Toronto Local Appeal Body

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DECISION AND ORDER

Decision Issue Date Monday, February 03, 2020

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): Robert A Stewart

Applicant: Sol-Arch

Property Address/Description: 11 Emcarr Dr

Committee of Adjustment Case File: 19 122556 ESC 24 MV (A0072/19SC)

TLAB Case File Number: 19 190910 S45 24 TLAB

Hearing date: Thursday, January 23, 2020

DECISION DELIVERED BY D. Lombardi

REGISTERED PARTIES AND PARTICIPANTS

Name:	Role:	Representative:
Applicant	Sol-Arch	
Appellant	Robert A Stewart	
Party	Irfan Ahmed Qazi	Sarah Hahn
Owner	Naghmana Qazi	
Expert Witness	Jonathan Benczkowski	
Resident	Orminda Reis	
Resident	Peter Steenwk	
Resident	Barbara Stewart	

INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (TLAB) from a decision of the Scarborough District Panel of the City of Toronto (City) Committee of Adjustment (COA) approving variances to permit the construction of a two-storey rear addition and a second storey addition over the garage at 11 Emcarr Drive (subject property).

The subject property is located on east side of Emcarr Drive, a north-south curving street, within a low-density residential 'enclave' south of Kingston Road and east of Galloway Road.

The rear yard of the subject property abuts green space to the east in the form of Galloway Park and farther south is a rail corridor, south of Apsco Avenue. The property is currently improved by a 2-storey detached brick dwelling and an attached integral garage that extends out from the front of the house. Parking is presently located within an integral garage via a driveway along the northern portion of the site.

The subject property is designated *Neighbourhoods* in the City Official Plan (OP), and zoned RD (Residential Detached) under the harmonized Zoning By-law 569-2013 (new By-law) and Single Family Residential (S) under the former Scarborough By-law 10327 (former By-law).

BACKGROUND

Mr. Qazi, the Owner of the subject property, originally applied to the COA in early 2019 requesting six variances to construct a two-storey front addition, a two-storey rear addition and a second storey addition over the existing dwelling and garage. At the scheduled Committee hearing on April 11, 2019, the Applicant requested a deferral to facilitate further dialogue with the neighbours in attendance at the hearing order to consider the concerns raised by those residents. It was the Applicant's hope that the adjournment would allow the initial proposal to be revised to address those concerns.

At the COA hearing, the Applicant was advised that the Appellant, Mr. Stewart, had been appointed as the spokesperson for the neighbours and was directed to forward all communication in this regard through him.

Subsequent to that hearing and in consideration of the concerns raised, the Applicant made a number of revisions to the original proposal, as follows:

- The proposed two-storey front addition originally intended to be constructed on the north side of the dwelling and over the existing front porch was redesigned to a one-storey addition, only, above the existing garage.
- The extension of the proposed two-storey rear addition was reduced in depth from 3.05 m to 2.44 m (8 ft.).

- The roof heights of both the front and rear additions were reduced to match the existing lower front roof line of the dwelling.

As a result of these revisions, the amended application requested relief for the following five variances:

By-law No. 569-2013 & No. 10327:

1. The proposed gross floor area is 0.75 times the lot area (295.55 m²); Whereas the maximum permitted gross floor area is 0.6 times the lot area (236.74 m²) to a maximum of 204 m².

By-law No. 569-2013:

2. The proposed coverage is 43.96% of the lot area; Whereas the maximum permitted coverage is 33% of the lot area.

3. The proposed rear yard setback is 5.36 m; Whereas the minimum required rear yard setback is 7.72 m.

4. The proposed building length is 19.28 m; Whereas the maximum permitted length is 17 m.

5. The proposed building depth is 19.28 m, as measured from the required front yard setback to the rear main wall; Whereas the maximum permitted depth is 19 m.

The Applicant subsequently forwarded the revised plans and list of variances to the Mr. Stewart on May 2, 2019, for comment from the residents as directed at the COA hearing in April. In that email (Exhibit 1, p. 35), the Applicant's planner, Jonathan Benczkowski, thanked Mr. Stewart and the residents for agreeing to the deferral of the application and hoped that the proposed revisions were satisfactory (Exhibit 1, p. 35).

Following no response or acknowledgement of receipt of the email and attached drawings from Mr. Stewart, he sent a second, follow-up email to Mr. Stewart on May 13, 2019 (Exhibit 1, p. 36), urgently requesting that the Appellant respond to the proposed revisions.

Again, there was no response or acknowledgement from the Appellant.

In the absence of acknowledgement or feedback from the Appellant or the residents between April and early June, Mr. Benczkowski contacted the COA on June 4, 2019 and requested the scheduling of the revised application at the next available Committee hearing.

On June 27, 2019, the COA considered the revised proposal, approved the application, and authorized the five variances, above recited.

Mr. Stewart appealed the Committee's decision to the TLAB, and the Tribunal scheduled a Hearing date for November 7, 2019 and issued a Notice of Hearing (Notice) setting out, among other dates, the following submission deadline due dates:

- *Applicant Disclosure – August 12. 2019;*
- *Notice of Intention to be a Party/Participant – August 22, 2019;*
- *Document Disclosure, Witness and Expert Witness Statements – September 23, 2019;*

While the Applicant pre-filed various documents by the requisite due dates in compliance with the dictates of the Notice of Hearing, the Appellant failed to submit any documents other than the initial Notice of Appeal (Form1). The Appellant did not indicate any experts to be called at the Hearing, filed no Witness Statements or disclosure documents.

Additionally, no other persons elected Party or Participant status or filed any submissions in this regard.

At the outset of the proceeding on the return date on Hearing Day 1, Ms. Hahn, the Owner's solicitor, wished to advance several propositions for which I subsequently provided rulings as outlined below:

- Ms. Hahn addressed the fact that neither the Appellant nor the other residents in attendance at the Hearing had filed any supporting evidentiary materials with the TLAB as part of the appeal. In response, Mr. Stewart stated that all the documents he would be relying upon had already been filed by the Applicant and he saw no reason to submit any additional documents as that would constitute *"unnecessary duplication for the Tribunal and represent a waste of resources."*

- She also highlighted that Mr. Stewart, in the Notice of Appeal, had chosen the wrong section of the *Planning Act*, selecting s. 45(2) (a) (i) (appeal a decision on enlargement or extension of a building or structure that is legal non-conforming) as opposed to s. 45(1).

  Mr. Stewart acknowledged this error, apologized, and submitted that he was unfamiliar with the TLAB process, and explained that it was a technical error that he hoped the presiding Member could remedy. I noted that this type of error does sometimes occur and barring objection from counsel, I was comfortable that the error was easily correctable in order to allow the matter to proceed. Ms. Hahn consented to the correction.

- Ms. Hahn submitted that the Appellant is a 'practicing legal professional (paralegal)' and as the residents' appointed spokesperson and point of contact, she argued that he should be held to a higher standard than someone who professes to be a layperson.

  While Mr. Stewart acknowledged that he is a paralegal, he clarified that he had not been retained by the residents and asserted that he was not acting as their legal representative. He was simply in attendance before the TLAB as the

Appellant in the proceeding and an abutting neighbour in opposition to the proposal.

He submitted that he appealed the Application because in his words it was submitted *"in bad faith."* He noted that variances are 'a privilege and not a right' and that by adding 'another separate living unit above the garage' the Owner is actually proposing a multi-unit residential dwelling not a single-family residential home.

I accepted Mr. Stewart's explanation that he was not conducting himself as the residents' legal representative and I ruled that he could continue in his dual role as the Appellant and the resident's appointed representative before the Tribunal. I did, however, caution that because of his legal training I expected him to have a more general awareness of the rules of natural justice and procedural fairness, which I would not expect from a layperson and would expect him to present his case to the Tribunal accordingly.

With respect to the lack of submissions to date to the TLAB, I noted that while I found that troubling, I was prepared to proceed with the appeal and hear the evidence before me and the testimony to come.

