

INTERIM DECISION AND ORDER

Decision Issue Date Thursday, November 18, 2021

PROCEEDING COMMENCED UNDER section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant(s): Andrey Matusevich

Applicant(s): Andrey Matusevich

Property Address/Description: 313 Belsize Drive

Committee of Adjustment File

Number(s): 20 215030 NNY 15 MV

TLAB Case File Number(s): 21 127759 S45 15 TLAB

Hearing date: August 04, 2021, October 4, 2021

Deadline Date for Closing Submissions/Undertakings: October 13, 2021

DECISION DELIVERED BY D. LOMBARDI, TLAB Chair

REGISTERED PARTIES AND PARTICIPANTS

Applicant	Andrey Matusevich
Appellant	Andrey Matusevich
Appellant's Legal Rep.	Zachary Fleisher
Party	Al Kivi
Party	Ray Edney
Expert Witness	Eli Aaron
Expert Witness	Martin Rendl

INTRODUCTION

This is an appeal to the Toronto Local Appeal Body (TLAB) from a decision of the City of Toronto (City) Committee of Adjustment decision regarding an application by Andrey Matusevich (Appellant/ Owner) for three (3) variances (Application) to permit the construction of a rear deck to the existing detached house at 313 Belsize Drive (subject property). The COA conditionally approved two of the variances sought, variances #1 and #3, but refused a third variance (Variance #2).

The subject property is located on the south side of Belsize Drive, approximately mid-point between Mount Pleasant Road and Bayview Avenue, in the Davisville Village neighbourhood of the City. It is designated **Neighbourhoods** in the City Official Plan (OP) and zoned R -Residential (d0.6) (x930) in the City's harmonized Zoning By-law No. 569-2013 (new By-law). It is also subject to Exception 930 of the new By-law which is an area specific exception that applies only to the Davisville Village area.

BACKGROUND

The subject property is currently developed with a three-storey detached residential dwelling with an integral garage constructed in 2015. The dwelling was originally constructed with a rear deck which lacked the required variance approvals and building permit. In a decision dated January 6, 2016, the COA refused an application to legalize and maintain the deck and the owner subsequently removed the illegal deck.

The Application currently before the TLAB is to permit the construction of a rear elevated deck 5.4 m in width and 2.42 m in depth attached to the rear main wall. The deck is intended to provide access from the main floor family room and kitchen of the existing dwelling to an outdoor amenity space with no stairs connecting the deck to the rear yard at grade.

The COA heard the application for the three variances sought on February 25, 2021, and conditionally granted the following two variances:

1. Chapter Exception R 930 (D)(i), By-law No. 569-2013

A platform without main walls, attached to or within 0.3m of the rear main wall of a residential building, must have a maximum area of 4.0m². The proposed rear deck is 11.24m².

3. Chapter Exception R 930 (D)(ii), By-law No. 569-2013

A platform without main walls, attached to or within 0.3m of the rear main wall of a residential building, must have the minimum side yard setback of 1.8m. The proposed Rear Deck will have 0.85m setback at west side.

Condition

The applicant is to provide permanent opaque screening or fencing along the east and west edge of the proposed rear deck; with a minimum height of 1.8m from the floor of the deck.

However, the Committee refused the following variance:

2. Chapter Exception R 930 (D)(ii), By-law No. 569-2013

A platform without main walls, attached to or within 0.3m of the rear main wall of a residential building, must have the minimum side yard setback of 1.8m. The proposed Rear Deck will have 1.56m setback at east Side.

Prior to submitting its application to the COA, the Owner responded to recommendations made by City Planning staff and amended the proposal by increasing the west side yard setback variance from 0.62 m to 0.85 m and the east side yard setback from 1.20 m to 1.56 m.

Nevertheless, the COA refused Variance 2 for an east side yard setback of 1.56 m and the Applicant appealed that decision to the TLAB which set a Hearing date of August 4, 2021, to conduct a 'virtual' hearing of the appeal matter.

In attendance at that Hearing were Mr. Andrey Matusevich, his legal representative Zachary Fleisher (Davies Howe LLP), and his expert planning witness, Martin Rendl. Also, in attendance in opposition to the Application were Mr. Ray Edney, the abutting property owner who elected Party status, and his spouse Sheila Dudley, as well as the South Eglinton Ratepayers and Residents Association (SERRA) represented by Mr. Al Kivi and their expert planning witness Eli Aaron.

There were no other Parties or Participants to this matter.

MATTERS IN ISSUE

The variances must be consistent with and conform to higher level Provincial Policies. The 2020 Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe discuss higher level issues such as land use coordination, employment, housing intensification, climate change and resource management. Mr. Rendl, the Appellant's planner, asserted that these are 'big picture' policies that are not useful for this particular application, and I agree.

The main matter in issue is whether the three variances sought to permit the construction of the rear, elevated deck meet the applicable statutory test in s.45(1) of the *Planning Act (Act)*. In addition, the TLAB must determine if the proposed size and location of the deck at the rear of the subject property will result in unacceptable or undue adverse impacts of a planning nature on the abutting neighbours.

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 disposition of this appeal took two full days, as a second Hearing Day was eventually required and was scheduled for October 4, 2021, on consent.

Over the course of the two Hearing days, the Parties submitted as evidence numerous pre-filed documents. Each was entered into evidence as an Exhibit as follows:

- Exhibit 1 – Applicant's Site Plan Drawings (February 18, 2021).

- Exhibit 2 – Appellant’s Document Disclosure Book (June 28, 2021).
- Exhibit 3 – Mr. Rendl’s Expert Witness Statement and Curriculum Vitae (June 28, 2021).
- Exhibit 4 – Mr. Rendl’s Reply Statement (July 12, 2021).
- Exhibit 5 – Mr. Rendl’s Presentation to the COA (February 18, 2021).
- Exhibit 6 – Mr. Endey’s Party Witness Statement (June 26, 2021).
- Exhibit 7 – Mr. Kivi’s Opening Statement
- Exhibit 8 – Mr. Aaron’s Expert Witness Statement (June 28, 2021).
- Exhibit 9 – Addendum to Mr. Aaron’s Expert Witness Statement (September 30, 2021).
- Exhibit 10 – Applicant’s Revised List of Variances (September 2, 2021).

Hearing Day 1 commenced with statements by the Parties with the Appellant’s legal counsel speaking first. In his opening remarks, Mr. Fleisher immediately raised an objection to SERRA’s planning witness, Mr. Aaron, acting as an expert witness and providing opinion evidence in the area of land use planning.

Mr. Fleisher questioned Mr. Aaron’s lack of experience before tribunals such as the TLAB and the Ontario Land Tribunal (OLT) and noted that he was not a Registered Professional Planner (RPP) nor a full Member of the Ontario Professional Planner’s Institute (OPPI) or the Canadian Institute of Planners (CIP). As a result, he suggested that Mr. Aaron’s background and training did not rise to the level of an expert planning witness.

In response, I admonished Mr. Fleisher for raising this issue during his opening statement. I advised him that the TLAB directs that a challenge of an expert witness relying on professional credentials should be in all circumstances, where disqualification is sought, tendered in advance of the scheduled Hearing by way of the TLAB’s Motion Rule in its Rules of Practice and Procedure (Rules). I advised that I had reviewed Mr. Aaron’s CV and Acknowledgement of Expert’s Duty Form, both of which were pre-filed, in advance of the Hearing, but allowed Mr. Aaron to respond to the challenge.

Mr. Aaron highlighted his bachelor’s degree in Urban and Regional Planning from Ryerson University, his work and experience with the Lytton Park Residents’ Association, and participation at the former Local Planning Appeal Tribunal. He also noted his time serving in the office of the Local Area City Councillor and, specifically, his familiarity with the Davisville area.

Mr. Kivi requested that the TLAB recognize and allow Mr. Aaron to be qualified to provide expert opinion evidence in the area of land use planning, although he acknowledged that Mr. Aaron had not been before the TLAB prior to this matter.

My Ruling

Following a short recess, I ruled that I was satisfied that Mr. Aaron could be qualified to provide opinion evidence in the area of land use planning. In arriving at my ruling, I noted reliance on an oral ruling made by the former TLAB Chair, Ian Lord, in *311 Chaplin Crescent* in which he discussed the basis of planning discipline and

membership accreditation in the province of Ontario, and TLAB's 'gatekeeper' role in insuring that the evidence it hears from those that it qualifies meets the qualifications of relevance and necessity and expertise in an area of qualification, if that qualification is sought.

I advised that in this instance, I had reviewed Mr. Aaron's Expert Witness Statement and his CV, and I am comfortable in qualifying Mr. Aaron to give expert opinion evidence in the area of land use planning. However, I also noted that in accepting him as being approved as so qualified was distinct from an acceptance of the opinion evidence itself which remains to be heard, challenged, considered, and accepted, rejected or varied by the presiding Member.

