

# DECISION AND ORDER

**Decision Issue Date** Thursday, October 28, 2021

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): Jim Krigos

Applicant: MODULAR HOMES ADDITIONS INC

Property Address/Description: 214 Bicknell Ave

Committee of Adjustment Case File Number: 21 103726 WET 05 MV

TLAB Case File Number: **21 131701 S45 05 TLAB**

**Hearing date:** Wednesday, August 11, 2021

Wednesday, October 27, 2021

**DECISION DELIVERED BY:** S. Gopikrishna

## REGISTERED PARTIES AND PARTICIPANT

|             |                             |
|-------------|-----------------------------|
| Appellant   | Jim Krigos                  |
| Applicant   | MODULAR HOMES ADDITIONS INC |
| Owner/Party | Saloum Doucansi             |
| Party       | Yuko Sorano                 |

## INTRODUCTION AND BACKGROUND

Saloum Docansi and Yuko Sorano are the residents of 214 Bicknell Ave, a semi-detached residence, located in Municipal Ward York South-Weston ( 05) of the City of Toronto. They applied to the Committee of Adjustment (COA) to construct a two-storey rear addition to their house. The COA heard their application on March 9, 2021, and approved the application. On March 21, 2021 , Mr. Jim Krigos, the neighbour at 212

**Decision of Toronto Local Appeal Body Panel Member: Sabnavis Gopikrishna**  
**TLAB Case File Number: 21 131701 S45 05 TLAB**

Bicknell Ave. , appealed the decision of the COA to the Toronto Local Appeal Body (TLAB), which then scheduled a Hearing on August 11, 2021.

At the Hearing held on August 11, 2021, Mr. Krigos, the Appellant, as well as Ms. Sorano and Mr. Doucansi ( the Applicants) represented themselves. At the beginning of the Hearing, Mr. Krigos stated that he had settled his differences with the Applicants, and was no longer in opposition. When asked for comments, Ms. Sorano explained that she and Mr. Doucansi wanted a larger house for their growing family, and went onto describe how they had inadvertently “encroached” onto Mr. Krigos’ property, resulting in his Appeal to the TLAB. Ms. Sorano explained how they had negotiated with Mr. Krigos, and had arrived at an agreement, which allowed them to build the rear storey addition, without having to encroach on his property. After emphasizing that no other neighbour had opposed their proposal, Ms. Sorano asked that the requested variance be approved. When asked if updated drawings reflecting the Settlement with Mr. Krigos had been submitted to the TLAB, she said that she wasn’t sure, and had to check on the submission.

I explained to Ms. Sorano and Mr. Doucansi that even if Mr. Krigos was no longer in opposition, the Appeal before me respecting 214 Bicknell required them to present evidence, focusing on how their proposal satisfied the four tests under Section 45.1. I emphasized that the mere lack of opposition from the neighbours did not constitute adequate grounds to approve the proposal, and instructed the Applicants to complete the following steps:

- Submit the updated Plans and Elevations to the TLAB
- Submit a Witness Statement, which highlighted how their proposal satisfied the 4 tests under Section 45.1 of the Planning Act. The Witness Statement could be expanded on by way of oral evidence at the next Hearing

I set September 1, 2021 as the deadline for the submission of both the requested documents, and advised the Applicants that the TLAB would contact them after the submission of the documents to set a new Hearing date. When asked if Mr. Krigos had to attend the Hearing, I advised the Parties that Mr. Krigos did not have attend the Hearing, if he was not in opposition to the Appeal, but could certainly attend the Hearing as an observer, before adjourning the Hearing.

The Applicants submitted new Plans and Elevations, accompanied by a Witness Statement on September 1, 2021. The TLAB scheduled a Hearing for October 27, 2021, after receiving the submissions.

## **MATTERS IN ISSUE**

### **Section 10.80.40.70(3)(B), By-Law 569-2013**

The required minimum side yard setback for a semi-detached house is 1.5 metres. The proposed side yard setback is 0.77 metres from the north side lot line

## **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**

At the Hearing held on October 27, 2021, Ms. Sorano represented the Applicants.

After being affirmed, Ms. Sorano presented a summary of the proposal. She said that the family needed extra space to accommodate a family of two adults and three children, and wanted to build an extension to the rear of the existing house. The proposed addition would be 15 feet long, and 20 feet wide, "including the first and second floors". According to Ms. Sorano, the lot coverage of the proposed addition is compliant with the Zoning By-Law. The only variance required for the property, as recited in the "Matters in Issue" Section, is for a side yard setback. She also noted that though the proposed setback is noted as 0.77 m from the north side lot line, the existing side yard setback is 1.41 m, which will not change. Ms. Sorano added that the 0.77 metre separation from the setback would apply only to the second floor, which is not yet constructed.