On this basis, I directed that the Hearing proceed with the Applicant's expert witness and the Appellant, each having the opportunity to ask questions of each other.

MATTERS IN ISSUE

The major issue in the appeal was whether the five variances sought, individually and collectively met the policy considerations and the four statutory tests below recited. In addition, two other issues of import became apparent during the Hearing: whether the land use planner's expert opinion evidence was admissible in this matter given Mr. Stewart's assertion that Mr. Benczkowski was acting as an 'advocate' (his word) or an partial and biased 'supporter' of his client's project; and whether the application before the TLAB was in fact an application for a multi-unit residential development.

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').

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

The hearing of this appeal consumed two non-consecutive Hearing days: Day 1 being held on November 7, 2019, with the second Day held on January 23, 2020.

Ms. Sarah Hahn, Barriston Law, appeared on behalf of the Owner, Mr. Irfan Ahmed Qazi; she called Mr. Jonathan Benczkowski, a land use planner, to give expert testimony in support of the application.

The Appellant, Robert Stewart, a resident at 15 Emcarr Drive, appeared in opposition to the Application, as did his wife, Barbara Stewart, and two other neighbours: Ms. Orminda Reis (17 Emcarr Drive); and Mr. Peter Steenwyk (16 Emcarr Drive). I note that Mr. Steenwyk was unable to attend Hearing Day 2.

There were no other Parties or persons in attendance.

Ms. Hahn tendered Jonathan Benczkowski, a Registered Professional Planner, to speak to the requested variances. Mr. Benczkowski had prepared an exceedingly detailed and informative Expert Witness Statement with numerous Tabs, including a photo book, entered as Exhibit 1. Included was an Acknowledgement of Expert's Duty (Form 6) attesting, in part, to the witness' obligation to the Tribunal in this proceeding to *'provide opinion evidence that is fair, objective and non-partisan'*.

In addition, Mr. Benczkowski pre-filed an Applicant's Combined Document Book, which I identified as Exhibit 2.

The witness advised that he has over 15 years of diverse land use planning experience, is a Full Member of the Ontario Professional Planers Institute (RPP) and the Canadian Institute of Planners, and has appeared as an expert before the former Ontario Municipal Board (OMB), the Local Planning Appeal Body (LPAT) and the TLAB on a regular basis.

In view of his Curriculum Vitae and experience, I qualified him to give expert opinion evidence on land use planning matters.

I advised that I had attended the site, walked the neighbourhood and had familiarized myself with the pre-filed evidence but that it is the evidence to be heard at the Hearing that is of importance.

Mr. Benczkowski briefly reviewed his retainer and scope of work with respect to the subject Application confirming he had attended at both COA hearings on behalf of the Owner. His retained was extended, in September 2019 to represent the Owner at the TLAB.

I found his evidence, demeanor and competence to be thorough, well researched, appropriate and comprehensive. He proved to be fully alert to the issues, the neighbourhood, the assessment criteria and the requisite research. His Expert Witness Statement and visual Photo Book exemplified detailed and balanced investigation. Noting the *'Neighbourhoods'* designation and policy framework, he demonstrated neighbourhood familiarity and nuanced details of the considerations of the variance types sought.

He related these all in respect of similar developments on lots within his Study Area and a more proximate narrowed area, the latter principally being along Emcarr Drive. He described the neighbourhood Study Area as reflective of a unique and stable residential 'enclave' within the *Neighbourhoods* OP designation and bounded by Kingston Road to the north, the railway corridor to the south, Emcarr Drive to the east, and Payzac Avenue to the west.

Employing visual evidence contained in his Photo Book, including aerial photos of the area, he characterized the neighbourhood as comprised of detached two-storey dwellings and 'builder style homes', primarily situated along Emcarr Drive. He opined that the area character, primarily along the east side of Emcarr varied from the building typology on Payzac Avenue, which he suggested did not exhibit the same consistent feel.

He noted that the subject property is located on the east side of Emcarr Drive on the curve of the street towards the south end and that rear yard setbacks along this portion are somewhat staggered in comparison to those properties at the north end of the street and on Payzac Avenue. Referencing Photos 8-11 (Exhibit 1, p. 34 & 35) he suggested those photographs illustrate examples of built form on Emcarr in proximity to the subject dwelling that include front entrances that are recessed with more prominent garages, some with living space built above the garage.

He then reviewed the Site Plan drawings (Exhibit 2, p.24) and submitted that the proposal would result in a modestly sized addition the existing dwelling of approximately 78.81 m^2 (848.33 sq.ft.). This would consist of an additional bedroom above the garage and a rear addition which would enlarge the existing bedrooms on the 2nd floor located at the rear.

The proposal would also extend the length of the structure at the rear by an additional 2.44 m.

He suggested the proposal will allow for a more functional, multi-generational family home for the Owner and that the proposed bedroom would accommodate his son and daughter-in-law, who currently live in the home. A separate entrance is proposed through the existing garage for privacy.

Internally, the proposed layout incorporates a reconfigured entrance to the home from the garage and new stairs leading to the basement. In addition, stairs internal to the first floor will allow access to the proposed bedroom above the garage.

He asserted that the proposal is not, as being alleged by the Appellant, an application for multiple, separated 'living units' and functioning as a multi-unit dwelling.

I note that this issue is a point of some contention between the Owner and the Appellant/residents in this matter. The allegation was raised numerous times by Mr. Stewart at various stages throughout the proceedings as well as extensively logged in the grounds in his Notice of Appeal.

With respect to provincial policy, Mr. Benczkowski asserted consistency with the applicable policies of Provincial Policy Statement and conformity to the Growth Plan. He included a detailed review of s. 2.3.1 (1), 3.1.2(1), and 4.1.5 of the OP in his evidence and Exhibit 1.

In summary, he was of the opinion that the variances for increased coverage, building length, depth and rear yard setback, if granted, would result in a compatible, detached residential dwelling that is appropriately sized and found throughout the neighbourhood, in close proximity to the subject property. The resulting built form of livable space above the garage and staggered rear yard setback will, in his opinion, 'fit' with the existing and/or planned context and be consistent with the built form currently existing in the neighbourhood.

He addressed OPA 320 as relevant to the subject Application noting that that policy legislation introduced the concept of 'prevailing' as it applies to various development criteria for *Neighbourhoods* in s. 4.1.5 of the OP. He submitted that 'prevailing' does *"not reduce planning to a numbers game"* (Exhibit 1, p. 17, para. 51) and that the qualitative aspects of a proposal in totality still must be assessed against the character of the neighbourhood as a whole.

In this regard, he opined that the proposal is materially consistent with the prevailing physical character of properties in both the immediate block and the broader geographic neighbourhood. In addition, he submitted that the built form aspects of the proposal (two storey dwelling with livable area above the garage and reduced rear yard setback) is replicated on this stretch of Emcarr Drive.

He noted that OPA 320 did not modify policy 4.1.8 of the OP and opined that the proposal's substantial compliance with zoning standards is indicative of a proposal that is compatible with the physical character of this neighbourhood although there are some elements of difference.

With respect to whether the proposal maintains the general intent and purpose of the zoning by-law, Mr. Benczkowski submitted that it does not introduce an inappropriate building form and will not result in unacceptable adverse impacts on the existing neighbourhood.

He briefly discussed each variance individually.

Coverage

He asserted that proposed rear yard will allow for a functional amenity area and the proposed coverage replicates what is already built in the area without any adverse impacts on neighbouring properties.

Floor Space Index (FSI)

He submitted that the Floor Space Index density standard ensures the compatibility of the scale and massing of a proposed building relative to other built form standards such as height, side and rear yard setbacks, and building length/depth. In this regard, he opined that the applicant is proposing no additional height and the dwelling will present as relatively modest in size that is reasonable given the prevailing built form character of the area. Furthermore, he submitted the proposed density fits that prevailing character.

