

DECISION AND ORDER

Decision Issue Date Thursday, December 23, 2021

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): CITY OF TORONTO

Applicant: CANTAM GROUP LTD

Property Address/Description: 100 BRENDA CRES

Committee of Adjustment Case File: 18 145086 ESC 35 CO (B0023/18SC), 18 145097 ESC 35 MV (A0135/18SC), 18 145099 ESC 35 MV (A0134/18SC)

TLAB Case File Number: 19 233704 S53 20 TLAB, 19 233706 S45 20 TLAB, 19 233707 S45 20 TLAB

Hearing dates: November 16, 2020, March 9, 2021, April 22, 2021 & May 5, 2021

DECISION DELIVERED BY S. GOPIKRISHNA

APPEARANCES

NAME	ROLE	REPRESENTATIVE
CITY OF TORONTO	APPELLANT	CIGDEM ILTAN MARC HARDIEJOWSKI
KHALEDUL ISLAM	PARTY/OWNER	AMBER STEWART
TERESA LIU	EXPERT WITNESS	
JONATHAN BENCZKOWSKI	EXPERT WITNESS	

INTRODUCTION AND BACKGROUND

Khaledul Islam is the owner of 100 Brenda Crescent, located in Ward 20 (Scarborough Southwest). He applied to the Committee of Adjustment (COA) to divide the existing plot into two lots, and build a detached residence on each of the two lots that would emerge as a result of severance. Variances were requested for each of the houses to be built on the Site. The COA heard the Application on September 28, 2019, and approved the severance, as well as the requested variances to build the two houses.

On October 8, 2019,, the City of Toronto appealed the COA's decision to the Toronto Local Appeal Body (TLAB). On January 13, 2020, Mr. Islam elected for Party status. The Hearing which was originally scheduled to be held in Feb 2020, was postponed due to COVID; and rescheduled for an electronic Hearing in November 2020.

MATTERS IN ISSUE

The details of the Consent to Sever the property, and associated variances for the each of the houses to be built on each of the two lots, are recited in the Appendix attached to this Decision.

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').

Consent – S. 53

TLAB must be satisfied that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever meets the criteria set out in s. 51(24) of the Act. These criteria require that " regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

(d) the suitability of the land for the purposes for which it is to be subdivided;

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

(f) the dimensions and shapes of the proposed lots;

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

(h) conservation of natural resources and flood control;

(i) the adequacy of utilities and municipal services;

(j) the adequacy of school sites;

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor 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 Proceeding, the Applicant was represented by Ms. Amber Stewart, a lawyer, and Mr. Jonathan Benczkowski, a land use planner, while the City was represented by Mr. Marc Hardiejowski, a lawyer, and Ms. Teresa Liu, a land use planner.

Mr. Benczkowski was sworn in, and recognized as an expert in the area of land use planning. He spoke to the proposal, and said that the Applicant wants to divide the property into create two equal sized lots. Each of the requested lots requests a frontage of 9.14m, with a depth of 28.32m, resulting in an area of 258.93 sq.m. The owners also request minor variances from the Zoning By-Law to construct the buildings.

Mr. Benczkowski identified his Study Area to be bounded by Corvette Avenue to the north, Brenda Crescent to the south, Brenda Crescent to the east and south, and Clela Drive to the west, as illustrated in the diagram below.

The Subject Site is located in Ward 20, of the City of Toronto on the west side of Brenda Crescent, east of Kennedy Road, and just to the north of Danforth Road. The property is currently occupied by a 1 ½ storey detached brick dwelling. The property has no rights-of-ways or easements registered to the property. Parking is presently located along the northern side of the lot in the rear yard of the existing dwelling on a driveway. The proposal before the TLAB proposes to construct a two storey detached dwelling, with an integral garage, on each of the two lots resulting from the severance of the existing lot.

It is important to note that houses facing Kennedy Road to the west, and Danforth Road to the south, have been excluded from the Study area. Mr. Benczkowski said that he chose this Study Area, “because it generally reflects what a resident of the area would experience in their day-to-day lives, as they walk on the streets”. The Study Area allows for access to a primary School; Corvette Junior Public School as well as Corvette Park, which is a public park by the side of the school. The uniqueness of the Study Area was also highlighted, because it is restricted to properties zoned RD – Residential Detached.

Mr. Benczkowski spoke about how he had provided evidence with another severance in the neighbourhood, at 59 Clela Drive, which is included in the Study Area. Based on his experience with proposals in this area, Mr. Benczkowski’s perspective regarding this Study Area is that it is a single “neighbourhood” for OP purposes, because it functions as a single community, with shared school, local parks and amenities. However, the area to the east is zoned “RS”, which permits single or semi-detached dwellings, and smaller lot frontages (9.0 m for a detached house, and 15.0 m for both halves of a semi-detached dwelling). Consistent with the RS zoning, the eastern portion of the neighbourhood contains numerous smaller lots, which are distinguishable from the larger lots, to the west which includes the Subject Site, though both characteristics “co-exist with each other” in the community, according to Mr. Benczkowski

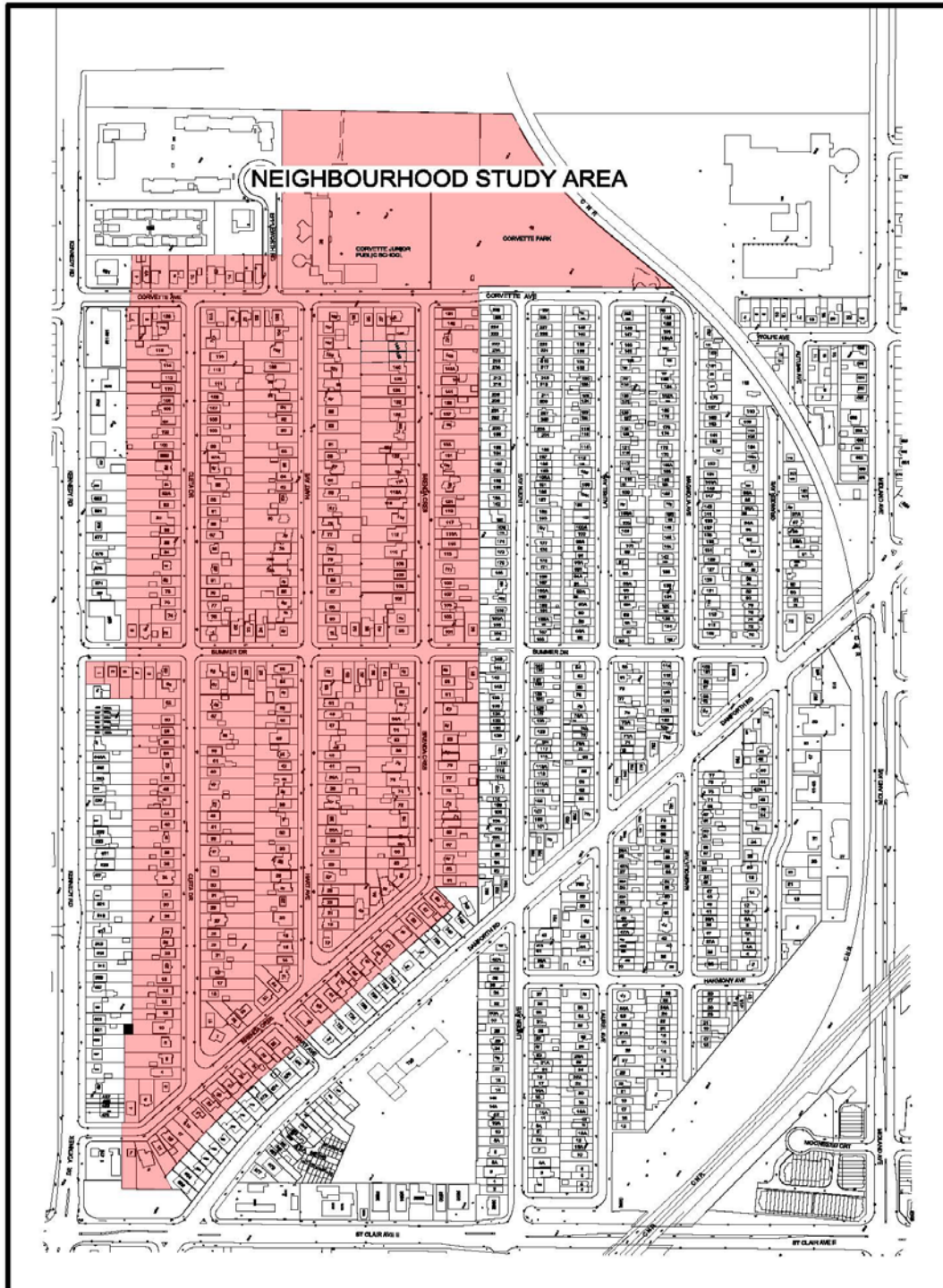


DIAGRAM 1- APPLICANTS' STUDY AREA

Mr. Benczkowski also discussed the City's perspective on this Neighbourhood, from the Hearing respecting 59 Clela, about the need to exclude the eastern part of this Study Area, because it was zoned differently, and is dominated by semi-detached houses, as opposed to the detached houses seen on Brenda Crescent. As a result of this "advice", Mr. Benczkowski discussed how he had excluded the smaller, semi-detached houses, for statistical comparison houses, but had nevertheless concluded that both the areas zoned for detached (RD) , and semi-detached houses (RS), constituted one Study Area. He highlighted the diversity in the style of dwellings, with respect to the built form- newer replacement dwellings are scattered throughout the Study Area, with reduced side yard setbacks, as well as integral garages, and contrast the older, smaller homes, with parking at the back of the house. Through a photo tour, he highlighted how newly, constructed dwellings, are often larger than existing dwellings, taller in height, and often have an integral garage.

Mr. Benczkowski then addressed the issue of how the proposal satisfied the higher level Provincial Policies, including the Provincial Policy Statement (2020). He said that one of the key objectives put forward by the PPS is that municipalities should accommodate growth through intensification, and pointed out while a replacement of one single dwelling, with another single dwelling is the most modest form of intensification, it nevertheless allows for a more efficient, and compact use of land within the urban area. He also outed that this process also provides regeneration of an older dwelling in an established neighbourhood, which is consistent with the objectives of the PPS.

The compatibility between the proposal, and the Growth Plan for the Golden Horseshoe (2020), was discussed next. According to Mr. Benczkowski, this proposal is consistent with the applicable policies of the Growth Plan, which promote intensification, and the achievement of complete communities with a mix of housing options, The Growth Plan promotes intensification within built up areas and the achievement of complete communities with a mix of housing options, including detached housing.

Mr. Benckzkowski said that many lots throughout the broader neighbourhood, as well as on the immediate block of Brenda Crescent, have the proposed frontage of these lots. Given the depth of the proposed lots, there are no related built form variances for side yard setback (s). Mr. Benczkowski opined that as a result of the lot configuration, and how the building envelope had been deployed, there would be no unacceptable adverse impact on the streetscape.

Mr. Benczkowski said that the proposed lot coverage variance would not result in a dwelling that would "encroach "into the rear-yards of either adjacent neighbour. He repeatedly emphasized the unique location, stating that it was adjacent to a corner lot, and that the existing building to the south had a reduced setback on Brenda Crescent. As a result of these features, he asserted that the impact of the proposal would be "mitigated" as the result of an "appropriate transition from the interior dwellings, to the corner dwellings.

Mr. Benczkowski discussed how the proposal was compatible with the Official Plan.

He emphasized how the property is designated *Neighbourhoods* in the Official Plan, where low-rise residential uses, up to four storeys in height, are allowed as of right.

Mr. Benczkowski said that the intent of the OP is to ensure that new development does not result in changes to the neighbourhood, which are out of keeping with the existing physical character. Mr. Benczkowski then discussed Built Form Section 3.1.2 (1), where the OP states that ‘New development will be located, and organized to fit with its existing and/or planned context.’ He then discussed the compatibility between the proposal, and the Built Form Policy 3.1.2 (3), which “looks to minimize impacts of a given development on adjacent streets, and properties”. He clarified that this does not require a test of no impact, but requires that the impact is acceptable, given the site’s existing physical context.

Mr. Benczkowski then discussed how the proposal corresponds to development criteria for Neighbourhoods in Section 4.1 (5). He asserted that while OPA 320 introduces the concept of “prevailing” into a number of the criteria, it “did not reduce planning to a purely numerical analysis”. He asserted that the “qualitative aspects of a proposal in totality still must be assessed against the character of the neighbourhood as a whole”.

When discussing the prevailing size and configuration of lots on Brenda Crescent, Mr. Benczkowski categorized the lots in the immediate context into 3 categories: The first category provides a sub-standard frontage, but is common on the street, as well as the immediate context, the second category provides a 12.19m frontage, which is close to the frontage permitted by the Zoning, while the third category is approximately a 20m frontage, similar to what presently exists at 100 Brenda Crescent. He reiterated that the proposed frontage at the property “already exists on Brenda Crescent”, and will respect and reinforce the existing physical character of the street.

Mr. Benczkowski next spoke to Policy 4.1(5)(f), which addresses the prevailing setbacks of buildings from the street, or streets. He noted that the property is adjacent to the corner dwelling, and that there is an “existing streetscape that is not consistent in terms of front yard setbacks”, followed by a discussion of how the proposal would result in an “appropriate transition” in front yards from the corner lot, to lots at the centre of the block. He then drew a parallel between how the houses would look from the street, if the proposal were successful, to the houses located at the intersection of Brenda Crescent and Corvette Avenue, where there is an appropriate transition in the front yard setbacks from the dwellings, adjacent to flanking street properties. He described how new houses had to “be brought forward” close to the street, because of the shallow depth of the lot. By way of editorial comment, this description is referred to as the “Theory of front yards of houses adjacent to corner houses” in the Analysis section of this Decision.