Expert Witness Martin Rendl

Mr. Rendl was called to testify; he has extensive experience in planning related matters and has been qualified before the former Ontario Municipal Board and the Local Planning Appeal Tribunal (now the OLT) as well as the TLAB. I qualified him to provide expert opinion evidence in land use planning.

He advised that he was retained by the Owner in March 2021, after the COA hearing, to support the appeal. He noted his planning experience includes providing evidence on previous development proposals in the Davisville Village precinct.

Mr. Rendl briefly highlighted the proposal before the TLAB, noting the characteristics of the subject property:

- Lot Width: 7.62 m
- Lot Depth: 38.10 m
- Lot Area: 290.3 m²
- 1.04 m wide right-of-way along the east lot line in favour of 315 Belsize Drive
- 1.08 m east side yard setback at the rear of the dwelling; 0.5 m west side yard setback at the rear of the dwelling.

He explained that the existing home on the subject property was built prior to the enactment of the Davisville Village Zoning By-law, and that the proposal before the TLAB is a product of consultation with both City Planning staff and abutting neighbours. He confirmed that the proposed rear elevated deck (Exhibit 1) will provide access to an outdoor amenity area that will be used by the family, allowing the Owner's daughter, who has a severe allergic reaction to grass, an appropriate and safe outdoor rear yard play space away from the grass in the rear yard.

He noted that the orientation of the deck will orient activity to the west side of the subject property. Additionally, he asserted that since there are no stairs connecting the proposed deck to the rear yard at grade, this lack of direct connection would limit the potential activity on the deck.

He characterized the neighbourhood as stable and mature, but not static, since it is experiencing a high degree of investment and regeneration in the form of new dwellings

and additions to existing homes. He defined the neighbourhood in part by its tight lot fabric and lots with primarily two-storey detached and semi-detached dwellings on predominately 7.6 m wide lots similar to the subject property.

As to the delineation of a Neighbourhood Study Area (NSA) as directed by the OP, Mr. Rendl highlighted both an Immediate and Broader Context as illustrated in Exhibit 3 (Appendix C) and a series of photographic evidence to support his position in assessing neighbourhood character.

He stated that the proposal is for an elevated deck at the rear of the existing dwelling, an area not visible from the street; he noted his limited ability to visually determine the existing physical character of existing rear decks in his NSA on his site visit of the neighbourhood. Accordingly, he relied on historical COA decisions which approved variance applications for rear decks (Exhibit 3, Appendix D) and referenced his photographic evidence to illustrate the number and variety of existing rear decks by size, height, and side yard setbacks in the neighbourhood.

He used this evidence to assert that rear decks which received variances for area and side yard setbacks ranged from 8.2 m² to 29.35 m² for area and from 0 m to 1.63 m for side yard setbacks from Exception 930 of the new Zoning By-law in his NSA. He opined, therefore, that the 11.24 m² area as well as the 0.66 m (west) and 1.56 m (east) side yard setbacks variances being requested fall within the range of variances approved for rear decks.

In reviewing the policy and planning framework context, Mr. Rendl noted that the subject property is also subject to Exception 930 which is area specific to the Davisville Village. This Exception resulted from the Davisville Village Zoning Study - Final Report (DVZS) and a City-initiated Zoning Amendment. The key outcome of Exception 930 was the prohibition of integral garages in dwellings by not permitting vehicle entrances through the front main wall.

The DVZS also introduced regulations for the size and side yard setback of raised rear wall decks higher than 1.2 m above grade in this area, limiting the size of a deck to a maximum of 4.0 m² and a minimum side yard setback of 1.8 m. For comparative purposes, Mr. Rendl noted that the Residential Detached RD Zone also has a 4.0 m² maximum area for a deck but requires only a 0.9 m side yard setback for a lot with a minimum lot frontage of 6.0 m to 12.0 m.

As to his planning evaluation, Mr. Rendl opined that the three variances requested by the Applicant to permit the construction of the rear deck satisfy the tests under Section 45(1) of the *Act*. In support of his position, he reviewed each of the four tests individually.

He reviewed the various policies in the OP with respect to the *Neighbourhoods* designation, specifically referencing Policies 2.3.1.1 (Healthy Neighbourhoods), 3.1.2 (Built Form), and 4.1.5 (Neighbourhoods). He submitted that the general intent and purpose of the *Neighbourhoods* designation is to encourage development in established neighbourhoods that is 'sensitive, gradual and that generally fits. It also must 'respect

and reinforce' the existing physical character thereby avoiding development that might result in destabilization of the neighbourhood.

In this regard, Mr. Rendl asserted that the proposed deck will be attached at the rear of the dwelling and does not, in his opinion, constitute or involve *"construction of a building which would correspond with what is generally understood to be development (my emphasis) and toward which, in my opinion, the policies of the Official Plan are primarily directed."* (Exhibit 3, p. 9)

He took the position that in the absence of a definition of 'development' in the OP to assist in determining whether the deck falls within that umbrella term, a more generous interpretation should be considered for the purposes of his planning analysis. As such, he opined that the proposed rear deck is a sensitive and gradual addition to the existing home, that rear decks are common features through his NSA, and the proposal 'fits' the existing physical character. He asserted that the proposed size and side yard setback variances are consistent with other approved rear decks in the neighbourhood, respect and reinforce the existing character and, therefore, maintain the general intent and purpose of the OPP's applicable development criteria and policies.

With respect to the 2nd test, Mr. Rendl opined that the variances maintain the general intent and purpose of Zoning By-law 569-2013 as amended by Zoning By-law 1426-2017 which introduced Exception 930 provisions for rear decks. He suggested that the size of the proposed deck of 11.24 m² and the side yard setbacks appropriate in the context given that *"the deck will be setback a distance from the side lot lines approximately 1.5 times the setback of the existing house on the east side and three times on the west side."* (Exhibit 3, p. 12)

In his opinion, given the location of the basement walkout and retaining wall, the 1st floor family room window, and the exterior double doors of that family room at the rear of the subject dwelling, the proposed rear deck would result in a *"safe and logical design."* (his words)

With respect to the last two tests, 'desirable' and 'minor', Mr. Rendl opined that the deck is suited to its context and will provide an elevated, outdoor amenity space that allows access from the interior spaces of the home and that is a common feature throughout the neighbourhood.

He asserted that the generally acknowledged test of 'minor' is not a mathematical exercise, but rather whether the variances sought create any unacceptable or adverse impacts on nearby properties. In this regard, he opined that the impacts of the proposed deck on privacy and overlook on adjacent properties not to be materially different than the views that currently exist and that, therefore, there is no loss of privacy created by the proposal.

Mr. Rendl recommended that the three variances sought be granted as they satisfy the four statutory tests in the *Planning Act*, create no adverse impacts on nearby properties, and represent good community planning. He submitted that should the TLAB approve the application, the approval be conditional on the Applicant/Owner

being required to install a 1.5 m opaque screen on the east side of the rear deck to assuage the privacy and overlook concerns of the owner of 315 Belsize Drive.

Mr. Rendl was cross-examined by Mr. Kivi, who raised the following questions of the witness' opinion evidence.

- The design of the deck and deficiencies in the site plan drawings. Mr. Rendl stated he is not a structural engineer but noted that the filed drawings (Exhibit 1, pages 2 & 3) illustrate the scale of the proposed deck.
- The proposed 3-storey dwelling, and rear elevated deck are not part of the 'prevailing' building typology in the neighbourhood - Mr. Rendl asserted all planning is 'contextual', first generation dwellings were typically 2-storey while the subject house represents newer (replacement) dwellings and therefore less of them in the neighbourhood.
- Determining the number and variety of rear decks in the neighbourhood is difficult and the data provided is unconvincing – Mr. Rendl agreed that this data was 'difficult' to gather but that his photo evidence and COA decision analysis suggest variances approved for a variety of deck sizes, height, and setbacks in the immediate neighbourhood.

On re-examination, Mr. Rendl confirmed that the location of entrances in the rear elevation of the subject dwelling would preclude the positioning of an 'as-of-right' rear deck and, as such, would not constitute a 'smart design' (his words) option. Mr. Rendl also re-confirmed that the building length and depth of the existing dwelling on the subject property is By-law complaint at 17 m.

Mr. Ray Edney, a Party in the matter, was affirmed and provided evidence from his Witness Statement which was entered as Exhibit 6. He is the owner of the abutting property to the west at 315 Belsize Drive. He disagrees with the Applicant that the proposal represents good planning and asked that the TLAB refuse to grant the variances requested.

Although he is not opposed to change in the neighbourhood and appreciates his neighbours desire to want a rear, elevated platform with access from the kitchen, he nevertheless suggested that the Owner's assertion that extensive consultation had occurred with the neighbours prior to the COA hearing to be false. He did acknowledge that he reviewed the initial plans and that he suggested to the Owner two alternative acceptable design options including a small deck platform with stairs leading to a lower deck or to a 'Juliette' balcony but that these suggestions were 'adamantly' (his word) rejected by the Owner.