Ms. Sorano then discussed the series of events resulting in an Appeal to the TLAB, and how it was resolved through a Settlement between the Parties. She emphasized that Mr. Krigos' concern had nothing to do with the proposed extension, and focused on matters that are not pertinent to this proposal.

Speaking to how the proposal satisfied the four tests under Section 45.1 of the Planning Act, Ms. Sorano said that the proposal satisfied the test by virtue of not having any significant impact whatsoever on any of the neighbours, as was "evident in the lack of opposition from any of the neighbours".

Speaking next to the test of maintaining the intent and purpose of the Official Plan, Ms. Sorano said that the proposal respected what already existed in the community. She provided examples of how existing houses in the vicinity of the proposal, had been enlarged by the occupants through the addition of similar extensions in the form of a sun room, or a rear addition- these examples included 17 and 19 Landour Avenue ( a road that parallels Bicknell Avenue), as well as 218 Bicknell Ave. She also highlighted how the proposed extension would be built at the back of the house, and would not be visible from the road, and would consequently not impact the pedestrian view of the street. When asked which specific policies in the OP would be fulfilled by the proposal, Ms. Sorano could not name any specific policies, but reiterated that the proposal respected what existed in the community.

Addressing the test of how the proposal fulfilled the intent and purpose of the Zoning By-Law, Ms. Sorano said that the intent of the By-Law was to "respect the driveway, which led to the back of the house from the road," and advised that the driveway would not be disturbed in any way by the proposed extension at the back of the house.

Lastly, Ms. Sorano discussed how the proposal the test of appropriate development- she reiterated that the variance met the test of appropriate development because it did not create any negative impact on the neighbouring properties and respected what previously existed in the community, while meeting the needs of her family.

When asked how the variance had been identified, Ms. Sorano said that "a letter had been sent by the City" in response to an application that she and Mr. Doucansi had filled out, with the help of their architect, who worked for the architectural firm of Modular Homes Additions, which she added, is the listed Applicant in the COA decision.

On the basis of this evidence, Ms. Sorano asked that the variance be approved. I reserved my Decision, and asked Ms. Sorano to submit the revised Plans and Elevations, as well as the Zoning Notice. The requested documents were submitted to the TLAB on the same day, and were forwarded to me by the TLAB Staff.

## **ANALYSIS, FINDINGS, REASONS**

An unusual feature of this proposal is that ***the Appeal to the TLAB is not linked to the variance that was granted by the COA*** ( my emphasis). Given that the Appellants and Applicants arrived at a Settlement regarding their differences of opinion, before the TLAB could hear the Appeal, it would have been reasonable to think that the Appeal could have been withdrawn by the Appellant before the Hearing- in such a case, there would have been no Hearing, and the COA decision would have been upheld by the TLAB.

It was necessary to adjourn the Hearing on August 11, 2021, because it could not be confirmed that the latest updated Plans and Elevations had been submitted to

the TLAB. The lack of the availability of updated Plans and Elevations, juxtaposed on the Applicant's expectation that they had to focus on how they had settled their differences with the opposition, as opposed how it satisfied the four tests under Section 45.1, resulted in my decision to adjourn the case, so that the Applicants could complete the requisite submissions to the TLAB.

At the Hearing held on October 27, 2021, there was a modicum of evidence to demonstrate that the requested variance, while increasing the size of the proposed addition at the back of the house, would not cause any adverse impacts on the neighbours- the Applicants' evidence was that the lack of adverse impacted manifested itself in the lack of opposition from the neighbours. While the lack of opposition does not demonstrate anything by and of itself, I find that the test of minor is satisfied by how the evidence linked the overall lack of an unacceptable impact of an adversarial nature of this proposal, to the test of minor.

While Ms. Sorano could not name any specific Policy in the OP, I am satisfied by her explanation that the proposal maintains the intent and purpose of the OP by "respecting the neighbourhood", because this concept if a leitmotif, emphasized throughout the OP. I am satisfied that there are no palpable changes to how the house presents from the public sphere, and does not impact the neighbours adversely- the proposed construction will result in the rear extension jutting out by 2 centimetres, beyond what is allowed. On the basis of this evidence, I find that the minimum threshold to satisfy the intent and purpose of the Official Plan has been met.

It is interesting to note that the Applicants find that the intent and purpose of the sideyard is "to preserve the driveway"- I find this to be true of the Subject Property given the configuration of the semi-detached houses, and the shared driveway. I am in agreement that the requested variance satisfies the test of the Zoning By-Law, because it does not cause any changes, or disturbances to the stated purpose of the side-yard setback. On the basis of this reasoning, I find that the requested variance satisfies the test of maintaining the intention, and purpose of the Zoning By-Law.