Lastly, Mr. Benczkowski discussed how the proposal is “materially consistent with the prevailing physical character of properties in both the immediate block of the Subject Property, and the broader geographic neighbourhood.” He also noted how OPA 320 recognized “flexibility in neighbourhoods, with a mix of physical characteristics”, and

how the lot characteristics, and the built form aspects of the proposal i.e. a (two storey contemporary dwelling with an integral garage) already have a significant presence on Brenda Crescent.

On the basis of this discussion, Mr. Benczkowski concluded that the proposal respected the purpose, and the intent of the OP.

It is important to note that Mr. Benczkowski then referred to the case of 85 Cleta Avenue (whose photograph) appears below, and discussed how the lot size had made it a good candidate for a severance application before the COA, and how “the existing house, with two garages, and a circular driveway”, and “quite of character with the surrounding neighbourhood” was constructed when the COA turned down the consent to sever application at this address. It may be noted that 85 Cleta Drive was referred to a number of times, about the negative impact of a “humungous”, single dwelling house constructed on a large lot, even if the house did not require any variances.



DIAGRAM 2- PHOTOGRAPH OF 85 CLETA DRIVE

He also noted that OPA 320 did not impact on Policy 4.1.(8), which recognizes that Zoning By-law standards are intended to ensure compatibility of a new development with the physical character of established residential Neighbourhoods. He interpreted the proposal’s “substantial compliance with the zoning standards”, as an indication that the proposal is compatible with the physical character of this neighbourhood, “although there are some elements of difference”.

Mr. Benczkowski next addressed how the proposal respects the Zoning By-laws. He said that the general intent and purpose of Zoning By-laws, is to ensure compatible built form within the area, and to ensure that new development does not cause unacceptable adverse impacts on the existing neighbourhood, before concluding that this proposal maintains this intent, and does not introduce an inappropriate building form.

He then discussed the specific intent and purposes of the Zoning By-laws respecting the lot area, and the frontage provision. Mr. Benczkowski said that the general intent and purpose of the lot area and frontage provision in the Zoning By-law, is to ensure that neighbourhoods maintain a lot pattern, that is appropriate for the provision of a functional dwelling, and maintain lot characteristics that are contextually appropriate from the street, and the neighbourhood. He asserted that from the neighbourhood character perspective, lot frontages are more readily perceived from the street, than the lot area. He then concluded by stating that the proposed lots can accommodate a functional detached building form, and that the proposed lot frontage is already found along Brenda Crescent.

Mr. Benczkowski next addressed the variance respecting the lot coverage. He said that the general purpose and intent of the By-laws respecting lot coverage, is to ensure that the building envelope “does not cover too much of the site, so there is sufficient space for outdoor uses”. Applying this By-law to the proposal, he asserted that the dwellings “do not push the limits of development, and do not encroach into the rear yards of adjacent neighbours as they are not over in length/depth”.

Lastly, Mr. Benczkowski spoke to the general purpose and intent of setbacks to the front wall, as well as the porch projections, and how they help maintain a consistent street frontage. Due to the location of the dwelling (located adjacent to a corner house at Summer Drive and Brenda Crescent), he asserted that the projection of the front wall, and porch will create “an appropriate transition from Summer Drive and Brenda Crescent”. He then discussed “how such a transition would parallel the existing transition, where the front wall of 146 Brenda Crescent, is located beyond both the adjacent corner house to the north, as well as the adjacent house to the south”.

Based on this evidence, Mr. Benczkowski concluded that the proposal satisfied the test respecting and reinforcing the intent and purpose of the By-laws.

The discussion then focused on how the proposal respected the test of minor.

Mr. Benczkowski asserted that the proposed variances are minor in nature, in consideration of both the numerical and qualitative aspects of the proposal. Using the COA decision chart, he discussed how the requested variances are within the range of other variances in the neighbourhood, as demonstrated by the chart. He also opined that the proposal fulfilled the test of minor, “given the modest dwelling height, size as well as the general compliance with the zoning standards”. He then focused on the built form, and emphasized how it did not request relief from the Zoning By-Law. He also

discussed the general agreement between the proposal, and Policy 4.1.8, before concluding that the proposal satisfied the test of minor.

Mr. Benczkowski next discussed how the proposal satisfied the test of adequate development.

He said that the proposal will provide two modest sized replacement dwellings, with four adequate bedrooms by contemporary standards. According to Mr. Benczkowski, the proposed development replaces a modest bungalow on an underutilised lot, with "a contemporary built form". The proposal will allow for two functional family homes to be built, and the requested variances will result in a development that is compatible with the surrounding area, "which has an array of architectural styles and built form that are similar to the proposed dwelling". Mr. Benczkowski again referred to the significant number of properties, which had been granted variances similar to what was being requested at the Subject Site, emphasized the incongruity of 85 Cleota Street with respect to the neighbourhood, notwithstanding its compliance with the zoning, before returning to a discussion of the proposal before the TLAB, and concluding that it satisfied the test of appropriate development.

The variances requested are similar to those that have already been approved in the neighbourhood and are consistent with the development pattern within the study area.

Mr. Benczkowski then presented a brief analysis of how the proposal satisfied relevant clauses under Section 51(24) of the Planning Act. He stated that the relevant clauses were

- (c) Sizes and Shapes of the Lots
- (f) Compliance with the Official Plan

He concentrated on (c) because the Official Plan had been discussed as part of the discussion respecting Section 45.1 of the Planning Act. With respect to the sizes and shapes of the lots, Mr. Benczkowski asserted that the shape of the existing lot was "more square, than rectangular", and that the proposed severance would help in the creation of rectangular lots, resembling the "overwhelming majority" of lot shapes in the community.

Mr. Benczkowski then presented the following information about the lot frontages, and lot areas in the community. He specifically discussed the details of the severances granted by the COA within a 10 year period, with specific reference to the following addresses on Cleota Drive- 8, 21, 47, 59, 116, as well as the following addresses on Brenda Crescent- 71, 81 and 142. He analyzed these variances to demonstrate how their approval had not resulted in a cascade of consent to sever applications, and had consequently not destabilized the community.

Mr. Benczkowski provided the following numbers to demonstrate that while there were forty lots like the existing lot, with a frontage of 18.28 metres, and only nine (9) lots with a frontage of 9.14 m (like the proposed lots), the overall distribution of the lots is such

that they reinforce the eclectic characteristic. The area lot distribution, was explained in the same fashion, where it was conceded that while the lot areas of the proposed lots would be in a minority, the formation of the smaller lots would reinforce the eclectic character of the community.

In response to a question from me about how the proposal satisfied the test of public interest, Mr. Benczkowski attempted to link the lower prices of a smaller house on a smaller lot (in case the consent to sever were successful) to “affordability”, and how this was encouraged as a goal in the Provincial Policies.

Mr. Benczkowski then recommended that the consent to sever, as well as the variances to construct the dwellings on the two emergent lots, be approved. He briefly discussed the conditions to be approved on the consent to sever, as well as the variances- the severance conditions largely align with the conditions listed in Practice Direction 1 issued by the TLAB, while the conditions to be imposed on the variances required construction in substantial accordance with the submitted Plans and Elevations, as well as conditions related to tree preservation, and protection.

TABLE 1- INFORMATION ABOUT LOT FRONTAGE RANGES PROVIDED BY THE APPLICANTS IN THE STUDY AREA

Lot Frontages in Study Area		
Lot Frontage Range (m)	Total Number of Lots	Percentage of Lot Frontages in Study Area
0 – 9.14	9	2.49%
10.06 – 11.89	21	5.8%
12 – 18.29	292	80.66%
More than 18.52	40	11.05%
TOTAL	362	100%

TABLE 2- APPLICANTS’ INFORMATION ABOUT LOT FRONTAGES LESS THAN 12 METRES IN THE STUDY AREA

Lot Frontages in Study Area < 12m		
Total Lots in Study Area	Lots Frontage < 12 m	Percentage of Lot Frontages < 12m
362	30	8.29%

TABLE 3- INFORMATION ABOUT LOT AREA RANGES PROVIDED BY THE APPLICANTS IN THE STUDY AREA

Lot Areas in Study Area		
Lot Area Range (sq.m)	Total Number of Lots	Percentage of Lots in Study Area
0 – 444.69	13	3.82%
464.33 – 514.56	63	18.53%
More than 517.37	264	77.65%
TOTAL	340	100%

TABLE 4- APPLICANTS' INFORMATION ABOUT LOT FRONTAGES LESS THAN 12 METRES IN THE STUDY AREA

Lot Areas in Study Area < 464 sq.m		
Total Lots in Study Area	Lots Areas <464 sq.m	Percentage of Lots <464sq.m
340	13	3.82%

When Cross-Examining Mr. Benczkowski , Mr. Hardiejowski, the lawyer for the City referred many times to the fact that the proposed frontage of the “lot size was more common in the adjoining RS Zone rather than the RD Zone”, where the Site is located. Mr. Benczkowski agreed with Mr. Hardiejowski, but pointed out that “there were many lots in the RD Zone” which had been subdivided, and in support of this statement, referred to his lot study, the results of which are presented above. When asked about affordability, Mr. Benczkowski said that each of the two houses that would be built on

the resulting, smaller lots, would be more "affordable" compared to "one big house on the existing lot". Ms. Stewart objected to Mr. Hardiejowski's attempts to discuss the affordability with respect to interest rates. In reply to the questions about possible destabilization in the community through severances, Mr. Benczkowski referred to the COA table, and pointed out that there had been only 15 applications in his Study Area for severances to the COA, out of which 13 had been successful. When asked about the appropriateness of the houses to be built on the severed lots, and how they respected and reinforced the community character, Mr. Benczkowski contrasted the houses to be constructed with the existing house at 85 Clela, and opined that the proposed houses were a better fit, than the "humungous house at 85 Clela, notwithstanding its fulfilling the Zoning Requirements, and not needing variances".

The City's Witness, Ms. Teresa Liu was then affirmed, and recognized as an Expert Witness in the area of land use planning. She identified herself as a planner who reviewed the applications made to the COA, for consent to sever the lot, and accompanying minor variances for the dwellings to be constructed at 100 Brenda Crescent, and said that she had drafted the Community Planning staff report that recommended refusal of the applications on the basis that they do not respect and reinforce the existing physical character of the neighbourhood. Ms. Liu's principal objection to the proposal is that it asked for permission to create two lots with frontages of 9.14 metres, whereas City of Toronto Zoning By-law 569-2013 requires frontages of 12 metres, as well as to permit lot areas of 258 square metres whereas the Zoning By-law requires lot areas of 464 square metres. She also pointed out that the Variance Applications also each sought to permit a lot coverage of 39% whereas 33% is permitted under the Zoning By-law; an "encroachment" of the front porch of 3.06 metres into the required front yard setback whereas an "encroachment" of 2.5 metres is permitted; and a front yard setback of 6 metres, whereas 9.11 metres is permitted.

Ms. Liu said that the neighbourhood area that she considered to form her opinion consisted of lands designated *Neighbourhoods* in the Official Plan, and generally bounded by Kennedy Road to the west, St Clair Avenue East and Danforth Road to the south, the Canadian National Railway corridor to the east, and Corvette Avenue to the north. Ms. Liu added that properties fronting onto Kennedy Road, St Clair Avenue East and Danforth Road had been excluded from her analysis, because these properties have a different character from the interior of the neighbourhood by virtue of being situated on a main road, and have a different zoning. She stated that the Neighbourhood chosen by her was made up of two distinguishable, specific areas within this larger surrounding area, because they have different characters:

a) The westerly area, generally bounded by Kennedy Road to the west and Brenda Crescent to the east, has larger lots, containing detached dwellings, with more landscaped open space. The subject site is located in this area. This area is zoned Residential Detached (RD) in Zoning By-law 569-2013, with a minimum required lot frontage of 12.0 metres and minimum required lot area of 464 square metres, with the exception of the properties north of Corvette Avenue, which are zoned RD with different minimum lot frontage and area requirements.

b) The easterly area, generally bounded by Linden Avenue to the west, and the railway corridor to the east, has generally smaller lots, containing either detached or semi-detached dwellings. There is less landscaped open space and more paved driveway areas. This area is zoned Residential Semi-detached (RS) in Zoning By-law 569-2013. For a detached house in this zone, the minimum required lot frontage is 9.0 metres and the minimum required lot area is 278 square metres. For a semi-detached house, the minimum required lot frontage is 7.5 metres for each unit and the minimum required lot area is 240 square metres for each unit.

Ms. Liu opined that the difference between the two areas can also be seen through a comparison of lot frontage, and lot area data. She demonstrated that the vast majority (91%) of lots in the RD zone have a lot frontage of 12.0 metres or above, where the 12 m is the minimum lot frontage required in the Zoning By-law , while 88% of the lots in the RS zone have lot frontages of less than 12.0 metres (88%).

She demonstrated that the 96% of lots within the RD zone have lot areas above the minimum 464 square metres, as required by the Zoning Bylaw, while 95% of lots in the RS zone have lot areas of less than 464 sq.m. She stated that as a result of the discernable differences between frontages, and areas, more weight should be given to the context of the RD zone within which the subject site is located. She also emphasized that Official Plan Policy 4.1.5, as stated in OPA 320, states that where there is significant difference between the broader and immediate contexts, the immediate context will be considered to be of greater relevance. After acknowledging that OPA 320 was not in full force and effect at the time of the application, she pointed out that her analysis, following the guidelines of OPA 320, provided support to demonstrate that the proposal would be different from the existing character of the neighbourhood, where there has been a steady amount of redevelopment in this neighbourhood in the form of new and replacement houses, new building additions and renovations of existing houses.