Building Length/Depth

Mr. Benczkowski submitted that the intent of building length/depth is to ensure that a dwelling does not project unreasonably into the rear yard and allows for a functional rear amenity space. He stated that the subject property is a deep lot of 31.0 m, and that the rear addition to the existing dwelling results in the variances being requested. He asserted that the building depth variance would permit an additional 2.28 m in depth and opined that this increase is minor relative to the Zoning By-law standard.

Furthermore, he opined that while he acknowledges that the proposed rear addition will project beyond the rear wall of the adjacent dwellings, this is a common condition for properties located along the south part of Emcarr Drive.

Rear Yard Setback

He reiterated similar opinion as noted above, asserting that there will continue to be ample amenity space and that the proposed development will result in a compatible built form given the staggering of dwellings on lots south along the street.

With respect to the tests of desirable and minor, Mr. Benczkowski opined that the proposal will result in a modestly sized addition and a dwelling that is similar to existing dwellings in the neighbourhood. The proposed dwelling height and the roof line of both the front rear additions are lower than the existing pitched roof and he opined that there will be no undue and unacceptable adverse impacts with respect to privacy, overlook and sun light.

For the reasons outlined above, he concluded that the proposed variances meet the four tests in s.45(1) of the *Act,* are minor, maintain the general intent and purpose of the OP and zoning by-laws, and are desirable for the appropriate development of the subject lands. He recommended that the appeal be dismissed, and that the TLAB approve the Application.

Cross-examination of Mr. Benczkowski

Mr. Stewart then cross-examined the witness, a process that I would characterize as being rather extensive and lengthy and which consumed approximately 4 and one-half hours over the two Hearing days. I find this commentary necessary in view of Mr. Stewart's assertion, in his closing remarks in this proceeding, in which he stated that he had *"been prevented from cross-examining Mr. Benczkowski"* by the presiding Member.

I also address this issue in greater specificity later in this Decision

I provide, below, a somewhat abridged but accurate recital of the cross-examination due to the length of that undertaking.

Mr. Stewart's approach in cross-examining the witness can be summarized as covering the areas of concern that are replicated in his Notice of Appeal: a multi-unit residential development; and impacts on views, privacy, parking, and sunlight, with one exception. That relates to Mr. Stewart's questioning Mr. Benczkowski's integrity as an expert witness in this matter which was never raised in his appeal grounds.

I note that much of Mr. Stewart's Notice of Appeal addressed matters related to the COA hearing and assertions about COA member conduct. I found these to be both irrelevant and unfounded and not pertinent to the appeal before the TLAB. Mr. Stewart agreed and confirmed those concerns were no longer relevant.

Mr. Stewart referred to paragraphs 1 and 2 (Background and Qualifications) in Mr. Benczkowski's Expert Witness Statement, and asserted that the witness was not simply a planner but inferred in a pejorative manner that he was a "professional witness" since he acknowledged he regularly appears before various tribunals.

He submitted that the witness had taken advice or instructions from his client (Mr. Qazi) as to *"how to approach the COA hearing"* to which the witness took exception. In response, Mr. Benczkowski stated that he is "*a planner that offers professional opinion evidence based on a thorough analysis of the proposal being considered"* and that he had *"absolutely not been instructed by the client at the COA."*

At this juncture, I interjected and reminded Mr. Stewart that the only submission he had filed with the TLAB was his Notice of Appeal, an extensive 6-page document consisting of some 26 paragraphs. I reminded him that he had not raised an issue regarding the witness' credibility or expertise to provide independent opinion evidence in this matter, but I allowed him to continue.

However, I did caution him to deal specifically with the variances before the Tribunal and the evidence already provided by the witness.

Mr. Stewart submitted that his focus was on addressing the issue of what constitutes *"an objective opinion provided by an expert"* and intimated that Mr. Benczkowski was not being objective but rather was acting as an "advocate" (his word) for his client.

He then addressed the events at the June 27, 2019 COA hearing and alleged informal comments made by the witness to the residents about the subject proposal, which is well documented in Mr. Stewart's Notice. He questioned Mr. Benczkowski as to whether he had acted on Mr. Qazi's behalf before with respect to other variance applications and

whether he had advised the residents that *"this was not my client's first rodeo with respect to minor variances."*

Mr. Stewart then pursued a line of questioning related to what I have found to be the key reason/ground for appealing the subject Application as outlined in paragraphs 5.1, 6, 7.2, , 9.3, 17.1, 19, 21 and 24 of his Notice – the residents' assertion that the Owner of the subject property intends to create a multi-unit residential building. He submitted that there is already a "granny flat" in the basement of the existing dwelling and that the additional living space above the garage is also intended as a separate, self-contained residential unit.

He questioned the witness as to whether he had observed the interior of the subject dwelling, visited the basement and demanded to know why the Owner had made multiple applications to the COA.

In response, Mr. Benczkowski reiterated that the proposal before the TLAB was a single-family residence and that the Owner was simply expanding his home to accommodate the needs of his immediate family. He indicated that he had entered the home but not surveyed the entire floor plan. Nevertheless, he reminded the Appellant that the concern about an additional unit was irrelevant since a secondary unit is permitted by the OP.

Mr. Stewart, again, intimated that the Owner and, by association, Mr. Benczkowski, were aware that filing the original COA application which proposed a larger addition with more variances was in Mr. Stewart's words *"a negotiating tactic"* knowing full well that these *"were variances to negotiate because they were more extensive than what they should have asked for."*

With respect to the COA hearing, I again queried Mr. Stewart as to why he did not contact Mr. Benczkowski or the Owner between the deferred COA hearing in April and the hearing in June to discuss issues and possible revisions. I found Mr. Stewart's response rather disingenuous and without sincerity as he eventually acknowledged that he had indeed received the revised proposal and list of variances from the witness and had attempted to contacted Mr. Benczkowski in reply.

The witness contradicted Mr. Stewart's statement by confirming that he had no record of contact from Mr. Stewart after the COA deferral hearing in April 2019.

I advised Mr. Stewart that his cross-examination of the witness had reach almost 2 full hours and I asked him to refocus his attention to the variances before the Tribunal which he attempted to do.

He referenced the witness' coloured lotting map (Exhibit 1, p. 23) and asserted that the lots on Emcarr Drive were smaller than those on Payzac and submitted that dwellings on Payzac could accommodate greater lot coverage.

He also questioned Mr. Benczkowski's Study Area photo evidence and testimony that the additional space proposed above the external garage is not similar to what exists in the immediate neighbourhood. He suggested that the subject proposal does not 'fit' the neighbourhood character and that many of the photo examples provided by Mr.

Benczkowski illustrated dwellings with integral garages and incorporated living space built as part of the original house design.

With respect to adverse impacts resulting from the proposal, Mr. Stewart asserted that additional and unacceptable parking demand would be generated exacerbating already unacceptable parking and traffic conditions.

Mr. Stewart addressed anticipated shadowing impacts as a result of the proposed rear addition referring to a photo (Exhibit 3) produced by his wife showing a view looking south to the rear yard of the subject property. He asserted that an analysis of the photo illustrates what he termed “common place knowledge” opinion evidence that much of his rear yard will be impacted by shadows created as a result of the reduced setback and additional depth of the proposed addition.

Additionally, Mr. Stewart asserted, without any evidence, that the proposal would also impact the privately-owned tree in the front yard and one in the rear yard of the subject property. In response, Mr. Benczkowski confirmed that Urban Forestry had provided no comments to the COA nor was there any demonstrable evidence that any trees would be injured or removed.

At this point, I noted that it appeared that an additional hearing day would be required to complete the disposition of the matter and I canvassed the Parties to determine their availability. Upon consulting with TLAB staff, the Parties consented to setting Hearing Day 2 on January 23, 2020.

Prior to adjourning the proceeding for the day, and upon inquiry of Mr. Stewart, I was advised that he needed an additional half-hour to complete his cross-examination.