I also find that the proposal satisfies the test of appropriate development, because it supports the more efficient use of existing land, without introducing any type of building type, or size that would destabilize the community.

Notwithstanding my finding that the proposal has met the four tests under Section 45.1 of the Planning Act, it is important to note that the evidence satisfied only the minimal threshold for the variance to be approved. I would have preferred for the Applicants to identify specific policies in the OP, and how discuss how the requested variance satisfied these Policies. In the context of the other tests, the Applicants could not provide information about when the other exemplars relied upon ( e.g. 218 Bicknell) were built, the specific nature of the variances sought, or even if the variances were obtained by the owners from the COA- there was significant scope for the inclusion of more germane information.

An interesting point made by the Applicants is that there will continue to be a separation of 1.4 m between the north side lot line, and the exterior of the existing house, though the required separation is 1.5 m. This existing condition is resolved through the approval of variance that allows for a separation of 0.77 m between the new wall of the extension, and the north side lotline- an object that is 1.41 m away from the lot-line is further than the minimum separation, which is 0.77 m.

Notwithstanding the concerns expressed about the bare bones nature of the evidence , I reiterate that there is adequate evidence to support the approval of this variance.

It is important to impose the standard condition that the rear addition be built in substantial conformity with the submitted Plans and Elevations, prepared by Branko Mradenov Architect, dated September 23, 2020.

### **DECISION AND ORDER**

1. The Appeal respecting 214 Bicknell Ave. is denied, and the decision of the Committee of Adjustment, dated March 9, 2021 is confirmed.
2. The requested variance , as recited below is approved:  
**Section 10.80.40.70(3)(B), By-Law 569-2013**  
The required minimum side yard setback for a semi-detached house is 1.5 metres. The proposed side yard setback is 0.77 metres from the north side lot line.
3. The following condition is imposed on the approval of this variance:

The proposed extension needs to be built in substantial conformity with the submitted Plans and Elevations, prepared by Branko Mradenov Architect and dated September 23, 2020, and attached to this Decision.

So orders the Toronto Local Appeal Body

X 

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S. Gopikrishna  
Panel Chair, Toronto Local Appeal Body

**RECEIVED** October 27, 2021  
By Toronto Local Appeal Body

## LIST OF DRAWINGS

A-01-00 SURVEY PLAN  
A-01-01 SITE PLAN & STATISTICS  
A-01-02 LANDSCAPE AREAS  
  
A-02-01 BASEMENT FLOOR PLAN - EXISTING  
A-02-02 GROUND FLOOR PLAN - EXISTING  
A-02-03 SECOND FLOOR PLAN - EXISTING  
A-02-04 BASEMENT FLOOR PLAN - PROPOSED  
A-02-05 GROUND FLOOR PLAN - PROPOSED  
A-02-06 SECOND FLOOR PLAN - PROPOSED  
A-02-07 ROOF PLAN - PROPOSED  
  