Ms. Liu's research with respect to past COA decisions demonstrated that there have been 11 applications for consent to sever in the larger neighbourhood in the past 10 Years. Of the 11 applications, 2 were refused and 9 were approved by the Committee or the Ontario Municipal Board / TLAB. Some of these applications proceeded under the Kennedy Park Community Zoning By-law 9276, prior to the adoption of Zoning By-law 569-2013, which includes the same lot frontage and area requirements for the study area as Zoning By-law 569-2013

Ms. Liu said that proposal did not conflict with the PPS, or the Growth Plan. However, she expressed a concern that the Applications at 100 Brenda Crescent, would introduce smaller lot frontages and lot areas, and would" add an additional driveway which decreases the amount of landscaped open space on the street". She opined that these applications do not respect and reinforce the existing physical character, and would have an impact on the streetscape.



DIAGRAM 3- THE CITY'S STUDY AREA

.She also expressed a concern that approving these applications would create opportunities to sever other properties of a similar size. There are 48 lots in the RD zone with a similar lot frontage (17.00 to 19.99 metres), and 135 lots in the RD zone with a similar lot area (464 square metres to 600 square metres). "In close proximity to the site, 88, 90, 98 and 101 Brenda Crescent have similar lot configurations to the Subject Site". Additional lots with a similar lot configuration are located at various intersections within the RD zone, and further south along Brenda Crescent where it runs parallel to Danforth Road.

Ms. Liu also expressed concerns about the possible use of this proposal as a "precedent" for similar projects, in the future, if it were approved. She pointed out that the same Applicant had submitted an application for consent, and minor variances, at 51 Brenda Crescent, and concluded that "The cumulative effect of the creation of these

undersized lots would destabilize the physical character of the neighbourhood, and further impact the streetscape”.

Ms. Liu also pointed that two new lots with lot frontages of 9.14 metres and lot areas of 258 squares metres, would “create some of the smallest lots in the RD zone by lot frontage, and the smallest lots by lot area”. Only 11 existing lots out of 366 lots in the RD zone which have a lot frontage similar to or less than the proposed lot frontages (10 metres or less). She added that 21 A Brenda Crescent, with an area of 304 sq. m. , is the smallest lot in the *Neighbourhood* .

Ms. Liu discussed how OPA 320 amended Policy 4.1.5 by requiring development in *Neighbourhoods* to consider the “prevailing size and configuration of lots, where prevailing is defined as most frequently occurring”. She demonstrated that the most frequently occurring lot frontage in the RD zone are lot frontages, greater than the 12.0 metres (which is the minimum frontage in the RD Zone), while the most frequently occurring lot area in the RD zone consists of lot areas greater than 464 square metres.

Ms. Liu emphasized that there were no lots with frontages or areas similar to the proposed lots in the immediate context of 100 Brenda Crescent. She demonstrated that the smallest lot frontages is 11.05 metres, while the smallest lot area is 464.52 square metres. In the broader context, Ms. Liu emphasized that “almost all of the lots with frontages similar to the proposed lots, and all lots with areas similar to the proposed lots are in the RS zone”. She opined that that the “context of the RS zone should be Given less weight than that of the RD zone”, before pointing out that the proposed consent would introduce a new driveway, and the creation of an additional lot, “which would decrease the amount of landscaped open space”.

Ms. Liu next addressed how the proposal did not satisfy the intention and purpose of the Zoning By-law. She said that the intent and purpose of the Zoning By-law is, in part, to set out specific standards to ensure that new developments, will be compatible with the physical character of established residential neighbourhoods, including the existing streetscape. Through an analysis of the dimensions of the lot frontages, and sizes, Ms. Liu reiterated that the proposed lots would have a character that is more akin to the RS zone.

Speaking to the test of minor and appropriate development, Ms. Liu pointed out that the lots created Subject Property requires a lot frontage of 9. 14 metres, which was “deficient” by 24%, when compared to the standard frontage of 12 m, and an area of 258 square metres lot, which are “deficient” by 206 square metres or 44%. She reiterated that there are only 11 lots of 366 lots (3%) in the RD zone, with lot frontages of less than 10 metres, which represents lots with frontages that are similar to, or less than the proposed lot frontages. There are only 15 lots (4%) in the RD zone that have lot areas of less than 464 square metres, and the smallest lot area in the RD zone is 304 square metres. Ms. Liu expressed a concern that if the applications were approved, they would create lots which differ from the existing physical character of the neighbourhood. She then expanded on her concern to state that if additional

undersized lots are created based on the Applications as a “precedent, they would destabilize the physical character of the neighbourhood and significantly change the Streetscape”. She concluded that approving lead to an “infiltration of the character of the RS zone into the RD zone”, and that as a result, the requested variances for lot frontage and lot area are not minor, nor do they fulfill the criteria for appropriate development. However, when being cross examined on the issue of this proposal on destabilizing the community, Ms. Liu agreed with Ms. Stewart, the lawyer for the Applicants, that the community “was nowhere the tipping point”.

ANALYSIS, FINDINGS, REASONS

Differences in the Approach of the Applicants and Appellants and Principles for Analysis

One of the major differences between the positions taken by the Applicants, and the Appellant in this case, is which Official Plan (OP) should be adhered to- the Applicants preferred the former OP, while the City prefers the new OP (formerly called OPA 320). *Prima facie*, the question of which OP applies, can be resolved through an application of the *Clergy Principle*, as argued by the Applicants.

I would like to briefly discuss my approach to how I intend to make findings in this case, including whether the *Clergy Principle* needs to be applied.

I respect the choice of the Appellants, as well as the Applicants, about which of Official Policy (OP) they will rely on- I will analyze their respective evidence through the prism of their preferred OP, regarding the tests of:

- fulfilling the intent and purpose of the Official Plan under Section 45.1, as well as
- conforming to the Official Plan under Section 51(24).

In this methodology, the former, and newer OPs are seen as parallel entities, which simultaneously exist in the same space, such one does not have to be necessarily refused to accept the other. The consequence of this perspective is that a choice would have to be made regarding which OP is to be used, only after the process of analyzing all the other tests under Section 45.1, as well as applicable tests under 51(24), till we arrive at an “all but OP” juncture.

An “all but OP” juncture is to be interpreted as:

- The proposal satisfies the remaining three tests under Section 45.1 of the Planning (i.e. test respecting the Zoning By-law, minor and appropriate development), and all identifiable, pertinent tests under Section 51(24) of the Planning Act – in other words, the proposal has passed all relevant tests under

both Sections of the Planning Act, with the exception of the tests respecting the OP

It may be noted that if the proposal cannot satisfy one or more of the remaining three tests under Section 45.1 ((i.e. test respecting the Zoning By-law, minor and appropriate development) , or one of the pertinent tests under Section 51(24) i.e., the proposal has effectively failed, which means that there is no need to analyze the tests respecting the OP.

The approach provided above translates into the following steps:

1) Test the evidence of the Applicants, and Appellants with the respect to the three tests under Section 45.1 i.e. of respecting the intent and purpose of the Zoning By-law, tests of minor and appropriate development. The test respecting the Official Plan will be analyzed at the very end, for reasons provided in (3) below. Should the evidence of the Applicants pass all of the aforementioned three tests, I will proceed to analyze the evidence of the Applicants with respect to Section 51(24), as discussed in Step (2) below.

On the other hand, if the evidence of the Appellants fulfills any one, or more of the three tests, and the Applicants' evidence fails with respect of one, or more of the aforementioned three tests under Section 45.1, it would not be necessary to analyze the corpus of evidence any further, because the Applicants' evidence has to satisfy all tests under Section 45.1.

The stated approach is consistent with the fact that in a *de novo* hearing, the onus is on the Applicants, and that they would have to demonstrate that their evidence passes all four tests under Section 45(1), and all relevant tests under Section 51(24), to be successful. The Appellants (when not the Applicants), have to be successful with **any one** (my emphasis) of the tests under Section 45.1, for a variance to be refused.

2) With respect to Section 51(24), I will test the evidence of the Applicants with respect to the relevant tests. Should their evidence successfully pass all the relevant tests, I will finally turn to Step (3) below. On the other hand, if the evidence of the Applicants does not satisfy the relevant tests under Section 51(24), it would be unnecessary to go any further with testing the evidence, because the proposal is deemed to have failed as a result of its failure to fulfill Section 51(24).

3) If the Applicants are successful with Steps (1) and (2), as stated above, the evidence of the Applicants will be examined through the prism of the test respecting the OP under Section 51(24), as opposed to Section 45(1). The underlying reason is that the threshold to meet the of "conforming to the OP"(as stated in Section 51(24)) is higher than the threshold required to "fulfill the purpose and intent of the OP"(as stated in Section 45.1). To state the obvious, the evidence which fulfills the higher threshold, will also meet the lower threshold.

It may be noted that no decision needs to be made regarding the applicability of the *Clergy Principle*, if this methodology is followed.

Does the proposal fulfill the Higher Level Provincial Policies?

The Applicants argued that their proposal satisfies the Higher Level Provincial Policies, the Growth Plan for the Golden Horseshoe (2020), and the Provincial Policy Statement (2020), because it results in the creation of more housing, and an efficient use of land. The Appellants did not disagree with the Applicants' perspective, and did not express any concerns, about the relationship between the proposal, and the higher level policies. I find that on the basis of this evidence, the proposal agrees with the higher level Provincial Policies.

Does the proposal fulfill the test respecting the Zoning By-Laws under Section 45.1 ?

As stated earlier, at this stage, my examination is restricted to the tests under Section 45.1, with respect to the tests respecting Zoning, Minor and Appropriate development

The Applicants argue that their proposal satisfies the test of respecting the intent and purpose of the By-Laws, because it fulfills all the appropriate performance standards- the houses and their placement on the lot satisfies the general intent and purpose of the lot area and frontage provisions, which are to ensure that the surrounding neighbourhood maintains a lot pattern, that is appropriate for the provision of a functional dwelling. The Applicants assert that the frontage of any lot is more "apparent" than the area of the same lot, when seen from the street, and that there is nothing "new" being introduced into the community, because the requested frontage already exists on Brenda Crescent. There is no overdevelopment, as reflected in the availability of space for outdoor uses, and lack of "encroachments" into the rear yards, satisfies the performance standards for lot coverage. The Applicants also focused their evidence on the maintenance of a consistent street wall, and then relied on their "Theory of front yards of houses adjacent to corner houses" to demonstrate that the performance standards of front yard setbacks, and porches are satisfied.

This evidence is in stark contrast to the evidence of the City, which focused on the creation of narrower lots, comparable to what is found in RS Zone. While I don't question the validity of the City's concern, their focus on the creation of smaller lots does not answer the question of whether, or not the lots satisfy the performance standards to build a detached dwelling. Given that no objections were raised by the Appellants against the construction of a detached dwelling, I favour the evidence of the Applicants, and find that the proposal satisfies the test of maintaining the intent and purpose of the Zoning By-Laws.

I also find that no weight may be given to the leitmotif of the mansion built at 85 Clela, which I understand to be the possible consequence of what could happen at the Subject Site, if a consent to sever the property is denied. The construction of a house, however humungous, or even hideous, is a mere hypothetical, which is of no consequence to the

actuality of the application before me. The mandate of the TLAB is restricted to the application before it, as submitted, to the exclusion of everything else. Consequently, I find that besting the boogeyman of a building that is yet to be built, is not the best of battles for me to be involved with.

Does the proposal satisfy the test of minor?

With respect to the test of minor, the Applicants argue that there is minimal impact on the neighbours because of where the “openings” (i.e. doors and windows) in the houses are to be built- the windows and doors will be placed in the “middle of the dwellings, away from the rear amenity spaces” of the neighbours. The Appellants, on the other hand, focus on how the lots, if approved, create smaller lots, and “destabilize the neighbourhood” – in other words, they have adduced their conclusion regarding the test of minor from the test respecting the By-Laws. This approach contradicts the cardinal principle of the mutual independence, and exclusivity of the four tests under Section 45.1. Consequently, I find that the conclusion reached regarding one of the tests, cannot become the basis to arrive at a conclusion regarding another test.

Moreover, in Cross- Examination, the City’s own Witness stated that the community is “nowhere near the tipping point” in response to a question by opposing Counsel- I interpret this to mean that there is no adverse impact in the foreseeable future. Given that the test of minor focuses on impact, with specific reference to preventing unacceptable adverse impact, I prefer the evidence of the Applicants, because there are no concerns, much less calamitous consequences for the community, should this application be approved. For the reasons stated above, I find that the proposal satisfies the test of minor.

Does the proposal satisfy the test of appropriate development?

With respect to the test of appropriate development, the Applicants argue that the test is satisfied because the proposal results in the creation of two modest sized replacement dwellings with four adequate bedrooms, and the replacement of a modest bungalow with two houses, which are respectful of what already exists in the community. The City’s evidence, on the other hand, again recycles conclusions about the creation of additional undersized lots, and “precedents” for further creation of small lots. As stated in the analysis respecting the test of minor, the tests respecting appropriate development, and zoning are mutually independent; and that exporting the results of one test to another, is a *non-sequitur*. I reiterate that the Appellant’s conclusions about the community “being nowhere close to the tipping point” contradicts their entire analysis, and begs the question of why the COA’s decision was appealed in the first place.

Consequently, I find that the proposal satisfies the test of appropriate development.

I note that the analysis undertaken thus far has demonstrated that the proposal satisfies three tests under Section 45.1 i.e. the tests of appropriate development, minor, and the maintaining the intent and purpose of the Zoning By-laws.

In accordance with the methodology provided at the beginning of this Section, I will now go to Step (2), and analyze the evidence of the Applicants, and the Appellants with respect to relevant clauses under Section 51(24), with the exception of the sub-section respecting the Official Plan, which will be addressed at the very end.

The evidence respecting Section 51(24)- Consent to sever the property is analyzed below:

The following components of Section 51(24) are important:

- (b) Whether the proposed subdivision is premature or in the public interest;
- (c) Conformity with the Official Plan
- (f) The dimensions and shapes of the proposed lots

Subsections (b) and (f) are analyzed below, followed by an analysis of (c) if the proposal satisfies (b) and (f).

