6	A semidetached home is not permitted in an RD zone		The owners seek to build a pair of semis, one half on each lot
Variances from North York Zoning By-law 7625			
7	Building height	8 m	9.02 m
8	Finished first floor height	1.5 m	1.69 m
General comment			
9	A severance is required.		

The new City-wide By-law 569-2013 superseded the former North York by-law. As appeals against the new by-law have not been finally resolved, the City requires that the application must be tested for needed variances against both by-laws.

MATTERS IN ISSUE

To grant a severance the decision maker must have regard to:

- The welfare of present and future Torontonians;
- higher level Provincial Policies that promote intensification on land that is already serviced, particularly where it is near transit and since this land is within walking distance from Yorkdale subway station, I find that those policies are met. Intensification has already taken place; the subject property is a few houses from a 9-storey office building, which is also served by the Yorkdale station.
- matters of provincial interest as referred to in section 2 of the *Planning Act*,
- consideration of the dimensions and shapes of the lots; and
- Official Plan conformity.

The minor variances require a different test under the *Planning Act*, namely that they must individually and cumulatively:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;

Decision of Toronto Local Appeal Body Panel Member: T. YAO
TLAB Case File Number: 18 185466 S53 15 TLAB, 18 185469 S45 15 TLAB, 18 185471 S45 15 TLAB

- be desirable for the appropriate development or use of the land; and
- be minor.

ANALYSIS, FINDINGS, REASONS

I find the settlement to be reasonable and that I should defer to it, particularly since the one party is the City of Toronto. The consent meets the matters mentioned in “Matters in Issue” and I find the variances cumulatively and individually meet the statutory tests.

DECISION AND ORDER

The consent is given subject to Schedule A. The variances in Table 1 are authorized on condition that the owners build in substantial conformity with the plans prepared by Ambient Designs filed at the Teleconference Hearing, and titled “Revision Number 14, dated August 29, 2019.”

Schedule A.

Standard Consent Conditions:

1. Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, in the form of a statement of tax account current to within 30 days of an applicant's request to the Deputy Secretary-Treasurer of the Committee of Adjustment to issue the Certificate of Official.
2. Municipal numbers for the subject lots indicated on the applicable registered reference plan of survey shall be assigned to the satisfaction of the Supervisor, Surveys, Engineering Support Services, Engineering and Construction Services.
3. One electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of, the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.
4. One electronic copy of the registered reference plan of survey satisfying the requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment
5. Prepare and submit a digital draft of the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) of the *Planning Act* if applicable as it pertains to the conveyed land and/or consent transaction to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment.

Decision of Toronto Local Appeal Body Panel Member: T. YAO

TLAB Case File Number: 18 185466 S53 15 TLAB, 18 185469 S45 15 TLAB, 18 185471 S45 15 TLAB

6. Once all of the other conditions have been satisfied, the applicant shall request, in writing, that the Deputy Secretary-Treasurer of the Committee of Adjustment issue the Certificate of Official.

7. Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions.

Engineering Conditions:

8. Right-of-Way Widening:

8.1. Prepare all documents and convey to the City, at a nominal cost, a 1.44 metre wide strip of land to the full extent of the site in order to satisfy the requirement of a 23 metre right-of-way. Such lands must be free and clear of all encumbrances, save and except for utility poles, and subject to a right-of-way for access purposes in favour of the Grantor.

8.2. Deposit in the Land Registry Office the Reference Plan of Survey as noted under condition 8.1.

8.3. Pay all costs for registration and preparation of the reference plan(s).

9. Submit confirmation to the Chief Executive Director, Engineering & Construction Services that they have satisfied all items under Condition No 8.

Planning Conditions:

10. The variances for lot area, lot frontage and side yard setbacks shall apply only to a lot containing a semi-detached dwelling unit.

11. The proposal shall be developed substantially in accordance with the site plan.



X

Ted Yao
Panel Chair, Toronto Local Appeal Body