A-03-01 NORTH ELEVATION - EXISTING  
A-03-02 WEST ELEVATION - EXISTING  
  
A-04-01 BUILDING SECTION

**ARCHITECTURAL:**



**214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9**

## **SORANO-DOUCANSI RESIDENCE**

**PROPOSED ADDITION  
& ALTERATIONS**

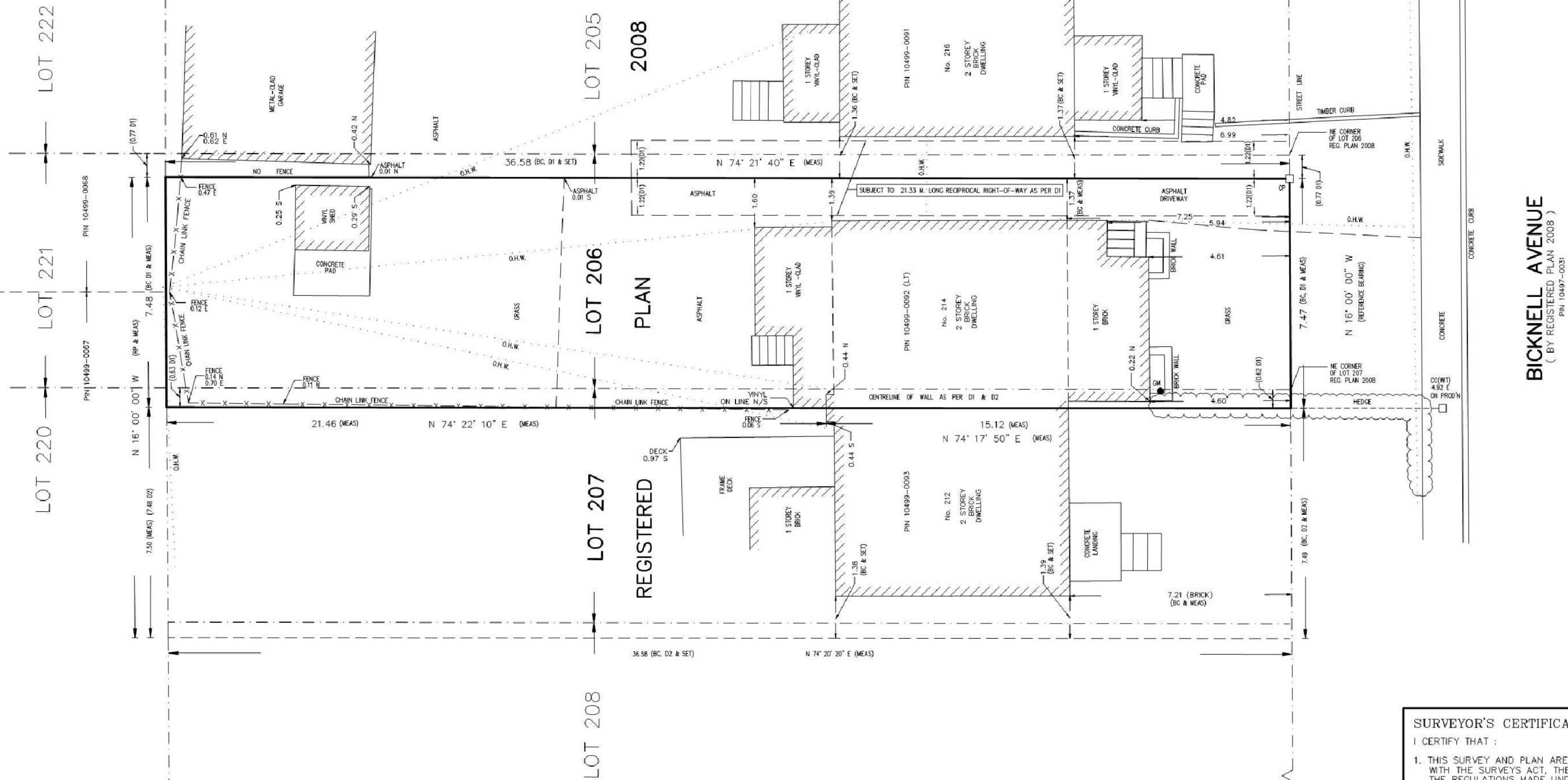
**ISSUED FOR:  
PRELIMINARY ZONING REVIEW  
DATE: DEC 16, 2019**



1. THIS PLAN MUST BE READ IN CONJUNCTION WITH SURVEY REPORT DATED DECEMBER 08, 2020.
2. THIS PLAN AND REPORT WERE PREPARED FOR YUKO SORANO AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHER PARTIES.

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF BICKNELL AVENUE HAVING A BEARING N 16' 00' 00" W AS SHOWN ON REGISTERED PLAN 2008.

METRIC / IMPERIAL DISTANCES SHOWN ON THIS  
PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET  
BY DIVIDING BY 0.3048.



|          |         |   |
|----------|---------|---|
| █        | DENOTES | SURVEY MONUMENT FOUND   |
| □        | DENOTES | SURVEY MONUMENT PLANTED                                       |
| WIT      | DENOTES | WITNESS   |
| IB       | DENOTES | IRON BAR  |
| CC       | DENOTES | CUT CROSS   |
| CP       | DENOTES | CONCRETE PIN  |
| RP       | DENOTES | REGISTERED PLAN 2008  |
| D1       | DENOTES | INSTRUMENT No. TB905527                                       |
| D2       | DENOTES | INSTRUMENT No. GY576492                                       |
| BC       | DENOTES | PLAN OF SURVEY BY BROWNE & CAVELL<br>O.L.S. DATED OCT/03/1946 |
| MEAS     | DENOTES | MEASURED  |
| N.S.E.W. | DENOTES | NORTH, SOUTH, EAST, WEST                                      |
| PIN      | DENOTES | PROPERTY IDENTIFIER NUMBER                                    |
| OU       | DENOTES | ORIGIN UNKNOWN  |
| O.H.W.   | DENOTES | OVERHEAD UTILITY CABLES                                       |
| GM       | DENOTES | GAS METER   |

THIS PLAN IS NOT VALID  
UNLESS IT IS AN EMBOSSED  
ORIGINAL COPY  
ISSUED BY THE SURVEYOR

In accordance with  
Regulation 1026, Section 29(3)

IN WHOLE OR IN PART, WITHOUT THE EXPRESS PERMISSION  
OF GENESIS LAND SURVEYING INC. IS STRICTLY PROHIBITED.