His main concern in this matter is with the height and size of the proposed deck, the massing of the existing home, and that, if built, the rear deck would extend a building that already extends 5.5 m beyond the rear wall of his home by a further 2.52 m. Mr. Edney highlighted issues of privacy, overlook and shadowing impacts on his property and questioned why Council adopted the area-specific Davisville Village By-law could be ignored.

On cross-examination, Mr. Fleisher and Mr. Edney debated whether shadows already cover much of Mr. Edney's rear yard, whether a condition of 'overlook' into the rear yard already exists, and whether the magnitude of impact of overlook is materially similar to what would exist if the proposed deck were built. Mr. Edney insisted that the proposed deck will increase overlook into his property and create additional shadows thereby reducing the enjoyment of his rear yard.

Mr. Kivi called Eli Aaron as an expert planning witness, who had been retained in May 2021 to act on behalf of SERRA in opposition to the Application. He was affirmed and qualified to provide expert opinion evidence in land use planning.

Before commencing his evidence, he referenced both an Expert Witness Statement Addendum document (Exhibit 9) and a '*Corrigendum*' (list of revisions) to his original EWS in response to the changes made by the Applicant to the site plan drawings.

The *Corrigendum* acknowledged that the Applicant had corrected the plans to reflect revisions to both the depth of the proposed deck (2.42 m) and the west side yard setback (0.66 m). In addition, it confirmed that the depth of the dwelling is actually 17 m and not 19.1 m, and a 1.5 m privacy screen on the east side of the rear deck has been introduced as a condition of approval. Finally, the document noted that Exhibit 9 now includes a revised rendering illustrating of the relationship at the rear between the subject dwelling with the proposed deck and Mr. Edney's rear yard (Figures 6 & 7).

As directed by the OP, Mr. Aaron also established a Neighbourhood Study Area (NSA) for the purposes of assessing area character, highlighting both a Broader and Immediate Context although his NSA is slightly smaller than Mr. Rendl's. And, while Mr. Aaron's NSA included over 400 properties, he stated that with respect to the Application before the TLAB, it was more practical to focus on and assess the Immediate Context and, therefore, chose that for his study area analysis.

Employing his mapping and photographic evidence, he characterized his study area as consisting of lots ranging in width from 20 ft. to 30 ft. with depths of between 120 ft. to 125 ft., and building typology consisting of detached, semi-detached, and single duplex dwellings. He extrapolated that of the 75 homes within the subject block, thirty-one decks were visible, 9 (12%) had tall first floor heights stacked on top of an integral garage, and only 3 (4%) had what he termed "extensive decks" or decks of a similar character as the proposed. The 3 "extensive decks" highlighted he noted were all approved prior to the implementation of Exception R 930 to Zoning By-law 569-2013 which introduced additional regulations for tall rear decks.

He then reviewed and analyzed the Application from a planning policy context and the statutory tests as required by the *Planning Act*.

With respect to whether the variances maintain the general intent and purpose of the OP, Mr. Aaron specifically highlighted Policies 2.3.1.1, 3.1.2.3, and 4.1.5 c) and opined that since tall decks are not the 'prevailing' characteristic in the geographic neighbourhood, the height, massing and scale of the proposed deck do not respect and reinforce the existing physical character of the neighbourhood.

He opined that the OP, as amended by OPA 320, defines 'prevailing' as *most frequently occurring*, and he asserted that since the prevailing height of decks within the immediate context in his study area is less than 1.2 m above the established grade and the proposed deck is nearly twice that height at 2.3 m above grade, it does not 'fit' the character of the neighbourhood. He submitted that the height combined with the proposed deck area is "*out of context within the immediate study area*" and will have a much greater visual impact on the neighbour at 315 Belsize Drive.

He referenced OP Policy 3.1.2.3, which states that development "must protect privacy within adjacent buildings" and opined that the proposed deck height "*vantage point*" (his term) would compromise the privacy of and overlook into Mr. Edney's rear yard.

As to whether the Application maintains the general intent and purpose of the Zoning By-law, he noted that proposed rear deck does not comply with the requirements implemented as a result of the Davisville Village Zoning Study. In fact, he suggested the opposite would occur, that the variances would result in overlook, loss of privacy, visual impacts and noise with respect to 315 Belsize and that these were the exact conditions and impacts that the By-law was implemented to "prevent" (Exhibit 8, para. 35).

As to the tests of desirability and minor, Mr. Aaron opined that a smaller "amenity deck" (his term) with a lower height and a lesser east side yard setback that did not conflict with the intent of the OP and Zoning By-law could be built instead. He concluded that considering both the adverse impacts and metric variation from the By-law, the variances sought are not minor in nature.

On cross-examination, Mr. Aaron acknowledged that he did not undertake a fulsome visit of the broader neighbourhood as did Mr. Rendl, but rather focused on the immediate block as directed by OP Policy 4.1.5 9 i). He also conceded that his analysis did not consider rear decks in the Broader Context of his study area but relied on the data collected to determine whether tall rear decks were the prevailing character on the subject block. He did not agree with Mr. Rendl's character assessment of the broader neighbourhood but did concede that, indeed, while there may be more tall rear decks within Mr. Rendl's NSA, he did not observe any in his reconnaissance. He also qualified this by suggesting that Mr. Rendl's NSA is too broad and "*very far away from the subject property.*"

Mr. Aaron conceded that there are impacts associated with a small compliant deck as well, but that the overall size of the proposed deck is an issue of concern. He also noted that while there is an existing condition of overlook between the subject property and Mr. Edney's property, the impacts are not the same. On the issue of the definition of the term 'limit' as employed in the DVZS and whether the intent of the By-law was to "prevent" as opposed to "mitigate" tall rear decks, Mr. Aaron acquiesced that the intent was to *mitigate* impacts on abutting property owners.

On re-examination, Mr. Aaron opined that his NSA was actually more relevant than Mr. Rendl's in determining area character relative to tall rear decks. He asserted that Mr. Rendl's 'Broader Context' consisted of an area that is a "12-13-minute walk" from

the subject property and submitted that Mr. Rendl failed to clarify a magnitude of lots within the Immediate Context.

ANALYSIS, FINDINGS, REASONS

The Application and variances before this Tribunal are, in my opinion, neither unprecedented nor complex; three variances to permit the construction of a rear, elevated deck to the existing detached home.

Prior to submitting their application to the Committee of Adjustment, the Owner revised their application to address comments from City Planning staff and neighbours. Despite Mr. Edney's assertion to the contrary, I believe this did occur. I note that the Owner increased the west side yard setback to 0.85 m as well as the east side yard setback to 1.56 m in response.

On Hearing Day 1, I noted that the disclosure documents file by the Mr. Matusevich included what I characterized as '*hand-drawn*' plans (Plans) for the proposed deck. Mr. Matusevich confirmed that he had prepared these Plans and that were the drawings that the COA had before it at the February 25th Committee hearing.

In response, I advised that the Plans provided to the TLAB were, in my opinion, rather rudimentary in appearance and character, and somewhat difficult to read. They also lacked accuracy and essential dimensional details. As a result, I suggested to the Appellant that professionally prepared drawings be submitted to the TLAB before Hearing Day 2 to ameliorate the deficiencies.

Subsequently, the Appellant retained a designer to undertake the task of preparing such plans. However, in the process of that task, the designer identified a discrepancy regarding the west side yard setback of the existing home which highlighted an error in the west side yard setback variance sought by the Appellant. The Appellant attributed this error to difficulty in reading the west side yard dimension on the existing survey.

As a result, the Appellant was forced to revise Variance 3 of the Application and filed a Motion with the TLAB requesting relief to permit the amended Plans to be submitted along with a modified list of Variance. Variance 3 now proposes a west side yard setback of 0.66 m and will result in a reduction of the depth of the proposed deck by 0.1 m. The Appellant also modified the numerical dimensions of the proposed deck as outlined in the Introduction section of this decision.

The Motion also sought an Order of the TLAB pursuant to s. 45(18.1.1) of the *Planning Act* deeming the amendments to the original application minor and requesting dispensing with the requirement for written notice because of the altered variance.

In a decision and order issued on September 17, 2021, the TLAB granted the above cited relief sought by the Mr. Matusevich.

The Key Issues in Dispute

The key issues in this dispute relate to whether the variances satisfy the statutory tests and whether the proposed size and location of the deck at the rear of the subject property will result in unacceptable or undue adverse impacts of a planning nature on the abutting property owner, Mr. Edney.

With respect to the tests, and specifically the first two tests of maintaining the general intent and purpose of the OP and Zoning By-law, the Owner requests permission to construct a rear deck level with the main floor of the subject home. However, due to the existing main floor height, the rear deck will be more than the 1.2 m above established grade which requires three variances from Exception 930 in By-law 569-2013.