Is the proposal in the public interest?

I note that the Applicants asserted that their proposal satisfies the test of public interest in Section 51(24), because it created more affordable housing, as stated in the higher level policies. When specifically asked questions about the meaning of “affordable”, the Applicant’s evidence was that affordability is a “relative expression, meaning that a smaller lot would cost less than a bigger lot, and is consequently more affordable”. The City’s lawyer, Mr. Hardiejowski, then attempted to question the Appellant’s Witness on how the affordability would be impacted by variables such as the interest rate. Notwithstanding the very pertinent questions asked by Mr. Hardiejowski, I upheld the objection raised by the Applicant’s lawyer, Ms. Stewart, because the issue of land-economics lay outside the expertise of the Applicant’s Witness, Mr. Benczkowski, who was recognized as an Expert Witness solely in the discipline of land-use planning. Given that nothing definitive has been established in terms of establishing a relationship between the size of the land parcel, and the construction of houses, no finding is made on how ostensibly “cheaper” lots and houses, satisfy public interest. However, I am in agreement with the Applicants that this proposal, if successful, will result in quicker access to the downtown through accessing train services at the GO station in the vicinity of the Site, and find that the proposal satisfies the test respecting the public interest.

Does the proposal satisfy the test of dimensions of the “shapes and sizes of the lots”?

The Applicant argues that the shape of the existing lot is closer to a square, as opposed to the vast majority of the lots, which are rectangles. They argue that severing the lot

will help in the creation of two rectangular lots, which constitute the majority of the lots in the community. The evidence about the creation of “rectangular” lots, in place of the “square” lot, was not contradicted by the City’s Witness.

With respect to the sizes of the lots, the Applicants conceded that the lots to be created are sub-standard lots as indicated in their own lot analysis, but were however respectful of the diversity of the existing lot sizes, and reinforced what already exists in the community. The Appellants argued at length, and went through a very detailed analysis to demonstrate that the resulting lots were sub-standard, and did not respect the “prevailing type” with respect to the lot frontage and lot sizes in the neighbourhood. While I disagree with the Applicant’s contention that there are “many” lots with the dimensions requested in this Application, I agree that the community, as it exists, is dotted with lots, with the dimensions of what is requested in the proposal.

Before making a finding on the shapes and sizes of the lots, I must state my agreement with Mr. Hardiejowski’s incisive observation during Oral Argument, that the Applicants “barely devoted two paragraphs” to the test of the shapes and sizes of the lots, by way of evidence. While I am of the opinion that the Applicants could have provided more evidence with respect to the test of the sizes and lots, both by way of the Witness Statement, and oral evidence, I nevertheless find that both Parties agreed that the lot sizes would be rectangular, which is consistent with the majority of the existing lots. With reference to the lot sizes, the Applicants demonstrated that the lots to be created respected and reinforced the existing lot sizes, even if they are the smallest in the RD Zone.

Consequently, I find that the proposal satisfies the tests of satisfying the shapes and sizes of the lots.

Following the methodology discussed at the beginning of this Section, I will now move to Step (3) of the methodology:

Does the proposal conform to the Official Policy?

To reiterate, the Applicants relied on the former OP, while the City relied on OPA 320, to demonstrate compatibility between the proposal and the OP (or the lack thereof, respectively). I find that the Applicant’s approach to establishing their Study Area i.e. “how the neighbours experienced the neighbourhood” is reasonable, and can be relied upon to come to findings. They relied on the COA decision table reflecting the severances, and variances granted over the last 10 years, to conclude that there were 13 examples of severances in their neighbourhood- this information demonstrates that the change was gradual, and that the community’s stability had not been impacted. They discussed Policy 3.1.2 (Built form) in great detail, and relied on their “theory of lots adjacent to corner lots”, the creation of a street wall, and the “shallow nature of the lots” to argue that the Built Form Policies had been satisfied. They reviewed the criteria in Policy 4.1.5 (which don’t reference the concept of “prevailing type”) in the former OP, and demonstrated how the proposals “respected and reinforced” what exists in the

community, through a photo tour, with specific reference to similar houses in the community, that had been constructed on smaller lots, created through severances. On the basis of their evidence, I find that there is a sprinkling of smaller lots in the RD Zone, with sizes akin to what would be appropriate for the RS Zone, and accept that their reasoning that the housing has been massed, such that the lot size is eclipsed, from the viewpoint of a pedestrian. The interspersing of the smaller lots, among the bigger lots, results in my finding that while the former are not noticeable from a numerical perspective, they add to the character of the community- the existence of two narrower, or smaller lots at 100 Brenda Crescent does not result in the erosion of the existing character, or the establishment of a hitherto unknown character.

On the basis of the above evidence, I find that the proposal satisfies the test of conforming to the OP under Section 51(24), and consequently also meets the test and intent of the OP, as stated in Section 45.1 of the Planning Act.

Given my finding above, and the earlier reasoning about the application of the former, and new OPs, there is no necessity to make a finding on the City's contention that the proposal does not meet the intention, and purpose of the new OP. I would however like to express my sincere appreciation of the very thorough, and exhaustive numerical analysis, completed by the City, as part of its submissions, and evidence.

Lastly, I would like to distinguish between this Decision, and my Decision respecting 10 Academy Road, which was cited as an authority by the City. While there is a commonality between the Appeals respecting 100 Brenda Crescent, and 10 Academy Road, because both proposals are located in communities zoned RD, in the proximity of communities zoned RS, the *ratio decidendi* in 10 Academy concentrated on the impact of allowing a severance to occur in a community that had witnessed very few severances, where the City's evidence was that there would be an avalanche of applications, if the consent to sever application at 10 Academy were successful. This scenario contrasts with the City's own evidence that the community surrounding 100 Brenda Crescent, "is nowhere near the tipping point".

To summarize my findings, there is a robust corpus of evidence to demonstrate that the proposal has met the four tests under Section 45.1. Notwithstanding my agreement with the insightful observation made by Mr. Hardiejowski about "how the Applicants finished their evidence regarding Section 51(24) in two paragraphs", I find that there still is a modicum of evidence to demonstrate that the proposal complies with all relevant sections under Section 51(24).

I therefore refuse the Appeal respecting 100 Brenda Crescent and confirm the Decision of the Committee of Adjustment dated September 28, 2019.

. As per the Applicant's suggestion, I impose the following conditions on the approval of the variances:

1. The proposed dwellings shall be constructed substantially in accordance with the following plans, prepared by Cantam Group Ltd. and dated April 13, 2018:
 - a. Part 1: Site Plan (A1), Proposed Front Elevation (A6), Proposed Rear Elevation (A7), Proposed Right Side Elevation (A8), Proposed Left Side Elevation (A9);
 - b. Part 2: Site Plan (A1), Proposed Front Elevation (A6), Proposed Rear Elevation (A7), Proposed Right Side Elevation (A8), Proposed Left Side Elevation (A9).
2. The owner shall submit a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.
3. The applicant shall submit to Urban Forestry a refundable Tree Protection Security Deposit in the amount of \$1166.00TSD amount in the form of renewable letter of credit or other form acceptable to the General Manager of Parks, Forestry and Recreation to guarantee the protection of the City owned trees to be retained fronting the site or adjacent to the site, as per the City's Tree Protection Policy and Specifications for Construction near Trees and the City of Toronto Municipal Code Chapter 813, Article II.
4. Where there is no existing street tree, the owner shall provide payment in lieu of planting of one street tree on the City road allowance abutting each of the sites involved in the application. The number of trees required to be planted is 1 and the current cash-in-lieu payment is \$583/tree. Payments shall be made payable to the Treasurer, City of Toronto and sent to Urban Forestry, Scarborough Civic Centre, 150 Borough Drive, 5th floor, Toronto, Ontario, M1P 4N7.

The standard conditions to be imposed on consents to sever, as stated in Practice Direction 1, of the TLAB, are herewith followed, and imposed:

1. Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, in the form of a statement of tax account current to within 30 days of an applicant's request to the Deputy Secretary-Treasurer of the Committee of Adjustment to issue the Certificate of Official as outlined in Condition 6, below.
2. Municipal numbers for the subject lots indicated on the applicable registered reference plan of survey shall be assigned to the satisfaction of the Supervisor, Surveys, Engineering Support Services, Engineering and Construction Services.
3. An electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of, the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.
- 4 An electronic copy of the registered reference plan of survey satisfying the

requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment.

5. Prepare and submit a digital draft of the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) of the Planning Act if applicable as it pertains to the conveyed land and/or consent transaction to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment.

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


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

The details of the Consent to sever the lot at 100 Brenda Crescent, the approved variances for the dwellings to be built on each of the lots, and the conditions on the severance, as well as the variances are attached to this Decision, as Appendix A, while the Plans and Elevations are appended as Appendix B.

DECISION AND ORDER

1. The Appeal respecting 100 Brenda Crescent is refused, and the decision of the Committee of Adjustment, dated September 28, 2019, is confirmed.
2. The consent to sever the existing lot of land at 100 Brenda Crescent, into two smaller lots is approved. Each of the two lots, numbered Parts 1 and 2, would each have a frontage of 9.14 metres and a lot area of 258.93 square metres. This information is also provided in a tabular form at the beginning of Appendix A.
3. All the variances requested with respect to each of the houses to be built on Parts 1, and 2, are approved. The specific list of variances, with respect to each lot, is recited in Appendix A.
4. No other variances are approved.
5. The conditions to be imposed on the consent to sever the existing lot, as well as the variances approved for each of the dwellings on the emerging lots are recited in Appendix A. The Plans and Elevations for the houses to be built are attached as Appendix B to this Decision.

So orders the Toronto Local Appeal Body.

X 

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body

APPENDIX A – 100 BRENDA CRESCENT

THE CONSENT REQUESTED:

This application is for consent to sever the land into two lots, as shown on the draft Reference Plan prepared by Askan Piller Corporation Ltd. dated August 16, 2017. The lots to be created Part 1 and Part 2 would each have a frontage of 9.14 metres and a lot area of 258.93 square metres. In order to facilitate the proposed development, relief from the provision of the Zoning By-law was requested, as outlined in A0134/18SC and A0135/18SC.

	Part #	Lot Frontage	Lot Area
Retained Lot	Part 1	9.14 m	258.93 sq.m.
Conveyed Lot	Part 2	9.14 m	258.93 sq.m

100 Brenda Crescent
List of Variances

Part 1 (North Lot)
By-law No. 569-2013:

1. To permit the proposed 9.14 metres lot frontage and 258 square metres lot area, whereas the Zoning By-law requires a minimum 12 metres lot frontage and 464 square metres lot area.
2. To permit the proposed 39% lot coverage, whereas the Zoning By-law permits maximum 33% lot coverage.
3. To permit the proposed front porch to encroach 3.06 metres into the required setback, whereas the Zoning By-law permits maximum 2.5 metres encroachment in the required front yard setback.
4. To permit the proposed 6 metres front yard setback, whereas the Zoning By-law requires a minimum 9.11 metres front yard setback.

100 Brenda Crescent
Part 2 (South Lot)
By-law No. 569-2013:

1. To permit the proposed 9.14 metres lot frontage and 258 square metres lot area, whereas the Zoning By-law requires a minimum 12 metres lot frontage and 464 square metres lot area.
2. To permit the proposed 39% lot coverage, whereas the Zoning By-law permits maximum 33% lot coverage.
3. To permit the proposed front porch to encroach 3.06 metres into the required setback, whereas the Zoning By-law permits maximum 2.5 metres encroachment in the required front yard setback.
4. To permit the proposed 6 metres front yard setback, whereas the Zoning By-law requires a minimum 9.11 metres front yard setback.