1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.

1117

[illegible]

Ontario Land Surveyor

# ES19

Land Surveying Inc.

|                |                |
|----------------|----------------|
| 905-499-2936   | 1-800-262-9784 |
| 1-800-262-9784 | 905-499-2936   |

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| 905-499-2956       |  | 1-800-262-9784     |  | WWW.CENTREXIMPRESSIONS.COM |  |
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DRAFTED BY: GS

CHECKED BY: MM

PROJECT No. GLS-0703

By-laws.

[illegible]

BRANKO  
MLADENOV  
ARCHITECT IN

YUKO SORANO &amp; SALOUM DOUCANSI

SORANO-DOUCANSI  
RESIDENCE

## PROPOSED ADDITION & ALTERATIONS

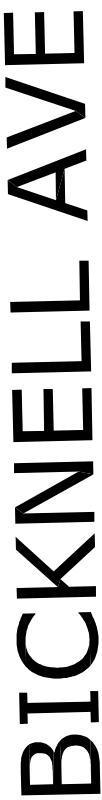
ADDRESS  
214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9

SHEET

## SURVEY

|             |             |             |          |
|-------------|-------------|-------------|----------|
| SCALE:      | AS SHOWN    | PROJECT NO. | 20-MD-19 |
| DATE        | SEP-23-2020 |             |          |
| DRAWN BY:   | B.M.        | SHEET NO.   | A-01-00  |
| CHECKED BY: | B.M.        |             |          |





SKETCH OF SURVEY  
PART OF LOT 206&207  
PLAN 2008  
CITY OF TORONTO

**NOTES:**

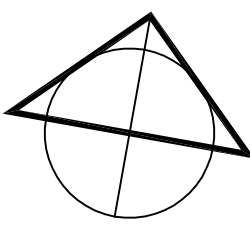
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NORTH

[illegible]

DESIGN &amp; BUILDING CONSULTING



314 Vaughan Rd., Toronto, ON, M6C 2N6 TEL. (647) 200-8842

## PROJECT MANAGEMENT



27 Bermondsey Rd., Toronto, ON, M4B 1Z7 TEL. (888) 279-4781

CLIENT

YUKO SORANO &amp; SALOUM DOUCANSI

14 BICKNELL AVE. TEL: (647) 261-9856  
TORONTO, ON, M6M 4G9

PROJECT

SORANO-DOUCANSI  
RESIDENCE

## PROPOSED ADDITION & ALTERATIONS

ADDRESS

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TORONTO, ON, M6M 4G9

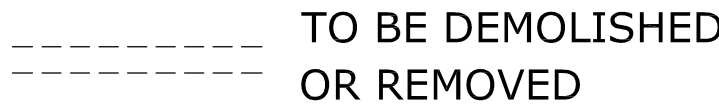
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## SITE PLAN & STATISTICS

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| SCALE:      | 1:96 (1/8"=1'-0") | PROJECT NO.<br><br>20-MD-19 |
| DATE        | SEP-23-2020       |                             |
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| CHECKED BY: | B.M.              |                             |

A-01-02





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SORANO-DOUCANSI  
RESIDENCE

## PROPOSED ADDITION & ALTERATIONS

ADDRESS

214 BICKNELL AVE.  
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SHEET

BASEMENT FLOOR PLAN  
EXISTING

SCALE: 1:32 (3/8"=1'-0")

DATE SEP-23-2020

DRAWN BY: B.M.

CHECKED BY: B.M.