Both the Appellant's and SERRA's expert planning witnesses referenced the Davisville Village Zoning Study - Final Report (DVZS Final Report), dated September 25, 2017, and Exception 930 (x930) as policy guidance. As expressed in the Final Report document prepared by City Planning staff, the City's main focus in undertaking the DVZS was to address the increasing prevalence in the neighbourhood of tall replacement houses with integral garages, raised front entrances, and raised main living spaces.

The Final Report also addressed other issues, including 'Rear yard Privacy' and in doing so recommended amendments to the zoning provisions. The resulting amended By-law and x930 introduced regulations including a 4 m² limit on the size of tall rear decks to *"limit the deck's ability to act as a gathering space and to control noise impacts,"* and a minimum side yard setback regulation of 1.8 m to *"mitigate overlook, loss of privacy, and the visual impact of a structure projecting from a rear wall."*

In his brief opening statement, Mr. Kivi submitted that the Application is *"both wonderfully simple but also complicated at the same time."* He asserted that the variances sought revolve around the four statutory tests and involve impacts of privacy and overlook on the abutting neighbours, the scale of development, and maintaining the prevailing side yard setbacks.

He referenced the Davisville Village Zoning By-law and asserted that its intent was to 'limit' integral garages and raised rear deck height to regulate impacts on abutting neighbours in order to maintain the *"public good"* (his words). He inferred that granting the variances requested by the Applicant would alter recently established Council policy and direction and referred the presiding Member to *'Vincent v. DeGasperis'* for authority on the test for 'minor'.

Mr. Aaron was of the opinion that all tall rear decks should be strictly limited to the 4 m² regulation imposed in the By-law and even stated in his testimony that he would not support a size-compliant rear deck attached to the home at 313 Belsize because it would be contrary to the Davisville By-law. However, the Appellant's expert witness, Mr. Rendl, asserted that zoning by-laws are blunt instruments and variances are expressly contemplated in the DVZS.

On the issuer of tall rear decks in the Focused Study Area which formed the basis of the DVZS, Planning Staff found that:

“These tall rear decks...can create adverse impacts to adjacent properties such as overlook, loss of privacy, and noise if not designed appropriately...staff propose to introduce a minimum 1.8 metre side lot line setback requirement for new rear wall decks that have a height of 1.2 metres above established grade or greater to further mitigate overlook, loss of privacy, and the visual impact of a structure projecting from a rear wall.”

Planning Staff also wrote the following under the heading ‘Rear Yard Privacy’:

*“As part of the study, it was determined that in instances where front integral garages and the associated higher main floor comprise the character of an area, a zoning provision should be created to **regulate** (my emphasis) the size and setbacks of any deck that projects beyond the rear wall.”*

However, at the bottom of page 15 of that document, under the heading ‘Minor Variances’, Planning Staff expressly identify variances as a mechanism that may be employed to vary the By-law, where considered appropriate:

*“In instances where houses with front integral garages and taller building heights conform with Official Plan policies and are part of the prevailing character, and do not result in any adverse impacts, **a minor variance** (my emphasis) may be appropriate to allow an integral garage.”*

On this basis, I concur with Mr. Rendl that the key to understanding the intent of the DVZS is the term ‘*regulate*’. I concur with his assessment that the intent and purpose of the Final Report and, indeed, the associated Zoning By-law an attempt to ‘mitigate’ impacts associated with, *inter alia*, tall rear decks in the neighbourhood as opposed to eliminating those impacts entirely or for that matter, strictly precluding elevated rear decks greater than 4 m².

I find Mr. Rendl’s evidence persuasive in showing that there are numerous examples of rear decks up to 30 m² through variances from Exception 930 and that to conclude that no rear elevated deck can be greater than 4 m² because it exceeds the maximum permitted size imposed by x930, regardless of impact, is contrary to the intent of s.45 of the Act.

The Appellant’s legal counsel, in their Book of Authorities, highlighted a decision of the former TLAB Chair, Ian Lord, *Walker, Re 2018 CarswellOnt 19231 (TLAB)*, (311 Hillsdale Avenue East), issued on November 19, 2018. In that decision, the TLAB approved variances from Exception 930 to permit a tall rear deck with an area of 16.45 m² and an east side yard setback of 0.41 m at 311 Hillsdale.

In that decision, the presiding Member wrote that: “*the height of the...rear deck did not create privacy concerns as there [was] no objection from the neighbour to the east.*” I note that the property in that decision is also found within Mr. Rendl’s NSA. The

Member also concluded *“that any planning assessment post-OPA 320 requires one to conduct an analysis of the broader context.”* I am of the same opinion.

The intent and purposes of the OP is to reinforce the stability of *Neighbourhoods* by ensuring development respects and reinforces its existing physical character. The OP also states that the physical character of a neighbourhood includes characteristics found in both the immediate and broader contexts, and the prevailing building type and physical character of a geographic neighbourhood will be determined by the most frequently occurring form of development in that neighbourhood.

Furthermore, the OP also recognizes *that “some Neighbourhoods will have more than one prevailing character”* and that *“development will be materially consistent with the prevailing character of properties in both the broader and immediate contexts.”*

While a proposed rear deck may not be considered ‘development’ per se, and such a definition is absent in the OP, nevertheless, if built, it would be considered a structural component of a residential dwelling and therefore, by extension, must be considered part of the physical character of a neighbourhood. Mr. Rendl provided evidence that rear decks of varying sizes and setbacks are a common feature found throughout this neighborhood. The DVZS, at page 15, seems to imply the same:

“Most houses in Davisville Village have a deck attached to their rear wall and connected to the main floor of the house as a primary means of accessing the rear yard.”

I concur with Mr. Rendl that unless persuasive evidence to the contrary is provided, tall rear decks do not necessarily create adverse or undue impacts by virtue of the fact that they exceed the performance standards included in Exception 930. Mr. Edney asserted that he would be the neighbour most impacted by the proposed deck and I commend Mr. Edney for his passionate and cogent testimony in opposition to the Application. I also acknowledge Mr. Aaron’s meticulous testimony and evidence in the same.

However, I find neither the evidence of Mr. Edney nor that presented by SERRA persuasive in convincing me that the impacts anticipated if the deck were built would rise to the level of ‘undue adverse impacts of a planning nature’.

I am also not convinced that the proposed deck will be a ‘party deck’ as asserted both by Mr. Aaron and SERRA, a characterization that Mr. Rendl was alleged to have offered during his testimony. This assertion is noted in SERRA’s closing argument submission, where Mr. Kivi stated that *“additional noise will surely result from the deck design that Mr. Rendl described in his evidence as a ‘party deck’.”*

I make two observations in this regard: first, at no time did I hear Mr. Rendl refer to the proposed deck as a *‘party deck’* during his testimony or read this in his submissions to the TLAB. Second, the absence of a rear deck will not guarantee that additional noise will not be an issue if the Appellant has a large gathering in the rear yard of the subject property.

Given the above, I prefer the evidence of Mr. Rendl and find that the proposal maintains the intent and purpose both of the OP and the Zoning By-law.

With respect to the remaining two test, 'desirable' and 'minor', the test of appropriate and desirable is compatibility and 'fit' with the neighbourhood. I agree with Mr. Rendl that the proposed deck and the variances required would be compatible and can co-exist in harmony within this neighbourhood.

All the Parties agree that the test of whether variances are minor relates primarily to whether the variances being requested would cause unacceptable adverse or undue impacts. SERRA asserts that the 'minor' test should consider both (my emphasis) the adverse impact of the proposed variances in addition to the absolute size of the proposed development. Mr. Kivi added that context should be considered and an application for variances should not be driven by an expression of need.

I agree with both positions and note that the Divisional Court in *DeGasperis* agreed with the former OMB that '*a variance is a privilege and not a right*'. However, the Court also reminds us that each of the four tests must be addressed and that merely establishing that there is no impact does not satisfy the intention of the legislation.

In its Book of Authorities, the Appellant's legal counsel cited two TLAB decision on the above topic: *McKay, Re 2019 CarswellOnt 15911 (TLAB)* for 40 Hardwood Rd., dated September 30, 2019, and *Benczkowski, Re, 2018 CarswellOnt 5855 (TLAB)* dated April 10, 2018. In *McKay*, the TLAB wrote that: "*the test for minor is not a valuation of percentage increase but whether the variance will have an unacceptable adverse impact.*" In *Benczkowski*, the TLAB Member asserted that "*the intent is not to eliminate impact...impacts from change will occur and can be expected.*"

Mr. Rendl's evidence supported the position that the proposed deck would not cause adverse visual, noise, overlook, or privacy impacts. Conversely, SERRA and Mr. Edney asserted that the rear deck would create 'undue adverse impacts' specifically to Mr. Edney's property.