Hearing Day 2 – January 23, 2020

At the commencement of Hearing Day 2, I acknowledged that Mr. Qazi, the Owner of the subject property, was in attendance and prepared to answer any questions posed to him by the Parties. I also noted that Mr. Steenwyk was not in attendance as he was out of the country.

Before allowing Mr. Stewart to resume his cross-examination of Mr. Benczkowski which had consumed the afternoon of Hearing Day 1, I dealt with the following preliminary matters through a statement that I read:

“1. Appellant’s Cross-Examination

> Mr. Stewart closed out Hearing Day 1 with cross-examination of the Applicant’s expert planning witness, Mr. Benczkowski. I allowed Mr. Stewart approximately three and one-half hours in that regard and at 4:28 pm I stopped the proceedings to inquire as to how much longer he anticipated needing. Mr. Stewart answered, “probably another half-hour.”
>
> While I typically allow a certain degree of latitude to Parties in cross-examination of an expert witness, in terms of ferocity, veracity and duration, I am of the opinion that I have been more than generous and fair in the circumstances.

Therefore, any additional time I allot to Mr. Stewart for further cross-examination of this witness will be limited to no more than 15 additional minutes.

I will, however, still allow residents in attendance to ask a few follow-up 'clarifying' questions, which I explained are questions related to the evidence already raised by the witness. Clarifying questions do not present an opportunity to introduce any new information or to introduce new facts.

This Hearing was scheduled for 1 day since this matter deals with variances only, and the TLAB's experience is that this is an appropriate amount of time to allot for relatively uncomplicated variance applications, such as the subject matter. We are now into Hearing Day 2 and I am not prepared to go beyond today to hear this appeal as, in fact, I do not believe that is required.

So, I ask you, Mr. Stewart, to keep the remaining cross-examination of this witness concise, focused and relevant to the issues he raised in his Expert Witness Statement and his oral evidence on Hearing Day 1.

2. The Appellant Calling Witnesses

On Hearing Day 1, Mr. Stewart advised me that he intended to call 2 witnesses, representing the two residents in attendance on that day. I note that I find no witnesses identified on the TLAB's List of Appellants, Parties, Participants and Legal Representatives in this matter. Furthermore, the residents who I believe he intends to call have not elected Party or Participant status in this proceeding and have not filed witness statements, to date, with the TLAB.

The TLAB is a relatively new body with rules and procedures and the Tribunal is committed to an approach that does not act as a deterrent to persons participating in the hearing process. The TLAB acknowledges that residents or 'laypersons' who are likely participating in a TLAB hearing for the first time would not have an in-depth knowledge of the Tribunal's Rules of Practice and Procedure.

In the subject matter, it has been submitted by Ms. Hahn that Mr. Stewart is a practicing legal professional (paralegal) and he has been acknowledged as the elected spokesperson and 'point of contact' for the residents opposing this application. As such, I must hold him to a somewhat higher standard in that he should have familiarized himself with the TLAB Rules in so far as they apply to document disclosure and filing witness statements. A lack of familiarity or 'naivete' of the Rules is not an excuse for not adhering to the requisite Rules.

I note that Members often make decisions based on late filings and non-compliance with the Rules. In this case, the residents in attendance will be given an opportunity to make a statement and I will hear from them since the Hearing process is public and I want to gather as much information as possible within the parameters of the Tribunal's Rules in order to arrive at a decision that is just, objective, and transparent determination of the matter.

> Given that you have not observed the TLAB's Rules, pursuant to Rules 10 and 16, I will not allow you to call Ms. Reis and Mr. Steenwyk as witnesses."

Mr. Stewart then resumed cross-examination and immediately re-asserted his belief that Mr. Benczkowski was an *"advocate on the owner's behalf."* He continued to press the witness on this allegation questioning the witness' credibility as an expert and the admissibility of his expert opinion evidence.

In response, Mr. Benczkowski countered that he was not "advocating" but rather *was "representing the Owner in this appeal, and it was his opinion that the application represented good planning."*

When Mr. Stewart continued to request that the witness answer his question in an "honestly manner" (his words) I stopped the cross-examination, admonished the Appellant for his approach and asked that the Appellant move on and deal with the variances.

The Appellant then debated with the witness as to the definition of the term 'living unit' as it applied to the proposal, suggesting that the subject application was simply a 'ruse' by the Owner and that the actually intent for requesting the variances was to create a multi-unit residential development.

It became noticeably apparent to me that Mr. Stewart was not particularly interested in addressing, in earnest, the requested variances and I ask that he conclude his questioning of the witness. I reminded him that I had now allowed an additional hour of cross-examination of Mr. Benczkowski, notwithstanding that the Appellant had advised that he had anticipated only requiring *"at most, half an hour."*

I allowed Ms. Reis a clarifying question of the witness. She stated that she was not opposed to the front addition being proposed but asked whether Mr. Benczkowski had considered the impacts of the rear addition and the reduced rear yard setback on her view south toward the park. He reiterated that the addition was relatively small and would replicate the already existing lotting pattern of staggered dwellings on the east side of Emcarr Drive.

Ms. Reis was the only resident in attendance to make a statement in opposition to the subject Application. She was brief and concise, and I thanked her for that. She reiterated her previous comments that she is not opposed to the proposed front addition above the garage but is concerned that the rear addition will create a shorter rear yard setback that may negatively impact her view south which she currently enjoys.

In closing remarks, Ms. Hahn submitted that the variance application meets the statutory tests required for the variances to be successful. The proposal will allow the Owner to more comfortably accommodate his family and, specifically, his son and daughter-in-law and that she repeated that this is not a multi-unit residential dwelling as the Appellant has suggested.

She asserted that the neutral expert opinion evidence of Mr. Benczkowski was unwavering and thorough and should be given greater weight and preferred to that of Mr. Stewart.

Mr. Stewart seemed to focus on one issue in his closing statement. He expressed 'serious concerns' with the Tribunal because in his words it relies 'heavily' on the evidence of the expert witness, in this matter Mr. Benczkowski, to provide additional assistance to the TLAB to make a determination a matter in issue.

He reiterated his assertion that Mr. Benczkowski is an 'advocate' for his client (the Owner) and that he admitted so under cross-examination. He suggested that an expert must be able to provide opinion evidence that is objective and that is offered without bias to assist the trier of fact.

The Appellant referred the presiding Member to case law for guidance, citing the Supreme Court of Canada case of *White Burgess Langille Inman (WBLI Chartered Accountants) v. Abbott & Haliburton, 2015 SCC 23, [2015] 2 S.C.R. 182* (*Inman*). I note that Mr. Stewart provided only a synopsis of the decision and not the full judgement although he offered to do so at a later date.

He posited that in *Inman*, the Supreme Court addressed what constitutes an 'expert' and who is qualified to give expert opinion evidence and determined that *"expert witnesses have a duty to the court to give fair, objective and non-partisan opinion evidence."*

Furthermore, he read from the decision synopsis noting that the Court found that *"When looking at an expert's interest or relationship with a party, the question is not whether a reasonable observer would think that the expert is not independent. The question is whether the relationship or interest results in the expert being unable or unwilling to carry out his or her primary duty to the court to provide fair, non-partisan and objective assistance."*

He asserted that Mr. Benczkowski was acting as an 'advocate' and not independent and unbiased and his expert opinion evidence should not be considered by the Tribunal.

Ms. Hahn objected to the case law cited as being 'irrelevant' and a debate ensued amongst the Parties as to whether and how the Tribunal should proceed to deal with this matter. I questioned Mr. Stewart as to why he had not raised this issue of the legitimacy of expert witness' opinion evidence at the outset of the Hearing, on Day 1, or at the very least at the commencement of Hearing Day 2.

He argued his right to raise such issues at any point in the proceeding and questioned why he was prevented from fully cross-examining Mr. Benczkowski.