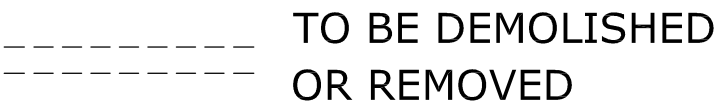
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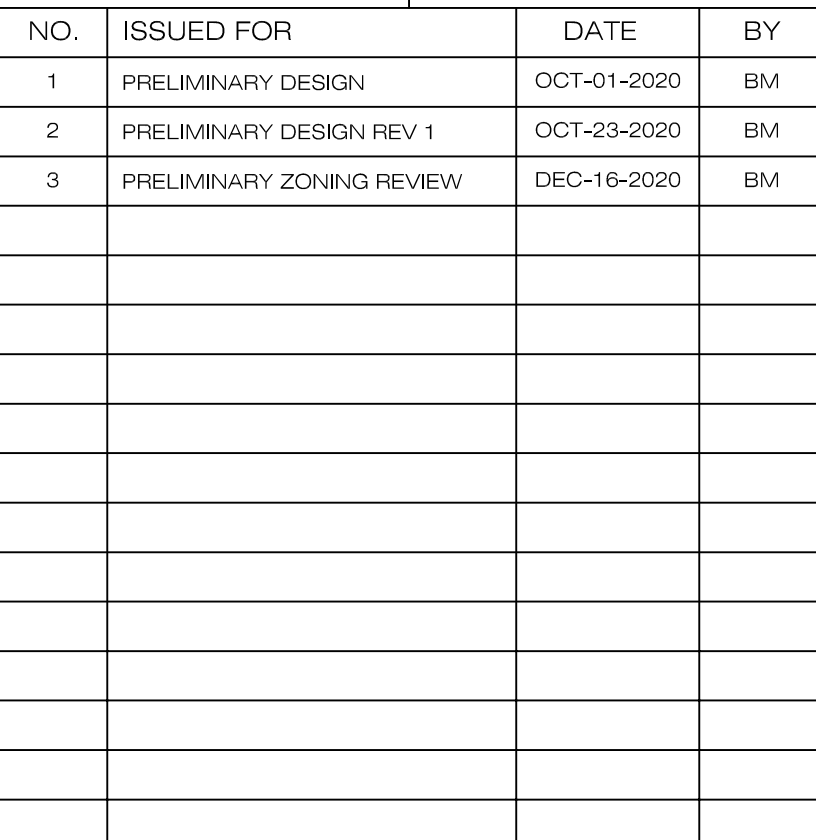
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## PROPOSED ADDITION & ALTERATIONS

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## GROUND FLOOR PLAN EXISTING

A-02-02

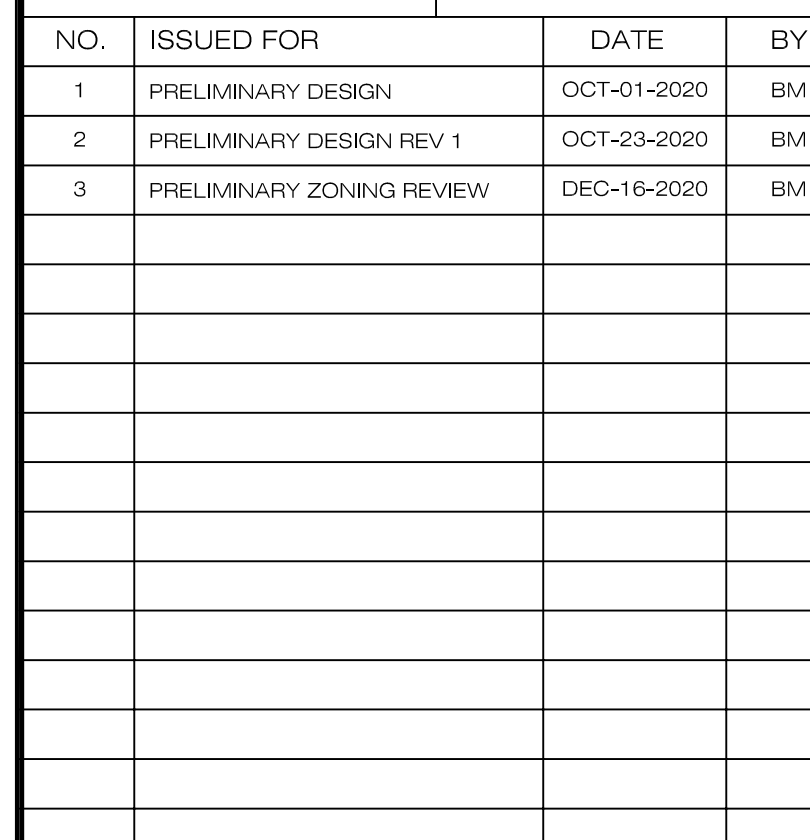
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SECOND FLOOR PLAN  
EXISTING

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A-02-03





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PROJECT MANAGEMENT



CLIENT

YUKO SORANO &amp; SALOUM DOUCANSI

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TORONTO, ON, M6M 4G9

PROJECT

SORANO-DOUCANSI  
RESIDENCE

## PROPOSED ADDITION & ALTERATIONS

ADDRESS

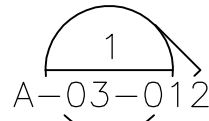
214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9

SHEET

BASEMENT FLOOR PLAN  
PROPOSED

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| SCALE:      | 1:32 (3/8"=1'-0") | PROJECT NO. | 20-MD-19 |
| DATE        | SEP-23-2020       |             |          |
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GROUND FLOOR PLAN PROPOSED

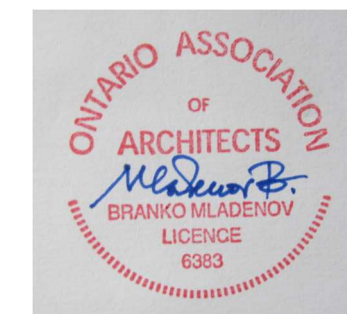
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All work to conform to all governing codes and By-laws.