The only authority cited by Mr. Kivi was *DeGasperis v. Toronto (City) Committee of Adjustment, 2055 CarswellOnt 2913 (DeGasperis)*, which he submitted has many parallels to the subject Application including building elements such as 'balconies'.

DeGasperis deals with numerous issues. Most relevant in the matter before the TLAB relates to the Divisional Court's decision on the 'application for leave'. The Court observed that the issue of 'minor' involves the consideration of both size and impact but qualified its definition by providing examples of where variances may be too large to qualify as minor despite having no impact. The Court also confirmed that the determination of 'minor' is specific to each application, but the issue of impact alone will not suffice.

In *DeGasperis*, the applicant had requested variances to permit a rear balcony with an area of 81.47 m² or 21.4 times the permitted size. However, the Applicant in this matter is proposing a rear deck that is 2.81 times the permitted zoning standard. I

agree with Mr. Rendl that this is a comparison 'with a difference' (my words) and that it would be difficult to conclude, based on the concept in *DeGasperis*, that the rear deck proposed is "patently too large to qualify as minor."

I prefer Mr. Rendl's assessment of impact to that of Mr. Aaron and SERRA. Although the size of the deck being proposed is larger than what the Zoning By-law contemplates, I agree that the Applicant has proposed a design that attempts to 'limit' the Owner's ability to utilize the deck for large gatherings. This was an issue that was advanced by both Mr. Edney and SERRA. While this does not guarantee controlling ambient noise impacts, there is no real difference in noise impacts were a gathering held by Mr. Matusevich in his back yard versus on an elevated deck of the size he is proposing.

I also note that the Applicant has not incorporated stairs from the deck to grade and has attempted to situate any activity on the proposed deck to the west side of his property closer to the dwelling at 311 Belsize Drive.

With respect to impacts of overlook, privacy and shadows, the evidence suggests that unobstructed views of Mr. Edney's rear yard currently exists. I agree with Mr. Rendl that including a condition of approval for a privacy fence on the east portion of the proposed deck, as recommended by the Applicant, will adequately mitigate issues of privacy, and overlook into Mr. Edney's rear yard.

However, I am not convinced that the 1.5 m height recommended by the Appellant resolves the issue. Instead, I am directing that a permanent opaque screen be installed that is 1.8 m high from the base of the proposed deck and that such a screen be also incorporated on the west face of the deck as well. I believe that increasing the height of the screening to 1.8 m will further mitigate the issues of impact raised by SERRA and the abutting neighbour.

As to the issue of shadows, Mr. Aaron admitted during cross-examination that shadowing from the proposal would be 'minimal' (my characterization of his testimony). He also suggested that there were already shadow impacts on Mr. Edney's rear yard because of the 17 m building length of the existing dwelling on the subject property.

In this regard, I agree with the Applicant that the building length of Mr. Matusevich's home is an 'as-of-right' existing condition as his house was built in 2015 and that length is zoning compliant. Therefore, I concur with the Appellant that this issue is ancillary to the variances requested and an irrelevant point of contention.

With respect to the variance for side yard setback, I find that the proposed east side yard setback of 1.56 m appropriate for the context given that the existing side yard setback for the home is 1.08 m.

Considering the foregoing, having considered the decision of the COA, the applicable statutory tests and the evidence of the Parties and their representatives, I find that the variances sought are appropriate and desirable, minor and in keeping with

the general intent and purpose of the Official Plan and Zoning By-laws, for the reasons reviewed.

However, given the revisions I have directed to the height of the screening of the proposed deck and the incorporation of screening on the west face as well, I am not prepared to give effect to the Plans supportive of the variances that I've found acceptable. Therefore, I am issuing an Interim Decision and Order conditionally granting the variances requested subject to the conditions below.

Once the drawings have been revised and re-submitted to the TLAB, the Tribunal will issue a Final Decision and Order that reflects the drawings as amended.

INTERIM DECISION AND ORDER

1. The appeal is granted, and the decision of the Committee of Adjustment dated February 25, 2021, is varied.
 - a) The variances as set out in **Attachment 1** are conditionally approved, subject to the Owner or Applicant:
 - i. Preparing a revised set of Plans, including a Site Plan and elevation drawings, to those in Attachment 2 incorporating the revisions to reflect the permanent opaque screening height of 1.8 m on both the east and west side faces of the proposed deck and necessary to implement this Interim Decision and Order (Revised Plans); and
 - ii. The Owner shall have a period of one (1) month from the date of the issuance of this Interim Decision and Order to comply with the provisions of paragraph i) hereof. The TLAB upon receipt may issue a final Decision and Order, with or without conditions; and
 - iii. If the TLAB is not in receipt of the revised Plans described in paragraph i) hereof within the time period set out in paragraph 1. a) ii), or any extensions granted by the TLAB, the appeal in respect of this paragraph 1 of this Interim Decision and Order shall be dismissed.

If difficulties arise from the implementation of this decision, the TLAB may be spoken to.

X



Dino Lombardi
Panel Chair, Toronto Local Appeal Body
Signed by: dlombar

Attachment 1 – Revised List of Variances

1. Chapter Exception R 930 (D)(i), By-law No. 569-2013

A platform without main walls, attached to or within 0.3 m of the rear main wall of a residential building must have a maximum area of 4.0 m².

The proposed rear deck is 11.24 m².

2. Chapter Exception R 930 (D)(ii), By-law No. 569-2013

A platform without main walls, attached to or within 0.3 m of the rear main wall of a residential building, must have a minimum side yard setback of 1.8 m.

The proposed Rear Deck will have a 1.56 m setback at the east side.

3. Chapter Exception R 930 (D)(ii), By-law No. 569-2013

A platform without main walls, attached to or within 0.3 m of the rear main wall of a residential building, must have the minimum side yard setback of 1.8 m.

The proposed Rear Deck will have a 0.66 m setback at the west side.

ATTACHMENT 2 – (Site Plan Drawings from Exhibit 'F' (Version 1) of Mr. Matusevich's Motion Material)

VERSION 1: Revised Plans (With Proposed Privacy Screen)

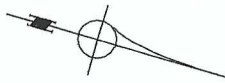


4949 Bathurst Street, Unit 219 Toronto, ON M2R 1Y1
Tel: (416) 294-3704 info@valentestudio.com

Bearing Note
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF BELSIZE DRIVE, HAVING A BEARING OF N73°51'00"E AS SHOWN ON REGISTERED PLAN 1788

Legend

- DENOTES SURVEY MONUMENT FOUND
- RB DENOTES IRON BAR
- RP DENOTES REGISTERED PLAN 1788
- P1 DENOTES PLAN BY C. REOBEN, O.L.S.
- P2 DENOTES PLAN BY J. K. MCKELSTONE, O.L.S.
- P3 DENOTES PLAN BY W. S. GIBSON & SONS, O.L.S.
- P4 DENOTES PLAN BY J. K. MCKELSTONE, O.L.S.
- P5 DENOTES PLAN BY ERL SURVEYORS, O.L.S.
- 1215 DENOTES ERL SURVEYORS, O.L.S.
- D DENOTES INST. NO. EN108984
- IN DENOTES INSTRUMENT USED
- M DENOTES NON-IDENTIFIABLE
- BF DENOTES BOARD FENCE
- DBF DENOTES DOUBLE BOARD FENCE
- N.S.E.W DENOTES NORTH, SOUTH, EAST, WEST



Date:	Issued For:
00 AUG/16/21	CLIENT'S REVIEW
01 AUG/16/21	CLIENT'S REVIEW
02 AUG/16/21	TLAB
03 -	-

THE UNDERSIGNED HAS REVIEWED AND TAKES 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 DIVISION C-3.2.5.1. OF THE ONTARIO BUILDING CODE

ROBERTO VALENTE	42324
NAME	BCIN
REGISTRATION INFORMATION	
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE ONTARIO BUILDING CODE	
VALENTE CAD STUDIO	44796
FIRM NAME	BCIN