I took his challenge into consideration as well as various assertions he had made throughout the Hearing and decided that a short recess was fitting in order to consider an appropriate approach to this situation.

After a short recess, the Hearing reconvened and I provided the following oral ruling on the matter regarding the admissibility of Mr. Benczkowski's opinion evidence.

> "I want to begin by acknowledging that Mr. Benczkowski filed an Acknowledgment of Expert's Duty (Form 6) and Expert Witness Statement as required by the TLAB by the requisite due dates prior to this Hearing. Those

submissions, and his oral testimony, confirm that he has over 15 years of experience in a variety of planning matters and is a Registered Professional Planner (RPP) and a Full Member of OPPI and CIP.

In the Province of Ontario, land use planning is a recognized professional discipline with two streams of membership. One is membership in the Ontario Professional Planners Institute with a designation provided by the legislature for status. It is currently undergoing a review and being amplified with a draft bill that is before the House awaiting Third Reading. But both the existing private act and the public bill contemplate that the discipline of land use planning will continue to be a recognized profession in Ontario subject to regulation and enforcement. In both cases, they also recognize that there are planners in Ontario that have elected not to become members.

It is recognized that because the one branch of the profession has adopted requirements of membership criteria, has adopted a disciplinary code of conduct and has an enforcement committee, it's understood that members recognized by that organization should be acknowledged and accredited for their commitment and consensual governance.

As to the notion of what constitutes an expert, in the context of the Tribunal setting an expert is a person with special skill, knowledge, training or experience who comes forward to assist the Tribunal on facts, which, due to their technical or particular nature, an ordinary person would be unlikely to fully or properly understand without the assistance of that person.

That duty is acknowledged when an expert completes, signs and submits Form 6 to the TLAB. The expert agrees to:

a. provide opinion evidence that is fair, objective and non-partisan;
b. provide opinion evidence that is related only to matters that are within the expert's area of expertise; and
c. provide such additional assistance as the TLAB may reasonably require to determine a matter in issue.

I find that Mr. Benczkoswki has filed that document and acknowledged that duty.

The admissibility of expert evidence does not depend necessarily upon the means by which that skill or knowledge was acquired. It is sufficient that the Tribunal (the trier of fact) is satisfied that the witness is sufficiently experienced in the subject matter at issue. It will not be unnecessarily concerned with how the expertise was derived, although that may affect the weight given to the evidence.

It follows that it is necessary to address the specific allegations being made by the Appellant regarding the witness, Mr. Benczkowski. I agree that an expert witness is required to provide independent assistance to the TLAB and should not assume the role of an advocate. The expert should state the facts or assumptions upon which his or her opinion is based and should consider material facts that potentially run counter to that opinion.

An expert witness has a special duty to provide fair, objective and non-partisan assistance exhibiting impartiality, independence and the absence of bias in the sense that they are expressing their owned unbiased, professional, objective assessment uninfluenced by the party who may have retained them.

The tests for acceptance of expert evidence by the Tribunal include, but are not limited, to the following:

- The evidence must be necessary to assist the trier of fact;
- The expert must be properly qualified, which includes requirements that the expert be willing and able to fulfill the expert's duty to the Tribunal to provide evidence that is:
    - Impartial,
    - Independent, and
    - Unbiased.

In this vein, the presiding Panel Member, acting in a 'gatekeeper' role, must determine that the benefits of admitting the evidence outweigh it potential risks, considering such factors as:

- Legal relevance,
- Necessity,
- Reliability, and,
- Absence of bias.

I reminded the Appellant that Mr. Benczkowski provided evidence, written and oral, of supportive qualifications based on academic credentials of relevance. Always, the opportunity lies in Parties to ask questions as to the qualifications, in narrowing the arena of expertise or to demonstrate systemic positions or discrepancies.

However, and this is of import in the matter at hand, the TLAB requires that a challenge to the integrity or character of a witness relying on bias or partial opinion evidence should where disqualification is sought, be required to be raised in advance, including by way of the motion Rule. Disqualification efforts lodged during the Hearing, or in this case, at the end in closing remarks, without notice are subject to being disallowed or the matter adjourned for preparation and response.

This is of particular note where the approach to challenge involves repetitive assertions in the guise of questions or occurring in argument and in the absence of direct evidence.

In the circumstance, I have considered the facts and the options available and whether adjournment for proper preparation and response is warranted. Based on the above and reflecting on the conduct and deportment of Mr. Benczkowski during this proceeding, and given the issues raised by Mr. Stewart, I am satisfied that the expert witness' opinion as provided to this Tribunal has been offered as

impartial in the sense that it reflects an objective assessment of the issues at hand. I am also satisfied that Mr. Benczkowski's professional opinion is offered as independent in the sense that it is the product of his own independent judgement, uninfluenced by the Owner, Mr. Qazi, who retained him. Additionally, I find his opinion evidence is unbiased in the sense that I am satisfied that it does not unfairly favour his client's position over another.

There was no evidence called to the contrary.

Had I found that Mr. Stewart's propositions regarding the witness had revealed a realistic concern that Mr. Benczkowski was negligent in complying with his duty as accepted in the Acknowledgement of Expert's Duty, I might have reached a different conclusion. I did not and, therefore, am satisfied that he has carried out his primary duty to this Tribunal with integrity; I accept is opinion evidence as being fair, non-partisan and objective.

I make this ruling based on the statement, above recited, and in consideration of the case law cited by Mr. Stewart. Furthermore, I note that the proceeding has consumed two full Hearing days and I am not prepared to extend it any further.

I admonished Mr. Stewart for not raising his challenge with respect to the witness' bias and partiality acting as an expert at the beginning of Hearing Day 2, at the very least, and for the Appellant's continuous and frustrating *ad hominem* arguments in this regard without what I consider a genuine evidentiary foundation.

However, in consideration of the interruption of the proceeding in order to make my ruling I did allow him to complete his closing statement as I had interjected before he could conclude his testimony.

In concluding his remarks, Mr. Stewart submitted that the variances being requested are not minor. He stated that *"the sum of the parts are (sic) greater than the whole"* and, therefore, individually and collectively they should not be approved.

He opined that the variances do not respect and reinforce the neighbourhood character and that there are reasonable grounds to prove that the Owner intends to convert the dwelling into a multi-unit property if the variances are granted.

ANALYSIS, FINDINGS, REASONS

The Application and variances before this Tribunal are, in my opinion, neither unprecedented nor complex: five variances to permit the construction of a two-storey rear addition and a second storey addition above the existing garage.

Although the Owner's original COA application proposed a much larger renovation of the subject dwelling, the proposal before the TLAB is one that incorporates revisions that attempt to respond to issues raised by the neighbours at the Committee. I give credit to the Applicant for attempting to obtain further input from the neighbours to this

proposal despite what I perceive to be an unresponsive if not uncooperative residents' spokesperson – Mr. Stewart.

I found Mr. Benczkowski's opinion evidence in favour of this Application to be thorough, unwavering and uncontroverted notwithstanding the Appellant's extensive and extended cross-examination. I believe he executed his duties to the Tribunal in assisting the Body while at the same time holding the public interest as paramount in his obligations to his client.

I accept his evidence that the proposed coverage and FSI increase of 78.81 m^2 is modest and reasonable for the subject lands and will result in a dwelling that is appropriately sized and reflective of other dwellings on Emcarr Drive and the broader neighbourhood. I find the built form proposed with livable space above the garage reasonable and represented in the neighbourhood context.

With respect to the variances for building length, depth and rear yard setback, I agree with the planner that the resulting built form is a common condition along the curve of Emcarr Drive where the subject property is situated. The rear yard setbacks are staggered, and the proposal simply continues that condition.

I accept Mr. Benczkowski's opinion that the built form proposed will result in a scale and massing that is compatible with dwellings in the neighbourhood and that the proposed density fits within the prevailing character of this area. The recessed roof peaks are proposed to match the existing roof and the roof height of both the front and rear additions are below the maximum permissions in the Zoning By-laws.