[illegible]

BRANKO  
MLADENOV  
ARCHITECT INC.

PROJECT MANAGEMENT



CLIENT

214 BICKNELL AVE. TEL: (647) 261-9856  
TORONTO, ON, M6M 4G9

PROJECT

SORANO-DOUCANSI  
RESIDENCE

## PROPOSED ADDITION & ALTERATIONS

ADDRESS

214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9

SHEET

GROUND FLOOR PLAN  
PROPOSED

SCALE: 1:32 (3/8"=1'-0")

DATE SEP-23-2020

DRAWN BY: B.M.

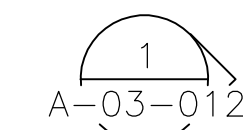
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20-MD-19

|  |           |
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A-02-05



NOTES:

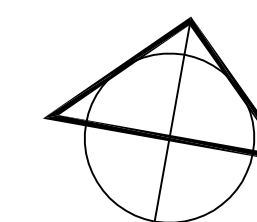
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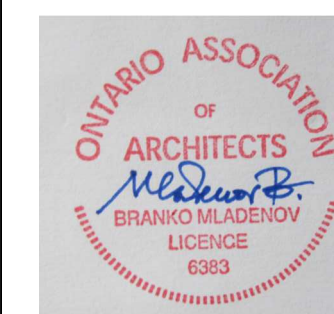
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All work to conform to all governing codes and By-Laws.



NORTH

[illegible]

DESIGN &amp; BUILDING CONSULTING



314 Vaughan Rd., Toronto, ON, M6C 2N6 TEL. (647) 200-8842

PROJECT MANAGEMENT



27 Bermondsey Rd., Toronto, ON, M4B 1Z7 TEL: (888) 279-478

CLIENT

YUKO SORANO &amp; SALOUM DOUCANSI

214 BICKNELL AVE. TEL: (647) 261-9856  
TORONTO, ON, M6M 4G9

PROJECT

SORANO-DOUCANSI  
RESIDENCE

## PROPOSED ADDITION & ALTERATIONS

ADDRESS

214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9

SHEET

SECOND FLOOR PLAN  
PROPOSED

SCALE: 1:32 (3/8"=1'-0")

DATE SEP-23-2020

DRAWN BY: B.M.

CHECKED BY: B.M.

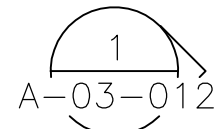
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|  | PROJECT NO. |
|--|-------------|

20-MD-19

|  |           |
|--|-----------|
|  | SHEET NO. |
|--|-----------|

A-02-06





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BRANKO  
MLADENOV  
ARCHITECT INC.

A-02-07

1  
A-02-07







DESIGN & BUILDING CONSULTING

 **BRANKO** ▼  
**MLADENOV**  
**ARCHITECT INC.** ■

4 Vaughan Rd., Toronto, ON, M6C 2N6 TEL. (647) 200-8842

PROJECT MANAGEMENT



CLIENT

**YUKO SORANO & SALOUM DOUCANSI**

214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9

TEL: (647) 261-9856

PROJECT

SORANO-DOUCANSI  
RESIDENCE

PROPOSED ADDITION  
& ALTERATIONS

ADDRESS  
214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9

SHEET

WEST ELEVATION

|             |                   |             |  |
|-------------|-------------------|-------------|--|
| SCALE:      | 1:32 (3/8"=1'-0") | PROJECT NO. |  |
| DATE        | SEP-23-2020       | 20-MD-19    |  |
| DRAWN BY:   | B.M.              | SHEET NO.   |  |
| CHECKED BY: | B.M.              | A-03-02     |  |