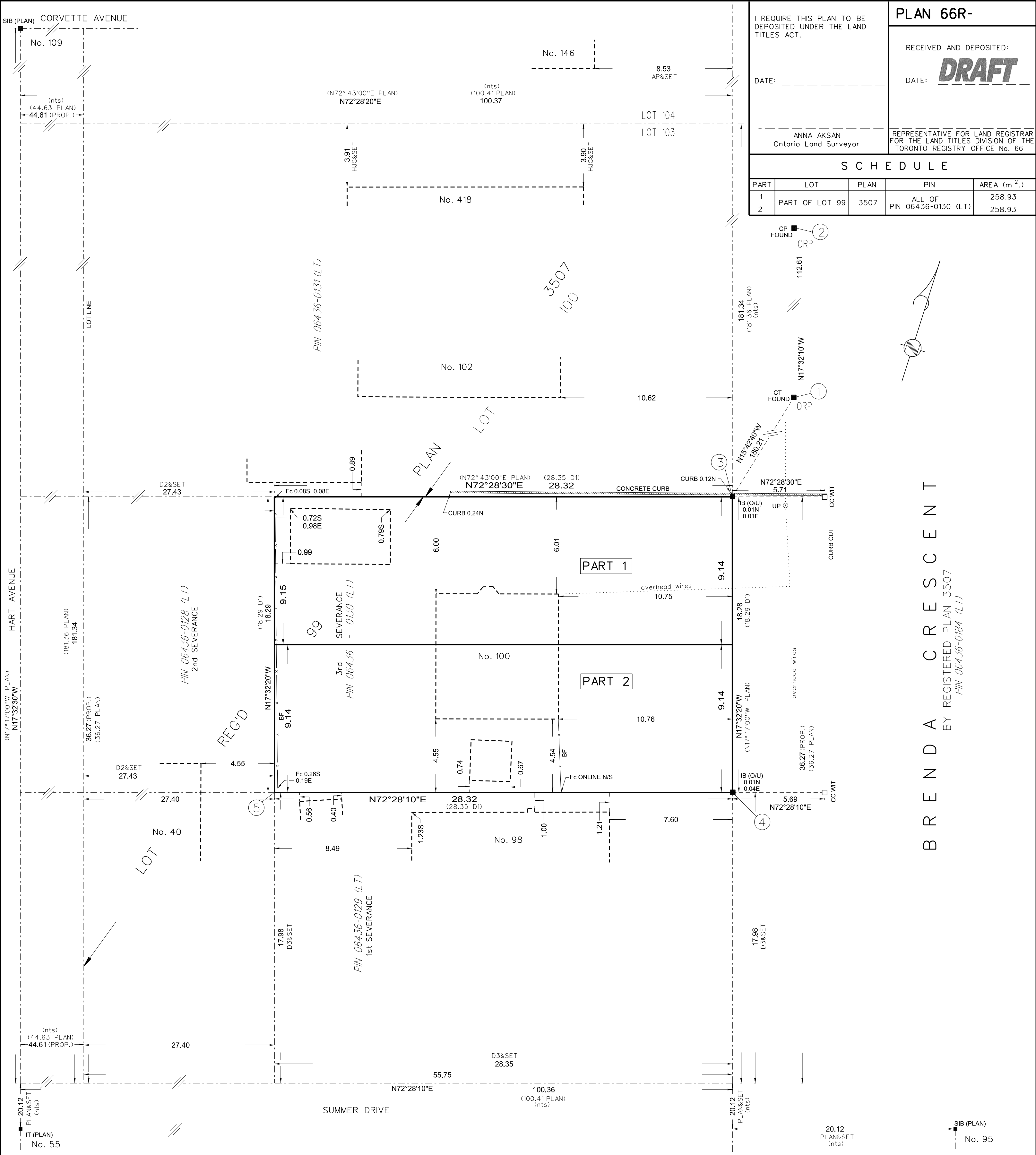
CONDITIONS OF APPROVAL

The following conditions are imposed on the Consent to Sever:

1. Confirmation of payment of outstanding taxes to the satisfaction of the Revenue Services Division, in the form of a statement of tax account current to within 30 days of an applicant's request to the Deputy Secretary-Treasurer of the Committee of Adjustment to issue the Certificate of Official as outlined in Condition 6, below.
- 2) Municipal numbers for the subject lots indicated on the applicable registered reference plan of survey shall be assigned to the satisfaction of the Supervisor, Surveys, Engineering Support Services, Engineering and Construction Services.
3. An electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of, the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.
4. An electronic copy of the registered reference plan of survey satisfying the requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment.
5. Prepare and submit a digital draft of the Certificate of Official, Form 2 or 4, O. Reg. 197/96, referencing either subsection 50(3) or (5) of the Planning Act if applicable as it pertains to the conveyed land and/or consent transaction to the satisfaction of the Deputy Secretary-Treasurer of the Committee of Adjustment.
6. Once all of the other conditions have been satisfied, the applicant shall request, in writing, that the Deputy Secretary-Treasurer of the Committee of Adjustment issue the Certificate of Official.
7. Within ONE YEAR of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions.

Conditions of Minor Variance Approval

1. The proposed dwellings shall be constructed substantially in accordance with the following plans, prepared by Cantam Group Ltd. and dated April 13, 2018:
 - a. Part 1: Site Plan (A1), Proposed Front Elevation (A6), Proposed Rear Elevation (A7), Proposed Right Side Elevation (A8), Proposed Left Side Elevation (A9);
 - b. Part 2: Site Plan (A1), Proposed Front Elevation (A6), Proposed Rear Elevation (A7), Proposed Right Side Elevation (A8), Proposed Left Side Elevation (A9).
2. The owner shall submit a complete application for a permit to injure or remove a privately owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article III Private Tree Protection.
3. The applicant shall submit to Urban Forestry a refundable Tree Protection Security Deposit in the amount of \$1166.00TSD amount in the form of renewable letter of credit or other form acceptable to the General Manager of Parks, Forestry and Recreation to guarantee the protection of the City owned trees to be retained fronting the site or adjacent to the site, as per the City's Tree Protection Policy and Specifications for Construction near Trees and the City of Toronto Municipal Code Chapter 813, Article II.
4. Where there is no existing street tree, the owner shall provide payment in lieu of planting of one street tree on the City road allowance abutting each of the sites involved in the application. The number of trees required to be planted is 1 and the current cash-in-lieu payment is \$583/tree. Payments shall be made payable to the Treasurer, City of Toronto and sent to Urban Forestry, Scarborough Civic Centre, 150 Borough Drive, 5th floor, Toronto, Ontario, M1P 4N7.



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: _____

ANNA AKSAN
Ontario Land Surveyor

PLAN 66R-

RECEIVED AND DEPOSITED:

DATE: **DRAFT**

REPRESENTATIVE FOR LAND REGISTRAR
FOR THE LAND TITLES DIVISION OF THE
TORONTO REGISTRY OFFICE No. 66

SCHEDULE				
PART	LOT	PLAN	PIN	AREA (m ²)
1	PART OF LOT 99	3507	ALL OF PIN 06436-0130 (LT)	258.93
2				258.93

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

PLAN OF SURVEY OF
PART OF LOT 99
REGISTERED PLAN 3507
CITY OF TORONTO

SCALE 1 : 150

AKSAN PILLER CORPORATION LTD.

LEGEND:

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT PLANTED
IB	DENOTES	IRON BAR
SIB	DENOTES	STANDARD IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
IT	DENOTES	IRON TUBE
CC	DENOTES	CUT CROSS
CP	DENOTES	CONCRETE PIN
WIT	DENOTES	WITNESS MONUMENT
O/U	DENOTES	ORIGIN UNKNOWN
N	DENOTES	NORTH
S	DENOTES	SOUTH
E	DENOTES	EAST
W	DENOTES	WEST
Fc	DENOTES	FENCE
CLF	DENOTES	CHAIN LINK FENCE
BF	DENOTES	BOARD FENCE
D1	DENOTES	INST. No. T8662968
D2	DENOTES	INST. No. 184957
D3	DENOTES	INST. No. 184956
PROP	DENOTES	PROPORTION
PLAN	DENOTES	REGISTERED PLAN 3507
HJG	DENOTES	HENRY J. GERRITS SURVEYING LTD.
AP	DENOTES	O.L.S. (Feb. 25, 1988) AKSAN PILLER CORPORATION, LTD. (AUG. 8, 2014)

NOTES:

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999.

BEARING NOTE:

BEARINGS ARE MTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS FROM MONUMENT 1 TO 2, SHOWN HEREON, HAVING A BEARING OF N17°32'10"W REFERRED TO THE CENTRAL MERIDIAN OF MTM ZONE 10 (79°30' WEST LONGITUDE) NAD83 (CSRS).

POINT ID	NORTHING	EASTING
1	4842797.95	324123.30
2	4842905.33	324089.37
3	4842624.47	324172.10
4	4842607.04	324177.61
5	4842598.51	324150.60

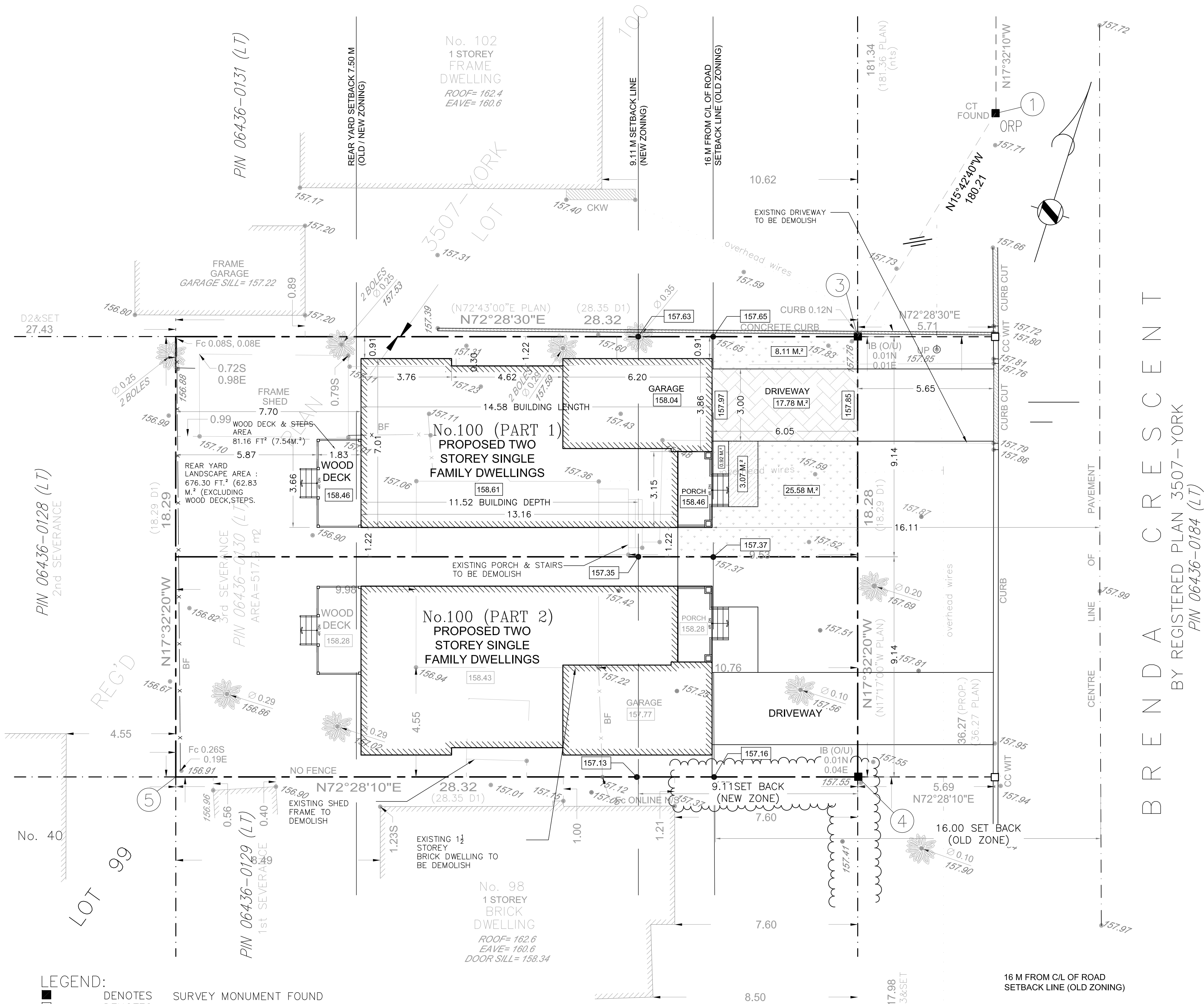
COORDINATES ARE TO URBAN ACCURACY AS IN SEC. 14(2). OF O.REG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

AUGUST 16, 2017
DATE

HELMUT PILLER
Ontario Land Surveyor

AKSAN PILLER CORPORATION LTD
ONTARIO LAND SURVEYORS
943 MT PLEASANT ROAD, TORONTO, ONTARIO, M4P 2L7
(T) 416-488-1174 (F) 416-488-7843 (E) ap@apsurveys.ca www.apsurveys.ca

reference number: 17-36-12666-RPLAN

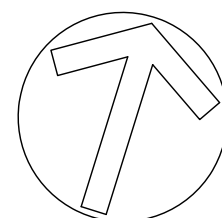


- LEGEND:**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IT DENOTES IRON TUBE
 - CC DENOTES CUT CROSS
 - CP DENOTES CONCRETE PIN
 - WIT DENOTES WITNESS MONUMENT
 - O/U DENOTES ORIGIN UNKNOWN
 - N DENOTES NORTH
 - S DENOTES SOUTH
 - E DENOTES EAST
 - W DENOTES WEST
 - FC DENOTES FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - BF DENOTES BOARD FENCE
 - CKW DENOTES CONCRETE KNEE WALL
 - D1 DENOTES INST. No. TB662968
 - D2 DENOTES INST. No. 184957
 - D3 DENOTES INST. No. 184956
 - PROP DENOTES PROPORTION
 - PLAN DENOTES REGISTERED PLAN 3507-YORK
 - HUG DENOTES HENRY J. GERRITS SURVEYING LTD. O.L.S. (Feb. 25, 1988)
 - AP DENOTES AKSAN PILLER CORPORATION, LTD. (AUG. 8, 2014)
 - Ø0.50 DENOTES TREE TRUNK DIAMETER

CAUTION:
TREE CALIPERS ARE NOT TO ARBORIST STANDARDS
AND ARE DEFINED AT 1.4m ABOVE GRADE AT TREE
FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

ELEVATIONS NOTE:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED
FROM GPS OBSERVATION

NOTES:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID
BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999.