I agree that the building depth variance for an additional 2.28 m in depth is a minor increase over the zoning by-law standard. Although this will result in the protrusion of the rear wall of the subject home beyond the rear wall of the adjacent dwelling to a degree, it nevertheless replicates a common condition of dwellings to the south.

The Owner has also confirmed that the existing deck along the rear wall of the subject dwelling will be removed as part of the proposed renovation. A note to that affect has been included on the revised Drawing A1 (Site Plan & Statistics) that is attached to this Decision.

I find Mr. Benczkowski's evidence compelling and accept that there will be no adverse impacts of privacy and overlook on the abutting neighbours since the proposed additional fenestration along the north elevation has now been removed by the Applicant to address Mr. Stewart's privacy concerns.

With respect to shadow, the planner's evidence confirms that there is no variance required for dwelling height and the roof of the rear addition has been lowered to a height below the existing pitched roof. As a result, I agree with him that any impacts resulting from shadowing will be minor in nature and will not impact Mr. Stewart's property to the degree he anticipates on this north-south oriented street.

The Appellant attempted to illustrate through rudimentary methods by way of Google aerial photo and his wife's photograph that sunlight would be reduced "to about 2 hours, and affect the objectors (sic) spouses (sic) quiet enjoyment of their back yard." He was

adamant that this was inevitable as a result of the proposed development. While I certainly understood his concern, he provided no tangible evidence in the form of a shadow study or any other credible analysis to support his contention.

Let me turn to what I consider 'the elephant in the room' in this matter, that is Mr. Stewarts assertion that the Owner is essentially attempting to circumvent the rules in order to receive approval to permit the construction of a multi-unit dwelling that will become a 'rental or Airbnb' as he described in his testimony.

I heard no such evidence to the contrary from the Applicant either in the pre-filed material or in testimony during the proceeding. Therefore, I accept the Applicant's submission that the subject proposal is intended to allow for a functional family home for the Owner's own immediate family.

There are no variances requested to permit anything other than a single detached residential dwelling and I agree with Mr. Benczkowski that no other variances were identified in the Zoning Examiner's Review of the Application. As a result, and in light of Mr. Stewart statement in his testimony that *"if the purpose of the application and the additional living space is for the Owner's own family, he would be ok with that,"* I believe this is not an issue.

The other issues raised by Mr. Stewart regarding parking and snow removal are property standards complaints best addressed through municipal by-law enforcement.

I accept that the variances sought, individually and cumulatively meet the intent and purposes of OP policy and zoning permission and maintain or enhance their purpose on the subject property within the relevant ranges, all the while being quantitatively and qualitatively minor and desirable.

I accept Ms. Hahn's submission that the neighbourhood character exhibits intermittent living space above garages and the proposal results in no variances for parking or front yard setback. Furthermore, the City expressed no concerns related to traffic, parking or impacts on existing trees as a result of the proposal.

I also agree with Ms. Hahn's submissions that all relevant tests, including OPA 320 are met on the evidence; that there will be no adverse impact on privacy and shadow concerns and that the reinvestment contemplated by the plans for the subject property and in the community, is desirable and does not constitute over-development.

DECISION AND ORDER

The appeal herein is denied; the Committee of Adjustment's decision of June 27, 2019 is confirmed, and variances identified below are approved, subject to the Condition that follows.

REQUESTED VARIANCES

By-law No. 569-2013 & No. 10327:

1. The proposed gross floor area is 0.75 times the lot area (295.55 m²); Whereas the maximum permitted gross floor area is 0.6 times the lot area (236.74 m²) to a maximum of 204 m².

By-law No. 569-2013:

2. The proposed coverage is 43.96% of the lot area; Whereas the maximum permitted coverage is 33% of the lot area.

3. The proposed rear yard setback is 5.36 m; Whereas the minimum required rear yard setback is 7.72 m.

4. The proposed building length is 19.28 m; Whereas the maximum permitted length is 17 m.

5. The proposed building depth is 19.28 m, as measured from the required front yard setback to the rear main wall; Whereas the maximum permitted depth is 19 m.

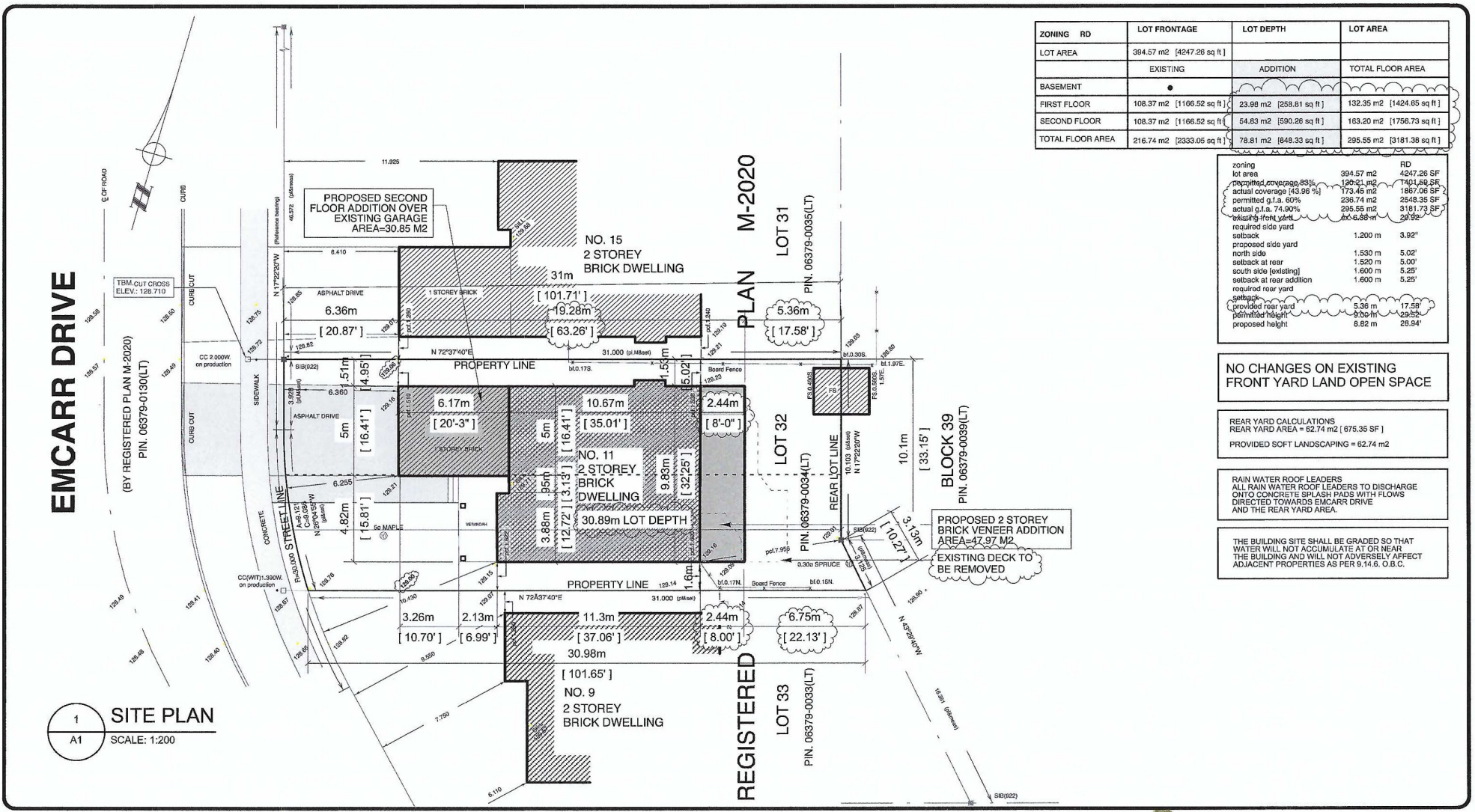
CONDITION(S) OF APPROVAL

1. The proposed development shall be constructed substantially in accordance with the Plans prepared by Tony Valentin Design, including Drawing A1 (Site Plan and Statistics), revision date March 3, 2019, and Drawings A6 (West Elevation), A7 (South Elevation), A7 (East Elevation), and A9 (North Elevation), all revision dated May 5, 2019, and attached to this decision. Any other variances that may appear on these plans that are not listed in this decision are **NOT** authorized.