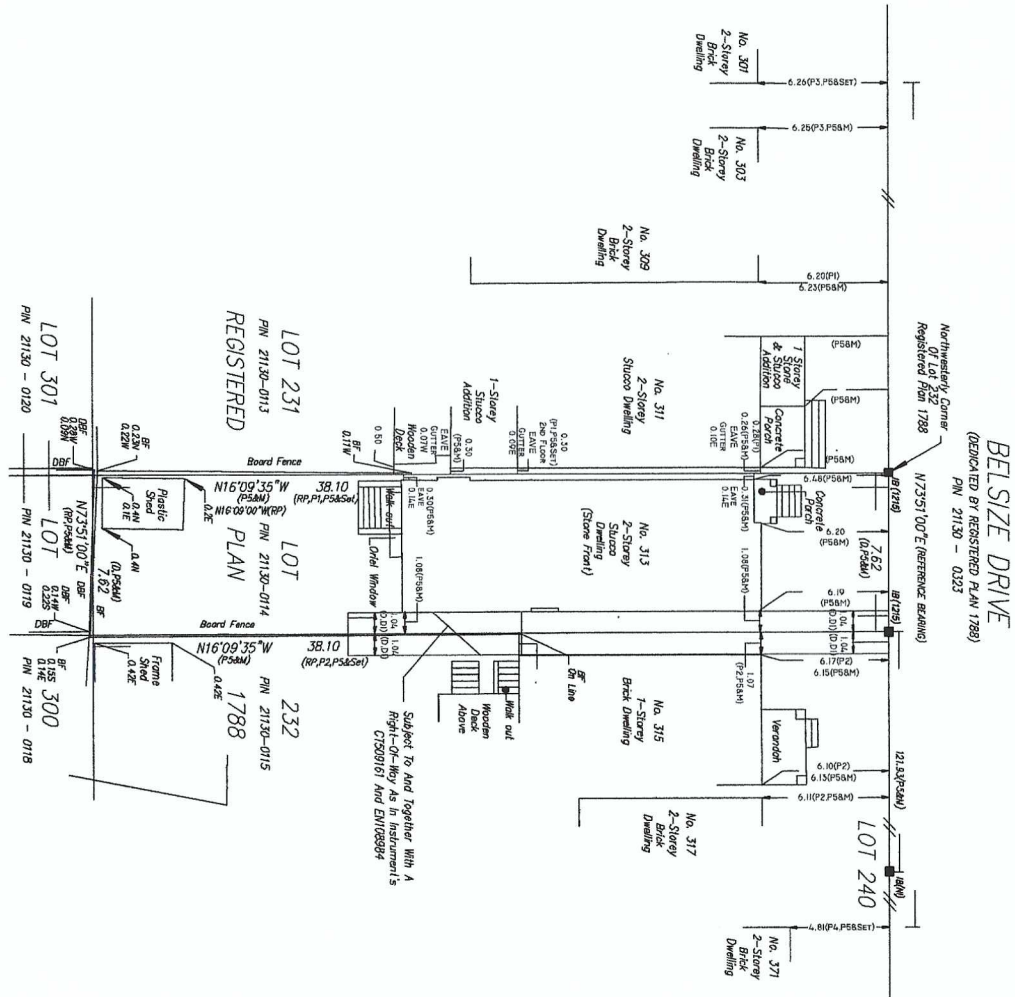
project
PROPOSED REAR DECK
313 BELSIZE DRIVE, TORONTO

drawings title
SITE PLAN

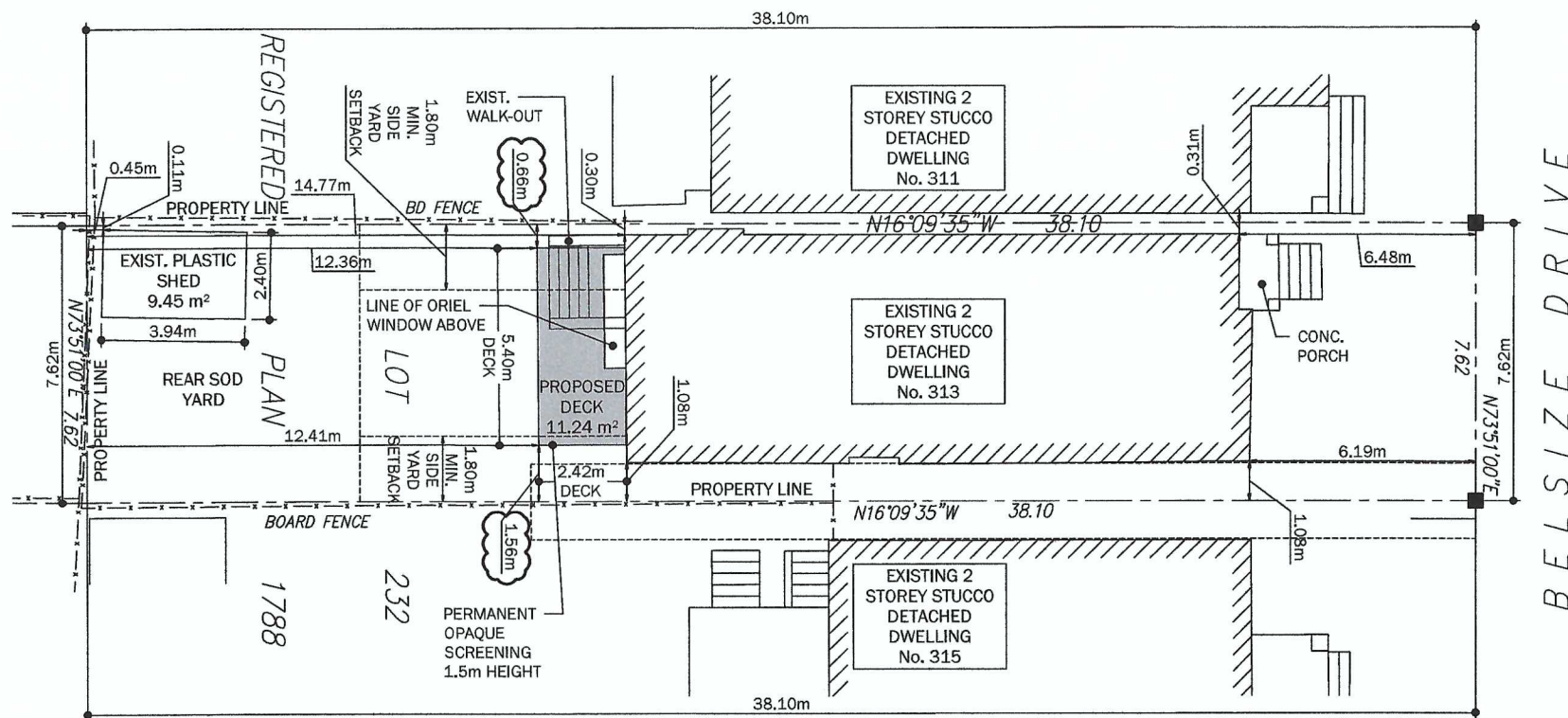
scale	N/S	drawn by	RV
date	21/AUG/2021	project No.	210811ZP
north		dwg. No.	



A0.1



ertl surveyors
Ontario Land Surveyors
www.es-ols.com
1234 REID STREET, UNIT 10, RICHMOND HILL, L4B 1C1
TELEPHONE (905) 751-7834 FAX (905) 731-7832 EMAIL info@ertl.com
DRAWING : 20503-SRP-LDNG PROJECT : 20503
CALC. BY DICKI, DRAWN BY REZA, CHECKED BY AL



313 BELSIZE DRIVE

SITE STATISTICS

ZONING R2 Z0.6/R (d0.6) (x930) [ZZC]
LEGAL DESCRIPTION LOT 232, REGISTERED PLAN 1788 CITY OF TORONTO
PROPOSED DECK AREA 11.24 sm

SITE PLAN
SCALE 1:125



INFORMATION SHOWN ON THIS SITE PLAN IS
TAKEN FROM SURVEY OF LOT 232, REGISTERED
PLAN 1788, CITY OF TORONTO PREPARED BY
LAWRENCE O ERTL OLS, DATED JANUARY 2021,