SITE PLAN

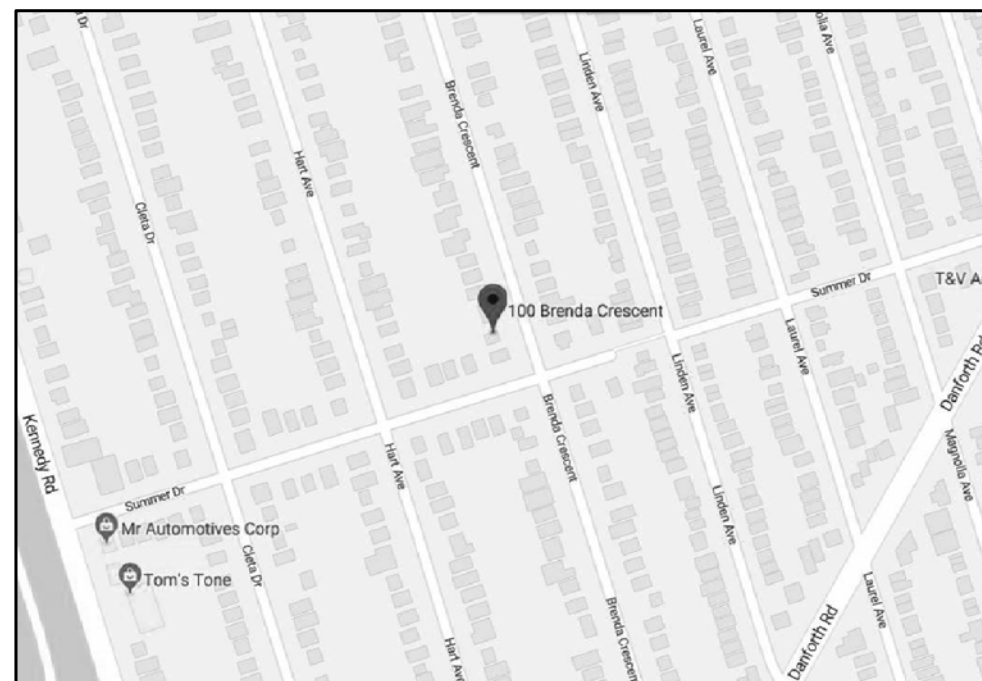
SCALE : 1 : 100

LANDSCAPE LEGEND

- GREEN LANDSCAPE
- WALK WAY
- DRIVE WAY PAVING

SITE DATA: 100 BRENDA CRESCENT (PART 1)			
OLD ZONING : KENNEDY PARK COMMUNITY BY LAW No. 9276			
S-3-24-25-43-50-62	PERMITTED	PROPOSED	REMARKS
LOT AREA:	464.00 M²	258.93 M²	C.O.A.
MIN. LOT FRONTAGE:	12.00 M	9.14 M	C.O.A.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		72.96 M²	
SECOND FLOOR AREA:		100.80 M²	
TOTAL GROSS FLOOR AREA =		173.76 M²	
GROSS FLOOR AREA %:		67.11 %	
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION & GARAGE:		100.80 M²	
BUILDING FOOTPRINT AREA % :	33 %	38.93 %	C.O.A.
MIN. FRONT YARD SETBACK	16.00 M	16.11 M	
MIN. SIDE YARD RIGHT SIDE	0.90 M	0.91 M	
MIN. SIDE YARD LEFT SIDE	0.90 M	1.22 M	
MIN. REAR YARD SETBACK: 7.5M + 50% OF LOT DEPTH GREATER THAN 33.5 M LOT DEPTH 28.32 M	7.50 M	7.70 M	
MAX. BASEMENT HEIGHT		0.80 M	
GARAGE AREA :		23.34 M²	
TOTAL OPEN BELOW AREA:		N/A	
MAX. BUILDING HEIGHT	9.00 M	8.72 M	
MAX. DRIVE WAY WIDTH		3.00 M	

SITE DATA: 100 BRENDA CRESCENT (PART 2)			
NEW ZONING CITY OF TORONTO : RD (X340) /By-law 569-2013			
	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA:	464.00 M²	258.93 M²	C.O.A.
MIN. LOT FRONTAGE:	12.00 M	9.14 M	C.O.A.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		72.96 M²	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		100.80 M²	
TOTAL GROSS FLOOR AREA =		173.76 M²	
GROSS FLOOR AREA %:		67.11 %	
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION & GARAGE:		100.80 M²	
BUILDING FOOTPRINT AREA %:	33.00 %	38.93 %	C.O.A.
MIN. FRONT YARD SETBACK (7.60+10.62)/2	9.11 M	6.05 M	C.O.A.
MIN. SIDE YARD RIGHT SIDE exception RD 340	0.90 M	0.91M	
MIN. SIDE YARD LEFT side exception RD 340	0.90 M	1.22 M	
MIN. REAR YARD SETBACK: 7.50 m OR 25% OF THE LOT DEPTH	7.50 M	7.70 M	
MAX. DWELLING UNIT DEPTH FROM FRONT YARD SETBACK TO THE REAR MAIN WALL	19.00 M	11.52 M	
MAX. DWELLING UNIT LENGTH	17.00 M	14.58 M.	
HEIGHT OF THE FIRST FL. ABOVE EXISTING GRADE	1.20 M	1.12 M	
GARAGE AREA :		23.34 M²	
MAX. DRIVE WAY WIDTH		3.00 M	
MAXIMUM HEIGHT - FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF: (TWO STOREY)	9.00 M	8.74 M	
MAX. HEIGHT OF CERTAIN MAIN WALL	7.00 M	6.46 M	



KEY PLAN
N.T.S.

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 2.17.5.1. of the building code

Yaso Somalingam
Name: Yaso Somalingam Signature: [Signature] Individual BCIN / BCDN: 24694

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

CANTAM GROUP LTD.
Firm Name: CANTAM GROUP LTD. Firm BCIN / BCDN: 29976

2	ISSUED FOR COA	APR. / 13 / 2018
1	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND
CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO
THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL
SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

PROJECT COORDINATOR :

CANTAM
Group Ltd.

PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 1)
SCARBOROUGH , ON

DRAWING:

SITE PLAN

DATE: AUG. / 29 / 2017

SCALE: AS NOTED

DRN: T.A.

CKD: YASO

DRAWING NO.

A1



Proposed Front Elevation

SCALE : 1/4"=1'

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 2.17.5.1. of the building code

Yaso Somalingam 24694
Name Signature Individual BCIN / BCDN

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

CANTAM GROUP LTD. 29976
Firm Name Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

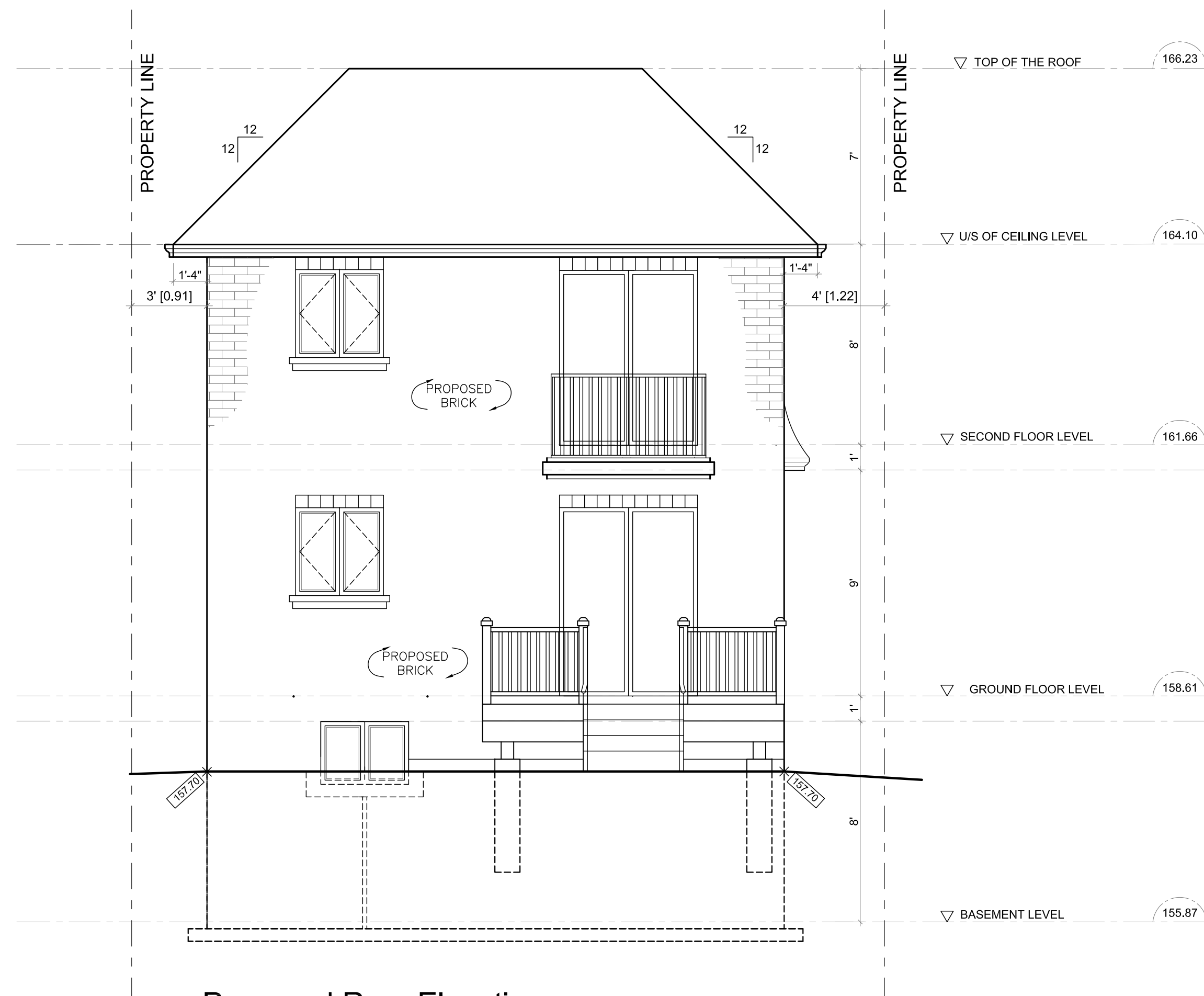
CANTAM
Group Ltd.

PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 1)
SCARBOROUGH , ON**

DRAWING: **PROPOSED FRONT ELEVATION**

DATE: AUG. / 29 / 2017	A6
SCALE: AS NOTED	
DRN: CB CKD: YASO	



Proposed Rear Elevation
SCALE : 1/4"=1'

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 2.17.5.1. of the building code

Yaso Somalingam 24694
Name Signature Individual BCIN / BCDN

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

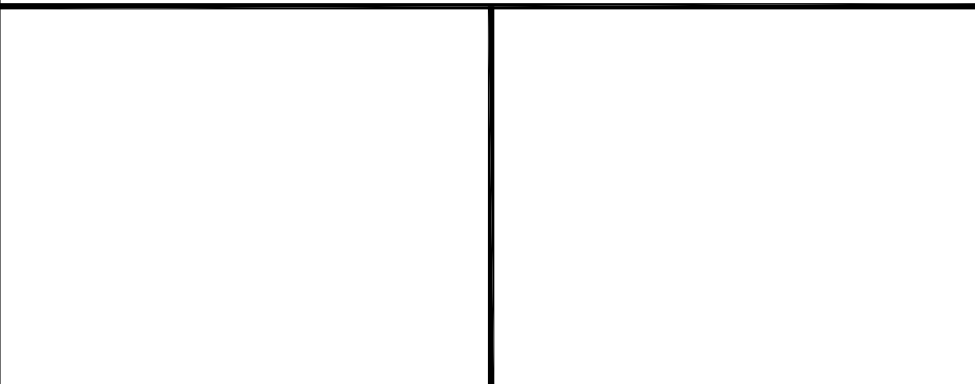
CANTAM GROUP LTD. 29976
Firm Name Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.



© COPY RIGHT

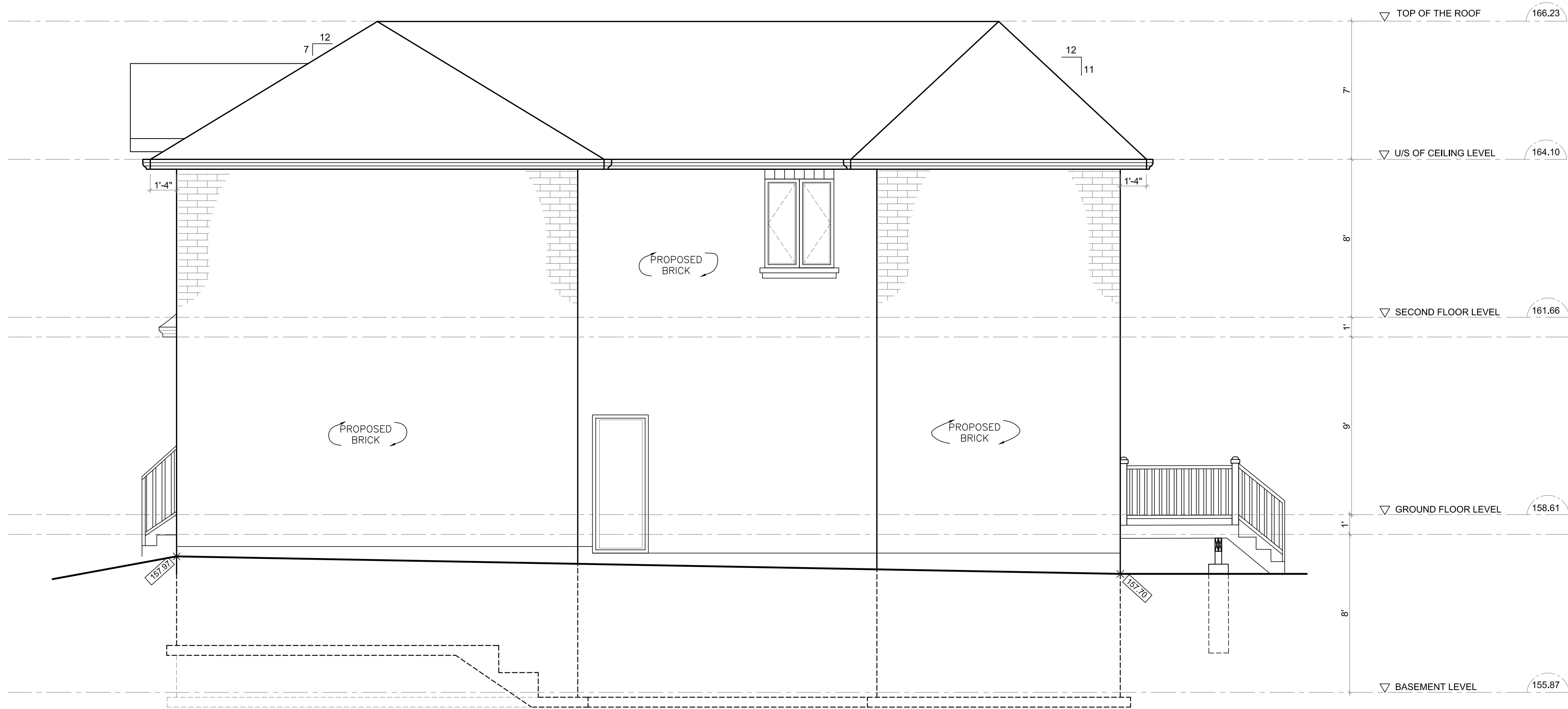
CANTAM
Group Ltd.
PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 1)
SCARBOROUGH , ON

DRAWING: PROPOSED REAR ELEVATION

DATE: AUG. / 29 / 2017	A7
SCALE: AS NOTED	
DRN: CB CKD: YASO	



Proposed Right Side Elevation
SCALE : 1/4"=1'

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 2.17.5.1. of the building code

Yaso Somalingam
Name
Signature
24694
Individual BCIN / BCDN

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

CANTAM GROUP LTD.
Firm Name
29976
Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

--	--

© COPY RIGHT

CANTAM
Group Ltd.