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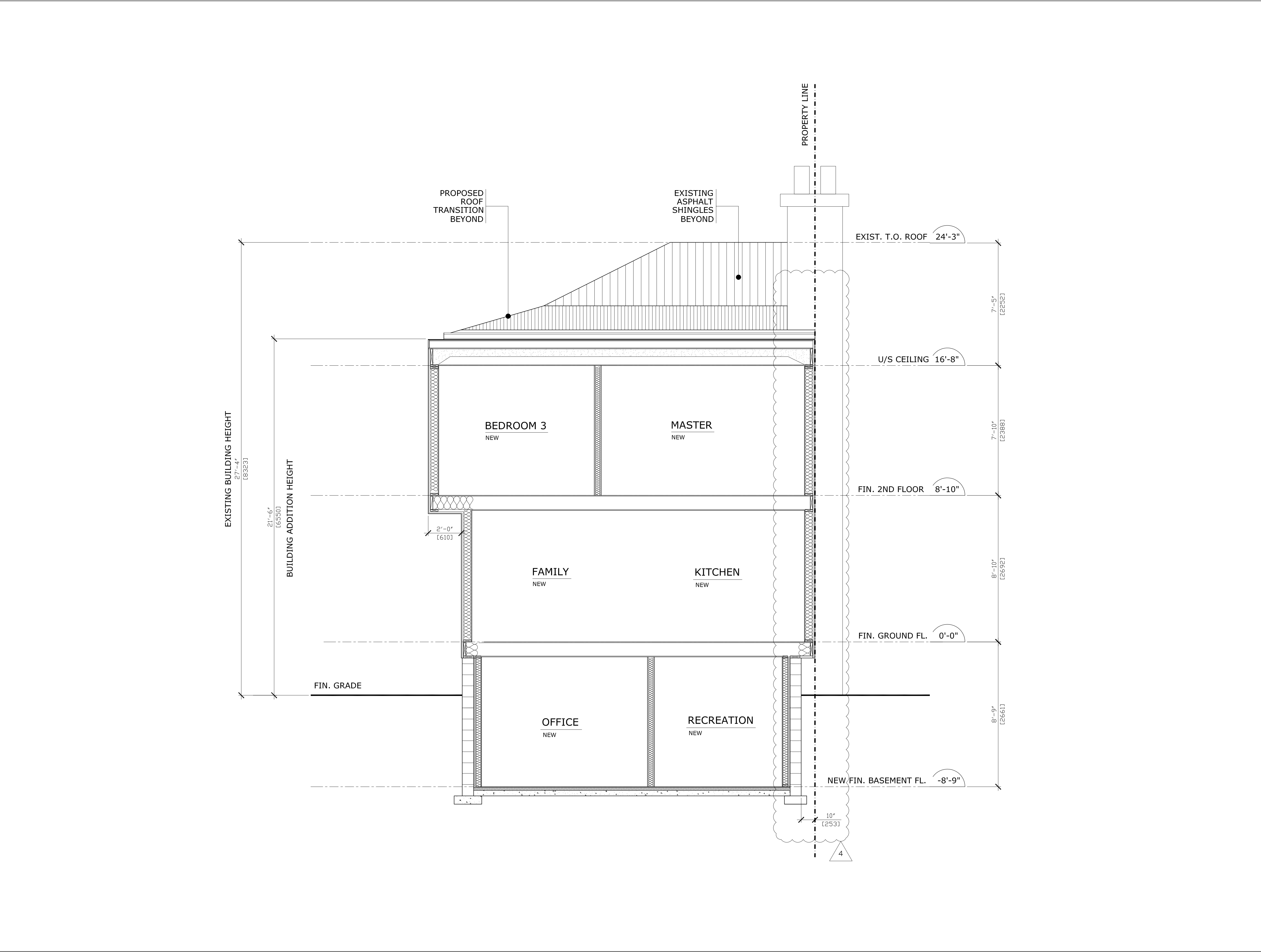
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All work to conform to all governing codes and By-laws.





1 BUILDING SECTION  
A-04-01

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All work to conform to all governing codes and By-laws.



| NO. | ISSUED FOR                | DATE        | BY |
|-----|---------------------------|-------------|----|
| 1   | PRELIMINARY DESIGN        | OCT-01-2020 | BM |
| 2   | PRELIMINARY DESIGN REV 1  | OCT-23-2020 | BM |
| 3   | PRELIMINARY ZONING REVIEW | DEC-16-2020 | BM |
| 4   | PRZ REV 1                 | MAR-31-2021 | BM |
|     |                           |             |    |
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|     |                           |             |    |

DESIGN & BUILDING CONSULTING

**BRANKO MLADENOV ARCHITECT INC.**

314 Vaughan Rd., Toronto, ON, M6C 2N6 TEL: (416) 200-8842

PROJECT MANAGEMENT

**MODULAR HOME ADDITIONS INC.**

27 Bermondsey Rd., Toronto, ON, M4B 1Z7 TEL: (888) 279-4781

CLIENT

**YUKO SORANO & SALOUM DOUCANSI**

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TORONTO, ON, M6M 4G9

PROJECT

**SORANO-DOUCANSI RESIDENCE**

**PROPOSED ADDITION & ALTERATIONS**

ADDRESS

214 BICKNELL AVE.  
TORONTO, ON, M6M 4G9

SHEET

**BUILDING SECTION**

|                          |             |
|--------------------------|-------------|
| SCALE: 1:32 (3/8"=1'-0") | PROJECT NO. |
| DATE SEP-23-2020         | 20-MD-19    |
| DRAWN BY: B.M.           | SHEET NO.   |
| CHECKED BY: B.M.         | A-04-01     |