Date:	Issued For:
00 AUG/16/21	CLIENT'S REVIEW
01 -	-
02 -	-
03 -	-

Valente 42324

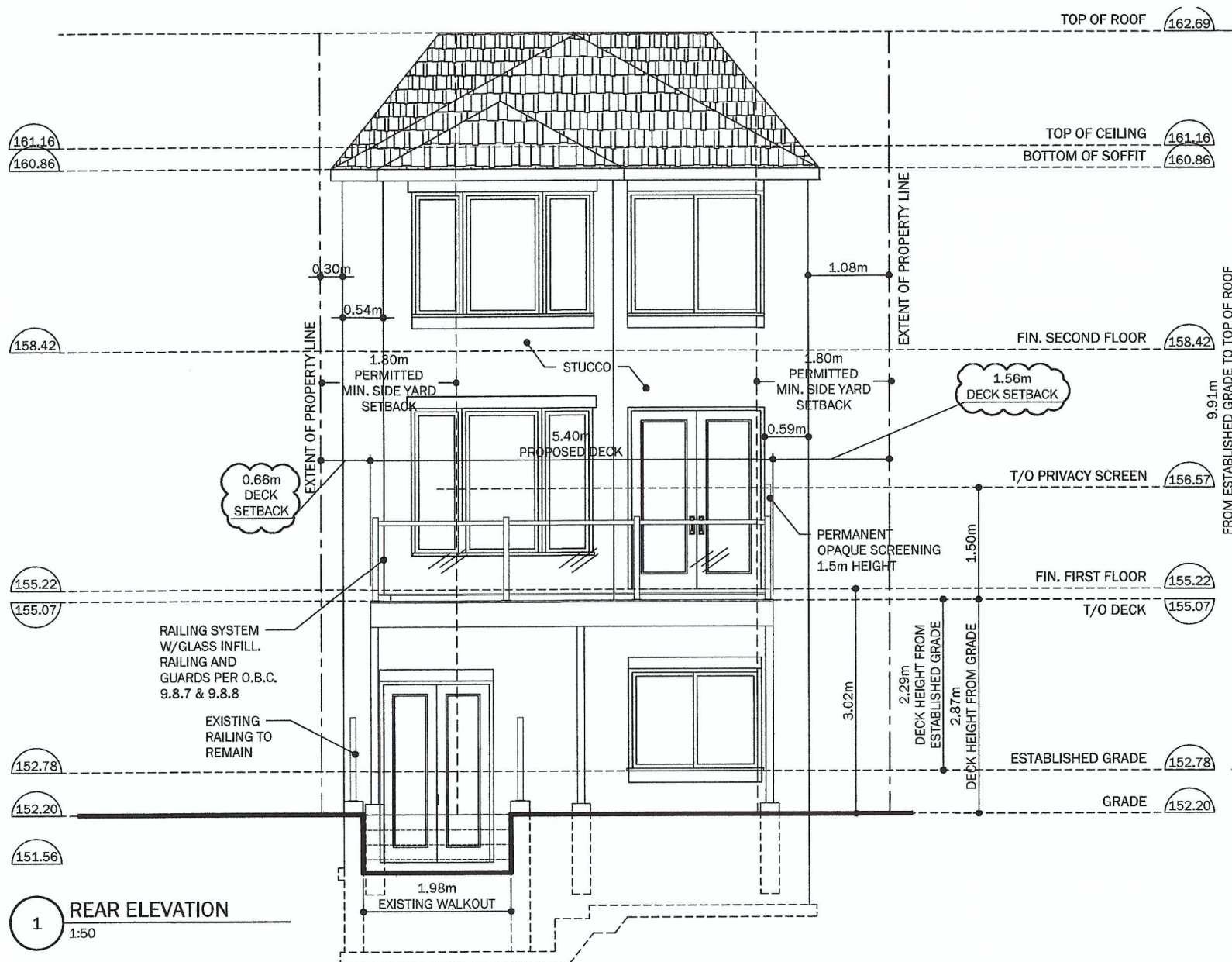
44796

project
PROPOSED REAR DECK
313 BELSIZE DRIVE, TORONTO

drawings title
SITE PLAN

scale	1:125	drawn by	RV
date	21/AUG/2021	project No.	2108112P
north		dwg. No.	

A0.2



Date:	Issued For:
00 AUG/16/21	CLIENT'S REVIEW
01 AUG/18/21	CLIENT'S REVIEW
02 AUG/19/21	TLAB
03 -	-

THE UNDERSIGNED HAS REVIEWED AND TAKES 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 DIVISION C-3.2.5.1. OF THE ONTARIO BUILDING CODE.

ROBERTO VALENTE *Roberto Valente* 42324
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE ONTARIO BUILDING CODE.

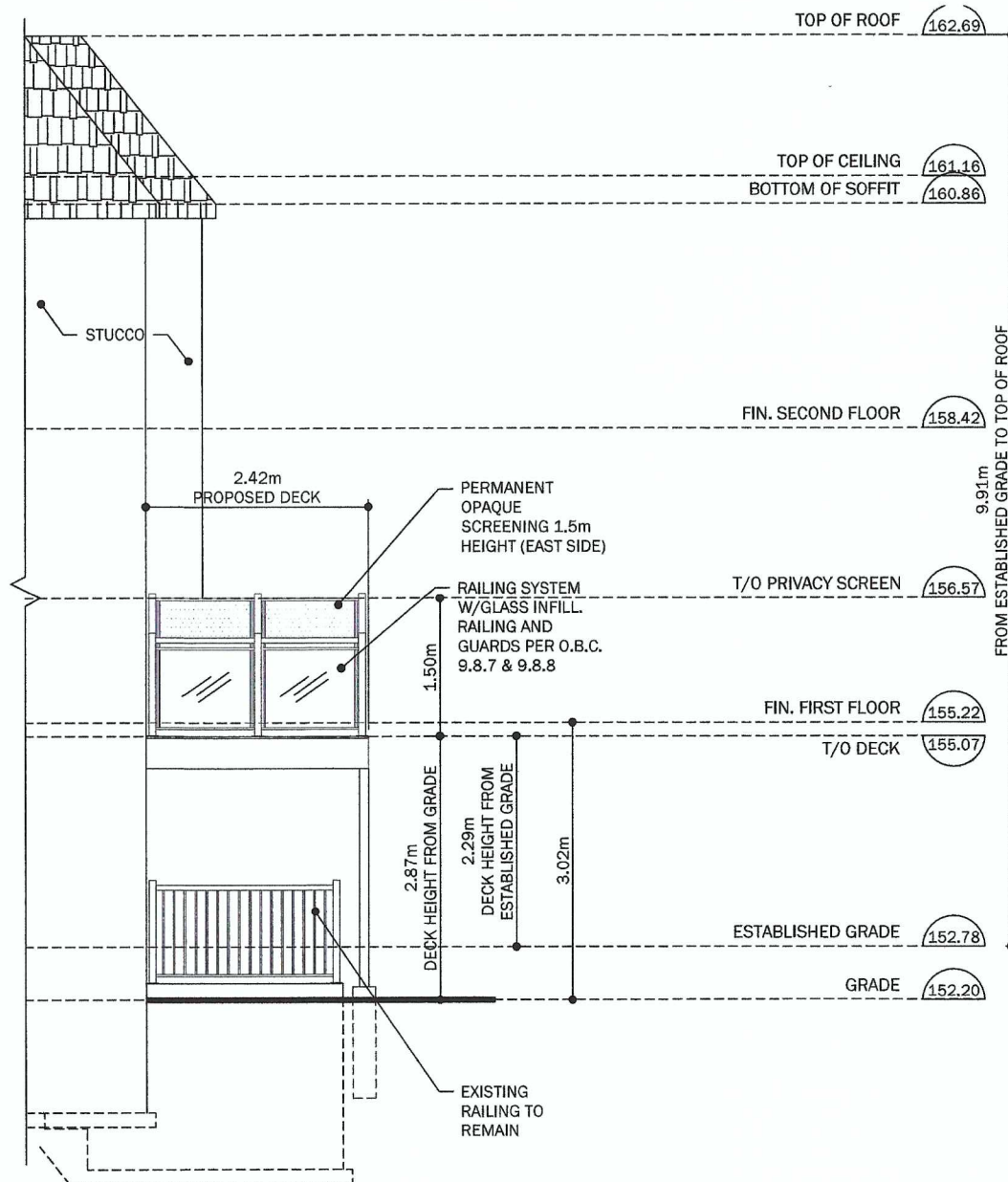
VALENTE CAD STUDIO 44796
FIRM NAME BCIN

project
PROPOSED REAR DECK
313 BELSIZE DRIVE, TORONTO

drawings title
REAR ELEVATION

scale	1:50	drawn by	RV
date	21/AUG/2021	project No.	2108112P
north		dwg. No.	

A2.0



Date:	Issued For:
00 AUG/16/21	CLIENT'S REVIEW
01 AUG/18/21	CLIENT'S REVIEW
02 AUG/19/21	TLAS
03 -	-

THE UNDERSIGNED HAS REVIEWED AND TAKES 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 DIVISION C - 3.2.8.1. OF THE ONTARIO BUILDING CODE

ROBERTO VALENTE *Roberto Valente* 42324
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C - 3.2.4.1. OF THE ONTARIO BUILDING CODE