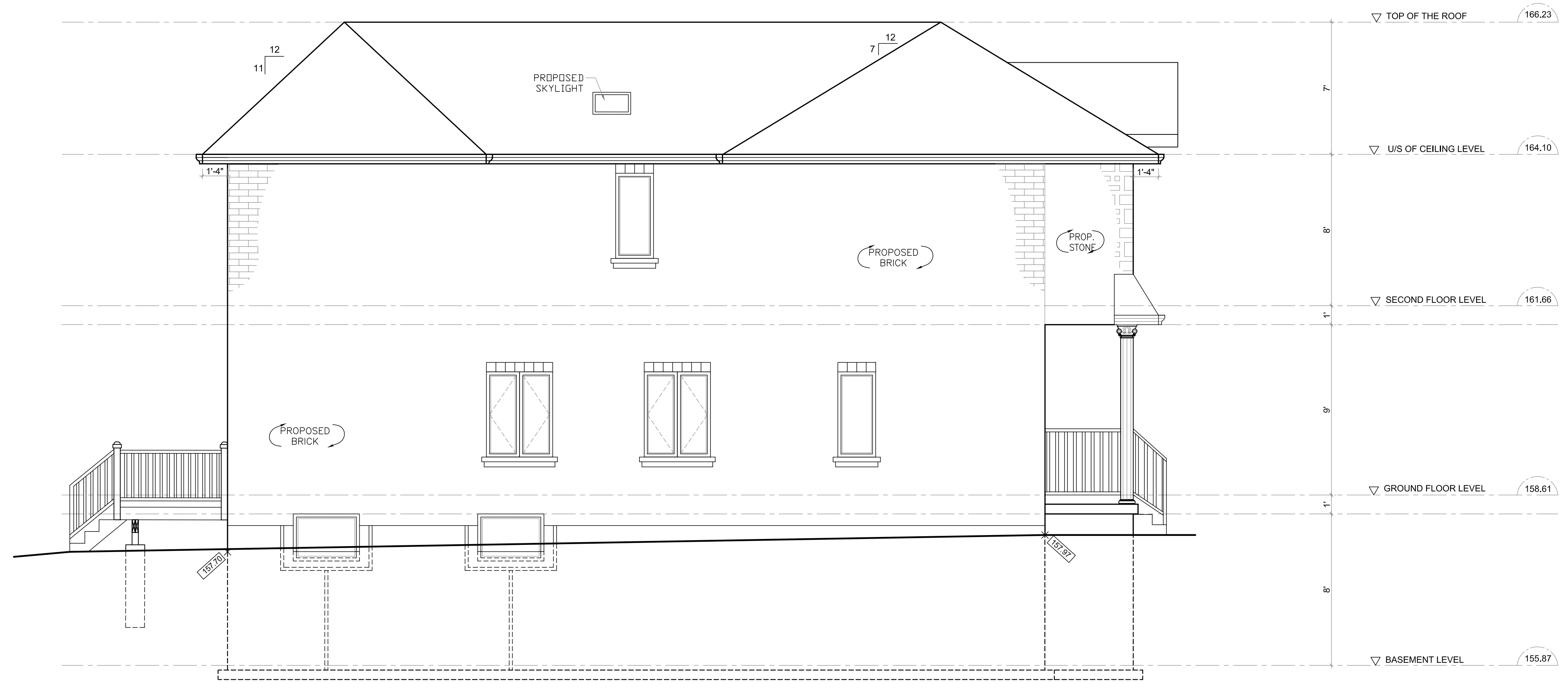
PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

**PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 1)
SCARBOROUGH , ON**

DRAWING: **PROPOSED RIGHT SIDE ELEVATION**

DATE: AUG. / 29 / 2017	A8
SCALE: AS NOTED	
DRN: CB CKD: YASO	



Proposed Left Side Elevation
SCALE : 1/4"=1'

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 2.17.5.1. of the building code

Yaso Somalingam
Name
Signature
24694
Individual BCIN / BCDN

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

CANTAM GROUP LTD.
Firm Name
29976
Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

--	--

© COPY RIGHT

CANTAM
Group Ltd.

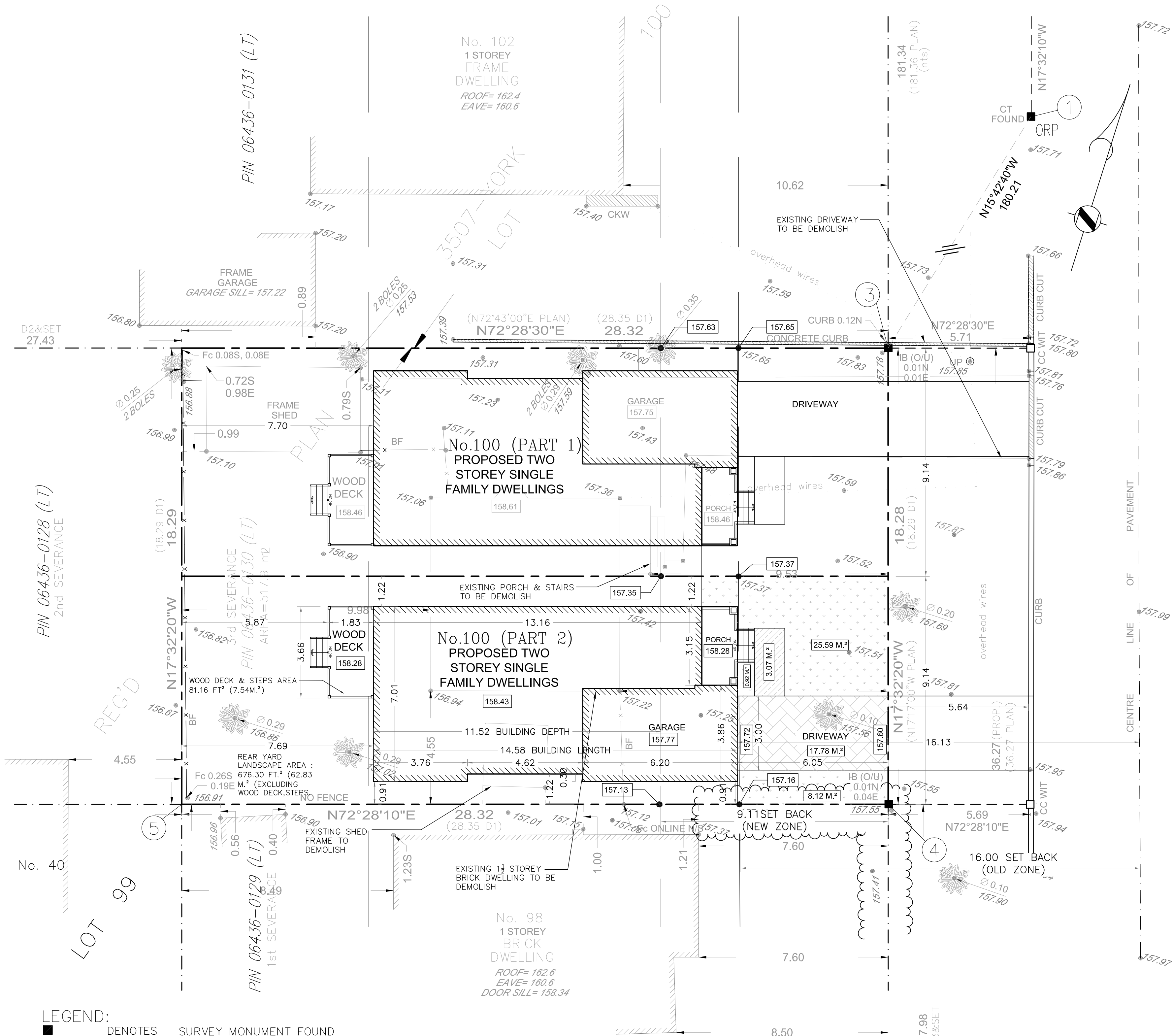
PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 1)
SCARBOROUGH , ON

DRAWING: PROPOSED LEFT SIDE ELEVATION

DATE: AUG. / 29 / 2017	DRAWING NO. A9
SCALE: AS NOTED	
DRN: CB CKD: YASO	

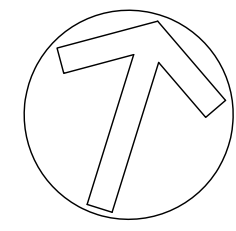


- LEGEND:
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT PLANTED
 - IB DENOTES IRON BAR
 - SIB DENOTES STANDARD IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - IT DENOTES IRON TUBE
 - CC DENOTES CUT CROSS
 - CP DENOTES CONCRETE PIN
 - WIT DENOTES WITNESS MONUMENT
 - O/U DENOTES ORIGIN UNKNOWN
 - N DENOTES NORTH
 - S DENOTES SOUTH
 - E DENOTES EAST
 - W DENOTES WEST
 - Fc DENOTES FENCE
 - CLF DENOTES CHAIN LINK FENCE
 - BF DENOTES BOARD FENCE
 - CKW DENOTES CONCRETE KNEE WALL
 - D1 DENOTES INST. No. TB662968
 - D2 DENOTES INST. No. 184957
 - D3 DENOTES INST. No. 184956
 - PROP DENOTES PROPORTION
 - PLAN DENOTES REGISTERED PLAN 3507-YORK
 - HJG DENOTES HENRY J. GERRITS SURVEYING LTD. O.L.S. (Feb. 25, 1988)
 - AP DENOTES AKSAN PILLER CORPORATION, LTD. (AUG. 8, 2014)
 - 0.050 DENOTES TREE TRUNK DIAMETER

CAUTION:
TREE CALIPERS ARE NOT TO ARBORIST STANDARDS
AND ARE DEFINED AT 1.4m ABOVE GRADE AT TREE
FOR ARBORIST CALIPER REFER TO ARBORIST REPORT.

ELEVATIONS NOTE:
ELEVATIONS SHOWN HEREON ARE GEODETIC AND ARE DERIVED
FROM GPS OBSERVATION

NOTES:
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID
BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999.



SITE PLAN

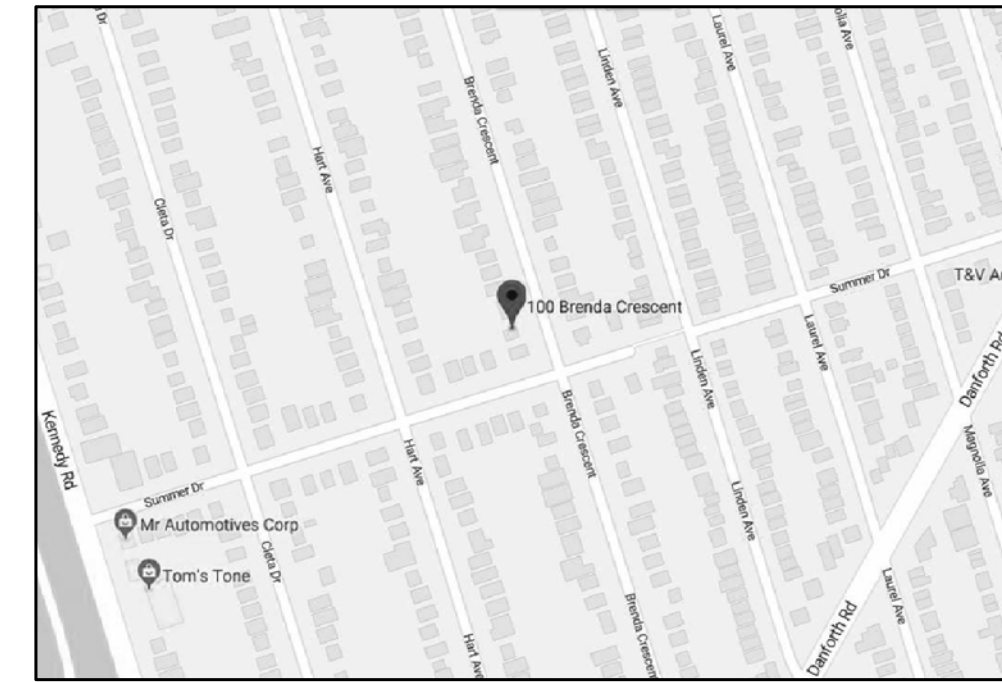
SCALE : 1 : 100

LANDSCAPE LEGEND

- GREEN LANDSCAPE
- WALK WAY
- DRIVE WAY PAVING

SITE DATA: 100 BRENDA CRESCENT (PART 2)			
OLD ZONING : KENNEDY PARK COMMUNITY BY LAW No. 9276			
S-3-24-25-43-50-62			
	PERMITTED	PROPOSED	REMARKS
LOT AREA:	464.00 M²	258.93 M²	C.O.A.
MIN. LOT FRONTAGE:	12.00 M	9.14 M	C.O.A.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		72.96 M²	
SECOND FLOOR AREA:		100.80 M²	
TOTAL GROSS FLOOR AREA =		173.76 M²	
GROSS FLOOR AREA %:		67.11 %	
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION & GARAGE:			
BUILDING FOOTPRINT AREA % :	33 %	38.93 %	C.O.A.
MIN. FRONT YARD SETBACK	16.00 M	16.13 M	
MIN. SIDE YARD RIGHT SIDE	0.90 M	0.91 M	
MIN. SIDE YARD LEFT SIDE	0.90 M	1.22 M	
MIN. REAR YARD SETBACK: 7.5M + 50% OF LOT DEPTH GREATER THAN 33.5 M LOT DEPTH 28.32 M	7.50 M	7.70 M	
MAX. BASEMENT HEIGHT		0.86 M	
GARAGE AREA :		23.34 M²	
TOTAL OPEN BELOW AREA:		N/A	
MAX. BUILDING HEIGHT	9.00 M	8.78 M	
MAX. DRIVE WAY WIDTH		3.00 M	