Attachments

X

Dino Lombardi
Panel Chair, Toronto Local Appeal Body



1 / A1 SITE PLAN
SCALE: 1:200

ZONING RD	LOT FRONTAGE	LOT DEPTH	LOT AREA
LOT AREA	394.57 m2 [4247.26 sq ft]		
	EXISTING	ADDITION	TOTAL FLOOR AREA
BASEMENT	•		
FIRST FLOOR	108.37 m2 [1166.52 sq ft]	23.98 m2 [258.81 sq ft]	132.35 m2 [1424.65 sq ft]
SECOND FLOOR	108.37 m2 [1166.52 sq ft]	54.83 m2 [590.26 sq ft]	163.20 m2 [1756.73 sq ft]
TOTAL FLOOR AREA	216.74 m2 [2333.05 sq ft]	78.81 m2 [848.33 sq ft]	295.55 m2 [3181.38 sq ft]

zoning		RD
lot area	394.57 m2	4247.26 SF
permitted coverage 33%	130.21 m2	1401.59 SF
actual coverage [43.96 %]	173.46 m2	1867.06 SF
permitted g.f.a. 60%	236.74 m2	2548.35 SF
actual g.f.a. 74.90%	295.55 m2	3181.73 SF
existing front yard	ex. 6.88 m	22.92'
required side yard		
setback	1.200 m	3.92"
proposed side yard		
north side	1.530 m	5.02'
setback at rear	1.520 m	5.00'
south side [existing]	1.600 m	5.25'
setback at rear addition	1.600 m	5.25'
required rear yard		
setback		
provided rear yard	5.36 m	17.58'
permitted height	9.00 m	29.52'
proposed height	8.82 m	28.94'

NO CHANGES ON EXISTING
FRONT YARD LAND OPEN SPACE

REAR YARD CALCULATIONS
REAR YARD AREA = 62.74 m2 [675.35 SF]

PROVIDED SOFT LANDSCAPING = 62.74 m2

RAIN WATER ROOF LEADERS
ALL RAIN WATER ROOF LEADERS TO DISCHARGE ONTO CONCRETE SPLASH PADS WITH FLOWS DIRECTED TOWARDS EMCARR DRIVE AND THE REAR YARD AREA.

THE BUILDING SITE SHALL BE GRADED SO THAT WATER WILL NOT ACCUMULATE AT OR NEAR THE BUILDING AND WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES AS PER 9.14.6. O.B.C.

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

TONY VALENTIN	20917
Name	BCIN
Signature	15 03 18 Date

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code

TONY VALENTIN DESIGN	28858
Firm Name	BCIN

ADDRESS:
11 EMCARR DRIVE
CITY OF TORONTO

SITE PLAN & STATISTICS

CLIENT'S:
IRFAN QAZI

no.	date	revision	by
3	03 2019	issued for cofa	AD
2	04 2018	issued for review	AD
1	04 2018	issued for client review	AD

MODEL & CAD NAME:
PowerCADD 9 ENGINEERED SOFTWARE 2016

drawn by: AD
checked by:
date: April 2018
scale : as noted

sheet no.
A1
1 of sheets

1 / A6 WEST ELEVATION

SCALE: 1:75M

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
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TONY VALENTIN	20917
Name	BCIN
Signature	15 03 18
	Date

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code

TONY VALENTIN DESIGN	28858
Firm Name	BCIN

ADDRESS:

11 EMCARR DRIVE
CITY OF TORONTO

WEST ELEVATION

CLIENT'S:
IRFAN QAZI

no.	date	revision	by
4	05 2019	reduce length of dwlg	AD
3	03 2019	issued for cofa	AD
2	04 2018	issued for review	AD
1	04 2018	issued for client review	AD

MODEL & CAD NAME:
PowerCADD
2016

drawn by: AD

checked by:

date: April 2018

scale : as noted

sheet no.

A6

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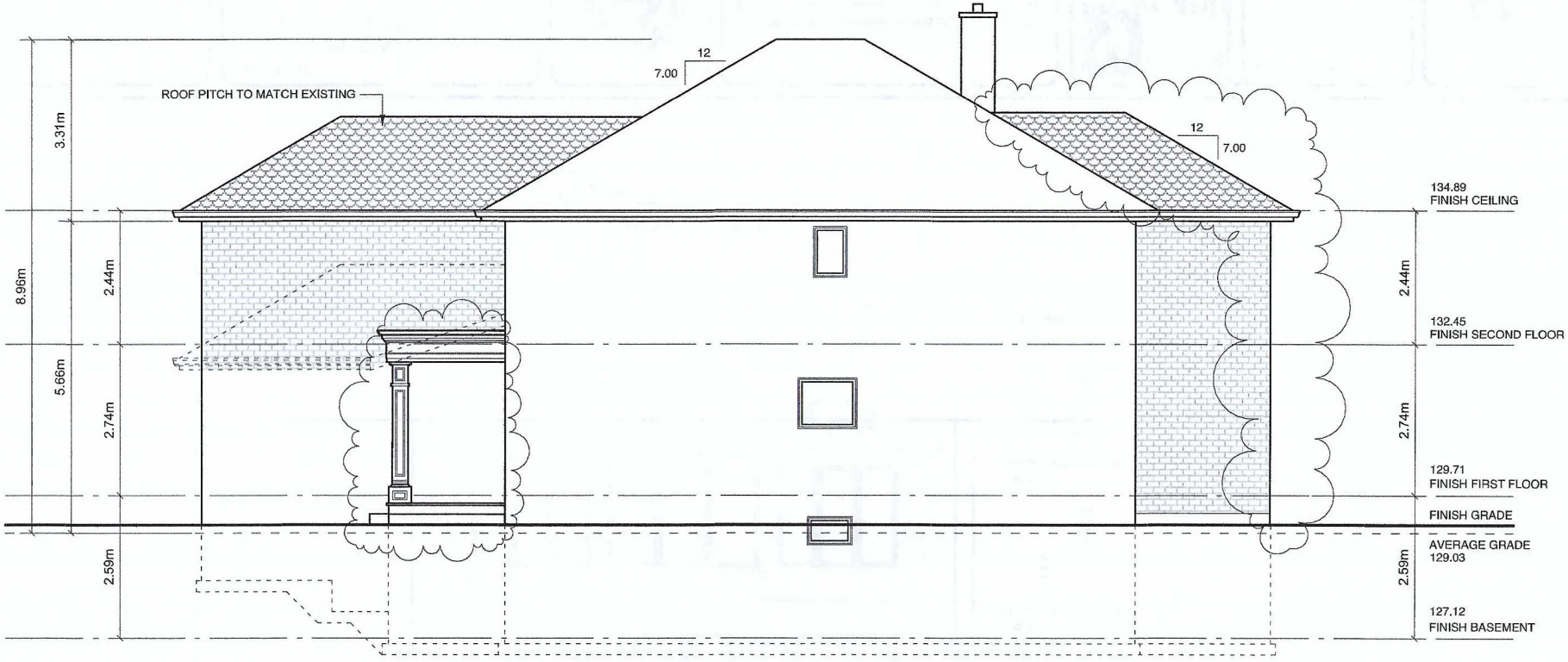

1 / A7 SOUTH ELEVATION

SCALE: 1:75M

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

TONY VALENTIN	20917
Name	BCIN
Signature	15 03 18 Date

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code

TONY VALENTIN DESIGN	28858
Firm Name	BCIN

ADDRESS:

11 EMCARR DRIVE
CITY OF TORONTO

SOUTH ELEVATION

CLIENT'S:
IRFAN QAZI

no.	date	revision	by
4	05 2019	reduce length of dwlg	AD
3	03 2019	issued for cofa	AD
2	04 2018	issued for review	AD
1	04 2018	issued for client review	AD

MODEL & CAD NAME:
PowerCADD
2016

drawn by: AD
checked by:
date: April 2018
scale : as noted

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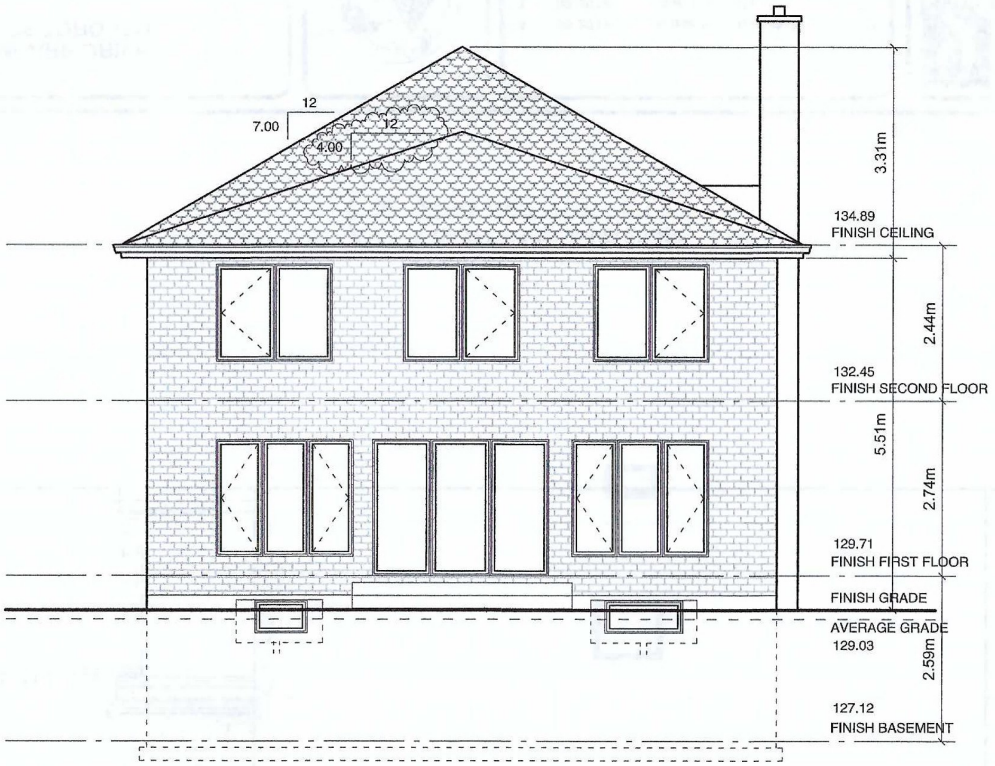

1 / A7 EAST ELEVATION

SCALE: 1:75M

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

TONY VALENTIN	20917
Name	BCIN
Signature	15 03 18 Date

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code

TONY VALENTIN DESIGN	28858
Firm Name	BCIN

ADDRESS:

11 EMCARR DRIVE
CITY OF TORONTO

EAST ELEVATION

CLIENT'S:
IRFAN QAZI

no.	date	revision	by
4	05 2019	reduce length of dwlg	AD
3	03 2019	issued for cofa	AD
2	04 2018	issued for review	AD
1	04 2018	issued for client review	AD

MODEL & CAD NAME:
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2016

drawn by: AD

checked by:

date: April 2018

scale : as noted

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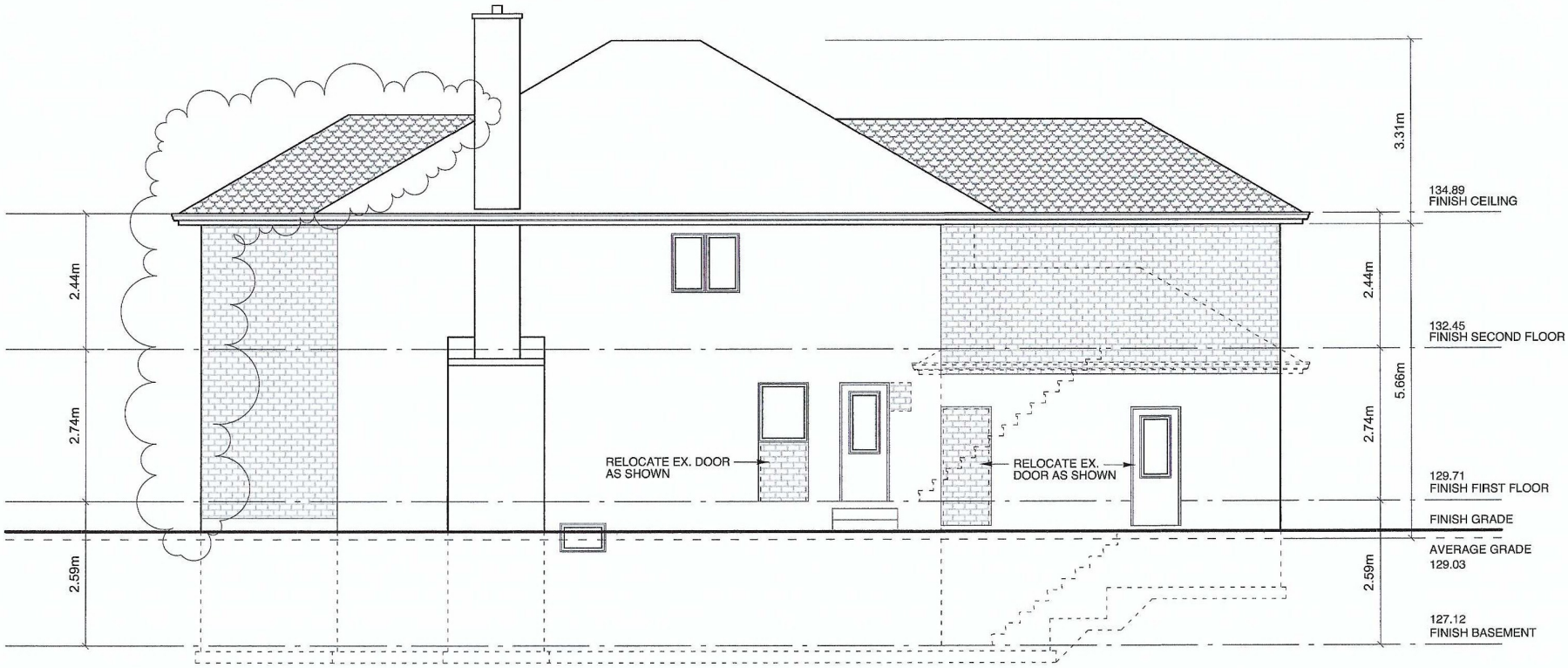

1 / A9 NORTH ELEVATION

SCALE: 1:75M

The undersigned has reviewed & taken responsibility for this design, and has the Qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

TONY VALENTIN	20917
Name	BCIN
Signature	15 03 18 Date

REGISTRATION INFORMATION
Required unless design is exempt under 2.17.4.1 of the building code

TONY VALENTIN DESIGN	28858
Firm Name	BCIN

ADDRESS:

11 EMCARR DRIVE
CITY OF TORONTO

NORTH ELEVATION

CLIENT'S:
IRFAN QAZI

no.	date	revision	by
4	05 2019	reduce length of dwlg	AD
3	03 2019	issued for cofa	AD
2	04 2018	issued for review	AD
1	04 2018	issued for client review	AD

MODEL & CAD NAME:
PowerCADD
ENGINEERED SOFTWARE
2016

drawn by: AD
checked by:
date: April 2018
scale : as noted

sheet no.
A9
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