VALENTE CAD STUDIO 44796
FIRM NAME BCIN

project

PROPOSED REAR DECK

313 BELSIZE DRIVE, TORONTO

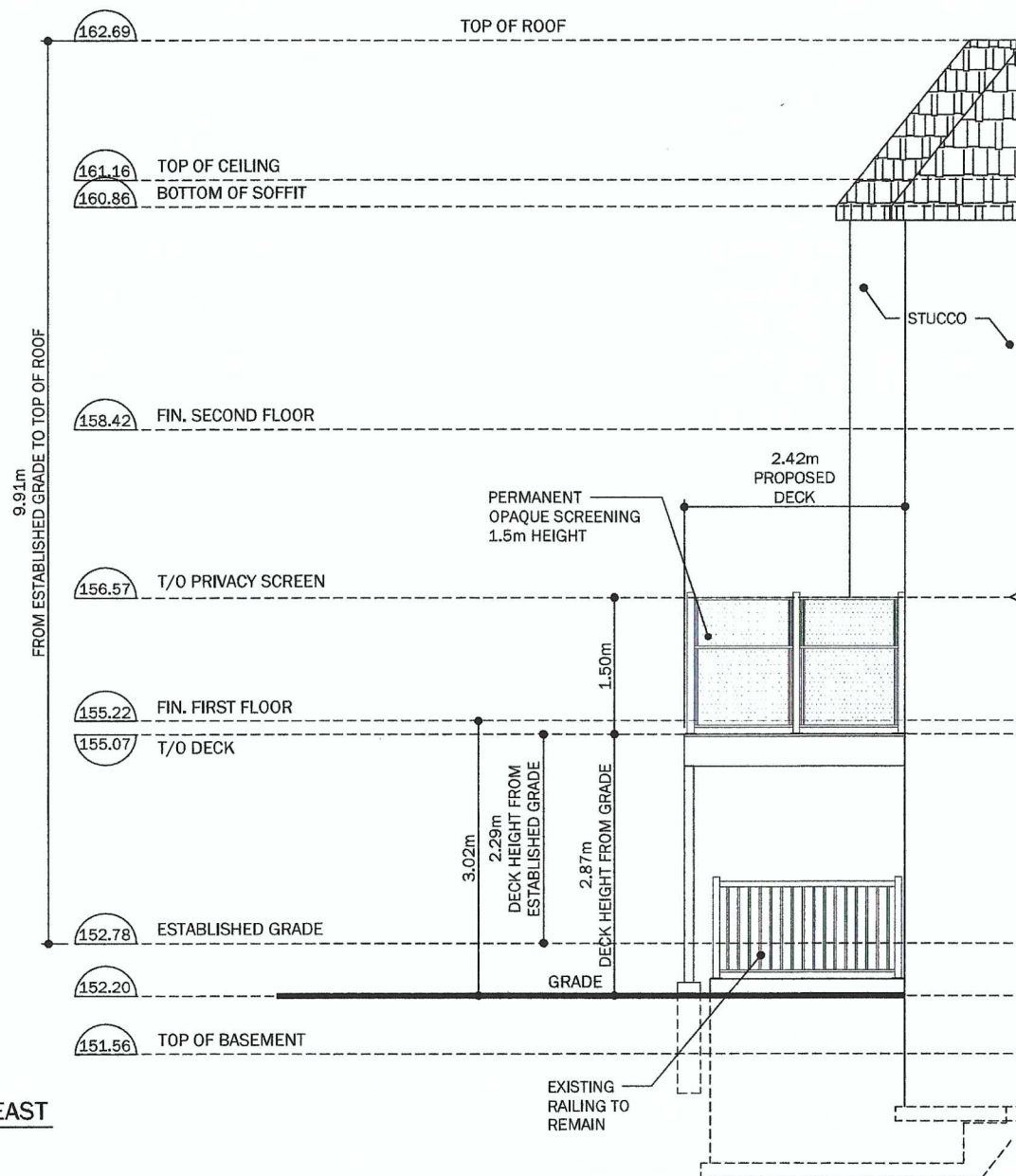
drawings title

DECK SIDE ELEVATION
WEST

scale	1:50	drawn by	RV
date	21/AUG/2021	project No.	2108112P
north		dwg. No.	

A2.1

1 SIDE ELEVATION - WEST
1:50



Date:	Issued For:
00 AUG/16/21	CLIENT'S REVIEW
01 AUG/18/21	CLIENT'S REVIEW
02 AUG/19/21	TLAB
03 -	-

THE UNDERSIGNED HAS REVIEWED AND TAKES 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 DIVISION C-3.2.5.1, OF THE ONTARIO BUILDING CODE.

ROBERTO VALENTE *Roberto Valente* 42324
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1, OF THE ONTARIO BUILDING CODE.

VALENTE CAD STUDIO 44796
FIRM NAME BCIN

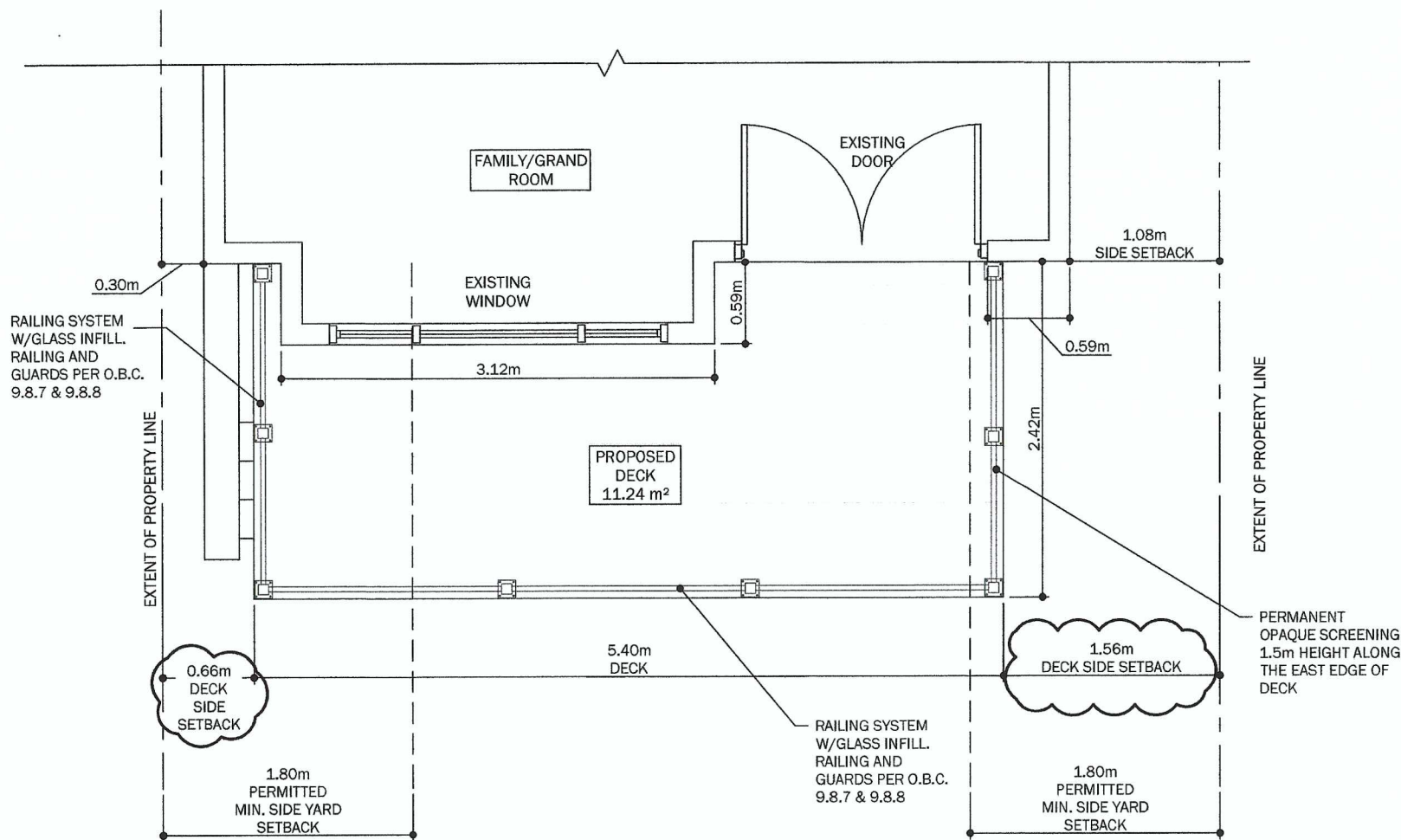
project
PROPOSED REAR DECK
313 BELSIZE DRIVE, TORONTO

drawings title
DECK SIDE ELEVATION
EAST

scale 1:50	drawn by RV
date 21/AUG/2021	project No. 2108112P
north	dwg. No.

A2.2

1 SIDE ELEVATION - EAST
1:50



Date:	Issued For:
00 AUG/16/21	CLIENT'S REVIEW
01 AUG/18/21	CLIENT'S REVIEW
02 AUG/19/21	TLAB
03 -	

THE UNDERSIGNED HAS REVIEWED AND TAKES 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 DIVISION C-3.2.5.1. OF THE ONTARIO BUILDING CODE

ROBERTO VALENTE *Roberto Valente* 42324
NAME SIGNATURE BCIN

REGISTRATION INFORMATION
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIVISION C-3.2.4.1. OF THE ONTARIO BUILDING CODE

VALENTE CAD STUDIO 44796
FIRM NAME BCIN

project

PROPOSED REAR DECK

313 BELSIZE DRIVE, TORONTO

drawings title

DECK LAYOUT

scale	1:30	drawn by	RV
date	21/AUG/2021	project No.	2108112P
north		dwg. No.	



A1.1

1 DECK LAYOUT
1:30