SITE DATA: 100 BRENDA CRESCENT (PART 2)			
NEW ZONING CITY OF TORONTO : RD (X340) /By-law 569-2013			
	PERMITTED	PROPOSED	REMARKS
MIN. LOT AREA:	464.00 M²	258.93 M²	C.O.A.
MIN. LOT FRONTAGE:	12.00 M	9.14 M	C.O.A.
GROSS FLOOR AREA:			
FIRST FLOOR AREA:		72.96 M²	
SECOND FLOOR AREA EXCLUDING OPEN BELOW:		100.80 M²	
TOTAL GROSS FLOOR AREA =		173.76 M²	
GROSS FLOOR AREA %:		67.11 %	
BUILDING FOOTPRINT AREA INCLUDING FRONT PORCH FOUNDATION & GARAGE:			
BUILDING FOOTPRINT AREA %:	33.00 %	38.93 %	C.O.A.
MIN. FRONT YARD SETBACK (7.60+10.62)/2	9.11 M	6.05 M	C.O.A.
MIN. SIDE YARD RIGHT SIDE exception RD 340	0.90 M	0.91M	
MIN. SIDE YARD LEFT side exception RD 340	0.90 M	1.22 M	
MIN. REAR YARD SETBACK: 7.50 m OR 25% OF THE LOT DEPTH	7.50 M	7.70 M	
MAX. DWELLING UNIT DEPTH FROM FRONT YARD SETBACK TO THE REAR MAIN WALL			
	19.00 M	11.52 M	
MAX. DWELLING UNIT LENGTH			
	17.00 M	14.58 M	
HEIGHT OF THE FIRST FL. ABOVE EXISTING GRADE			
	1.20 M	1.19 M	
GARAGE AREA :			
		23.34 M²	
MAX. DRIVE WAY WIDTH			
		3.00 M	
MAXIMUM HEIGHT - FROM ESTABLISHED GRADE TO HIGHEST RIDGE OF SLOPED ROOF: (TWO STOREY)			
	9.00 M	8.80 M	
MAX. HEIGHT OF CERTAIN MAIN WALL			
	7.00 M	6.52 M	



KEY PLAN
N.T.S.

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 2.17.5.1. of the building code

Yaso Sonalingam
Name
Signature
24694
Individual BCIN / BCDN

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

CANTAM GROUP LTD.
Firm Name
29976
Firm BCIN / BCDN

2	ISSUED FOR COA	APR. / 13 / 2018
1	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

PROJECT COORDINATOR :

CANTAM
Group Ltd.

PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 2)
SCARBOROUGH , ON

DRAWING:

SITE PLAN

DATE: AUG. / 29 / 2017	DRAWING NO. A1
SCALE: AS NOTED	
DRN: T.A. CKD: YASO	



Proposed Front Elevation
SCALE : 1/4"=1'

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 2.17.5.1. of the building code

Yaso Somalingam
Name
Signature
24694
Individual BCIN / BCDN

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

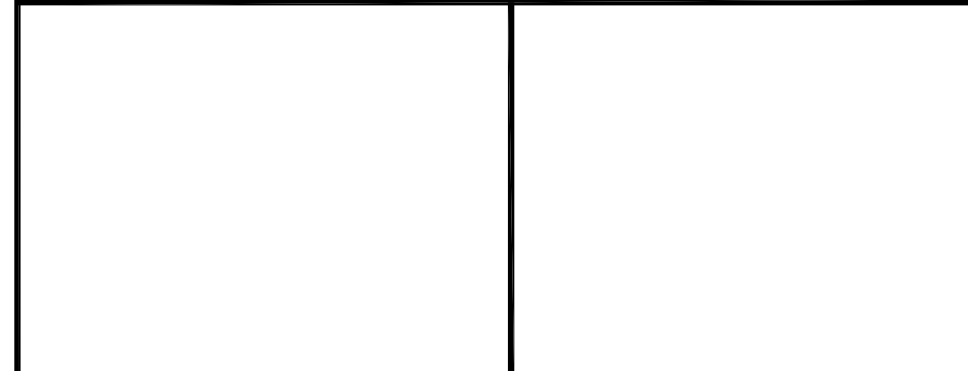
CANTAM GROUP LTD.
Firm Name
29976
Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.



CANTAM
Group Ltd.

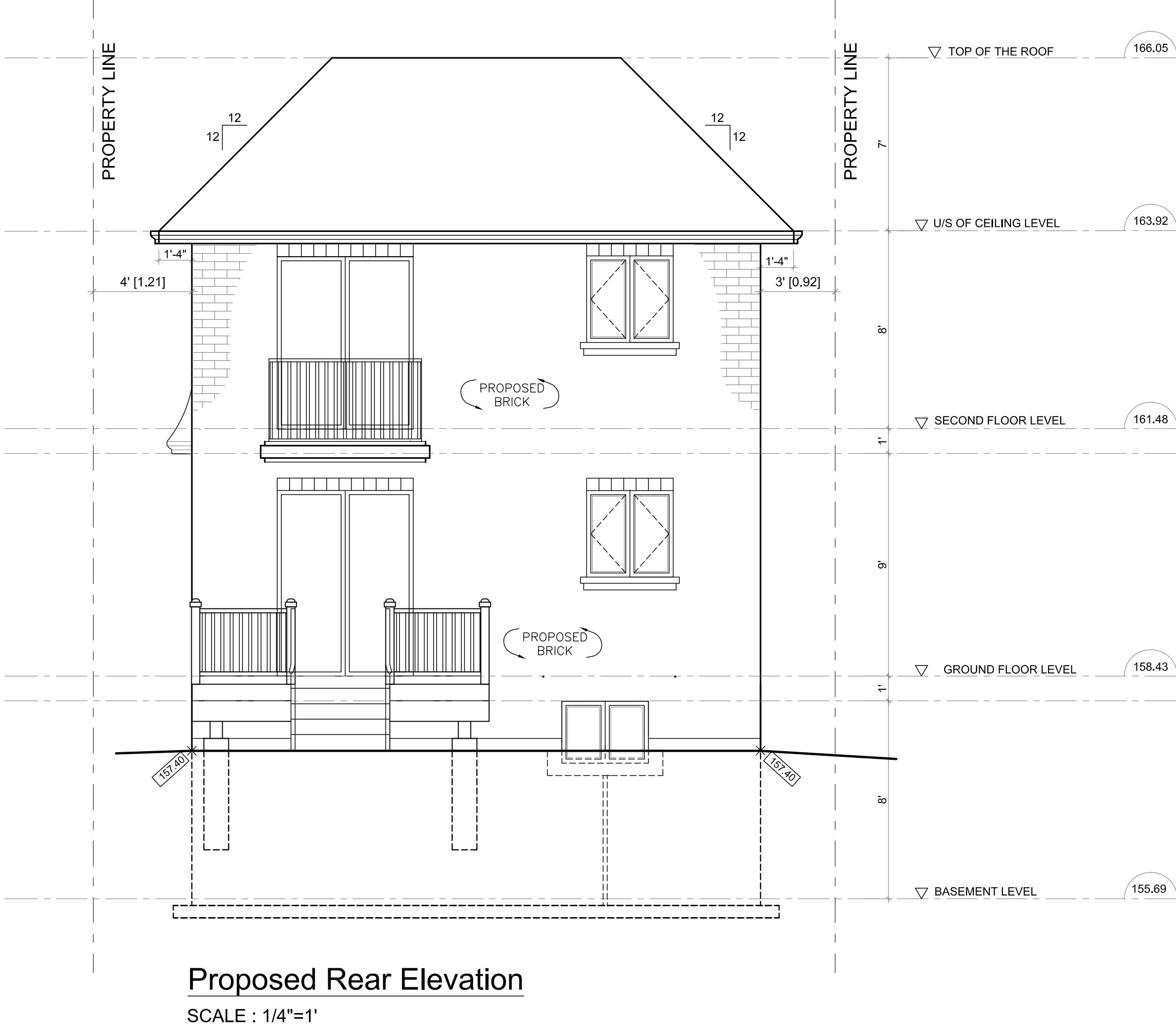
PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 2)
SCARBOROUGH , ON

DRAWING: PROPOSED FRONT ELEVATION

DATE: AUG. / 29 / 2017	A6
SCALE: AS NOTED	
DRN: CB CKD: YASO	



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 2.17.5.1. of the building code

Yaso Somalingam
Name
Signature
24694
Individual BCIN / BCDN

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

CANTAM GROUP LTD.
Firm Name
29976
Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

--	--

CANTAM
Group Ltd.

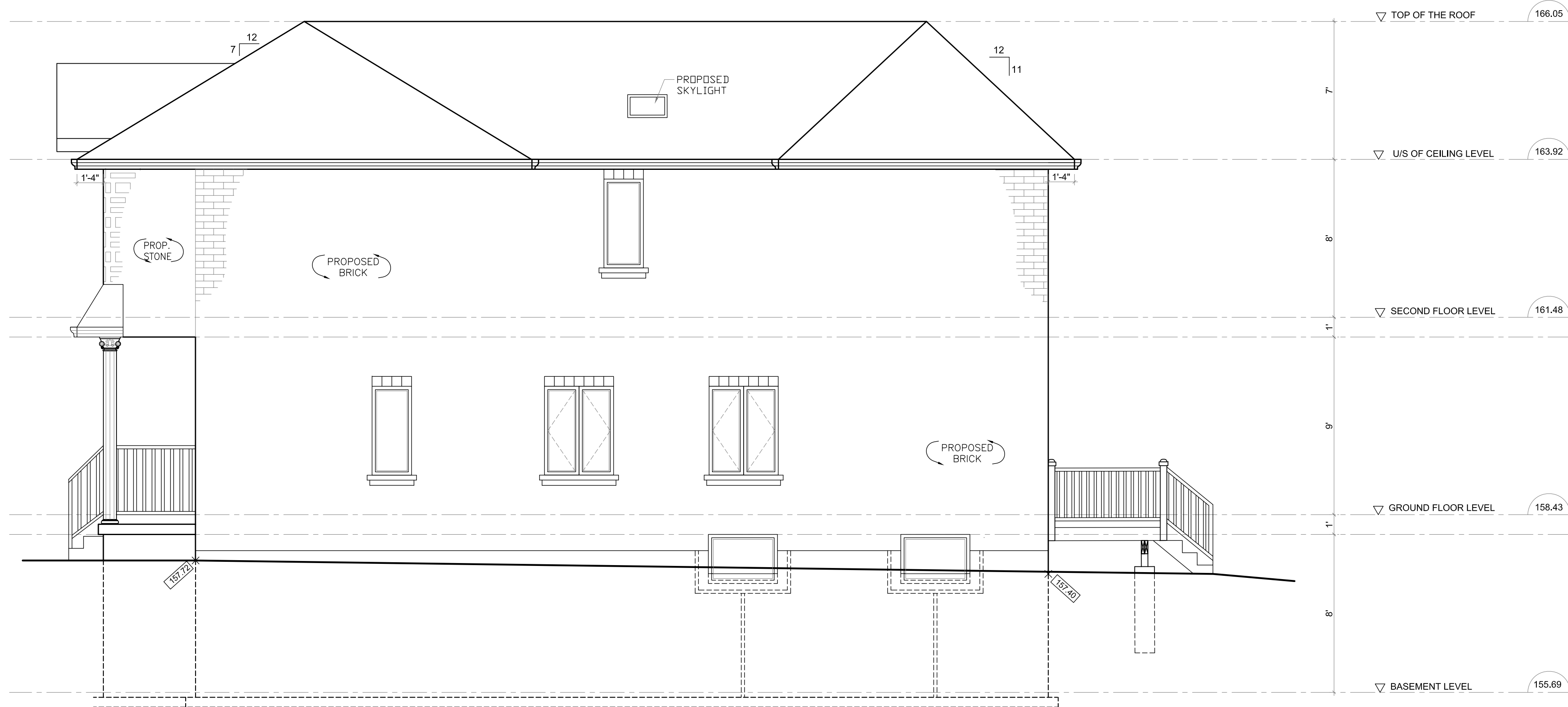
© COPY RIGHT
PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 2)
SCARBOROUGH , ON

DRAWING: PROPOSED REAR ELEVATION

DATE: AUG. / 29 / 2017	A7
SCALE: AS NOTED	
DRN: CB CKD: YASO	



Proposed Right Side Elevation

SCALE : 1/4"=1'

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 2.17.5.1. of the building code

Yaso Somalingam
Name
Signature
24694
Individual BCIN / BCDN

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

CANTAM GROUP LTD.
Firm Name
29976
Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

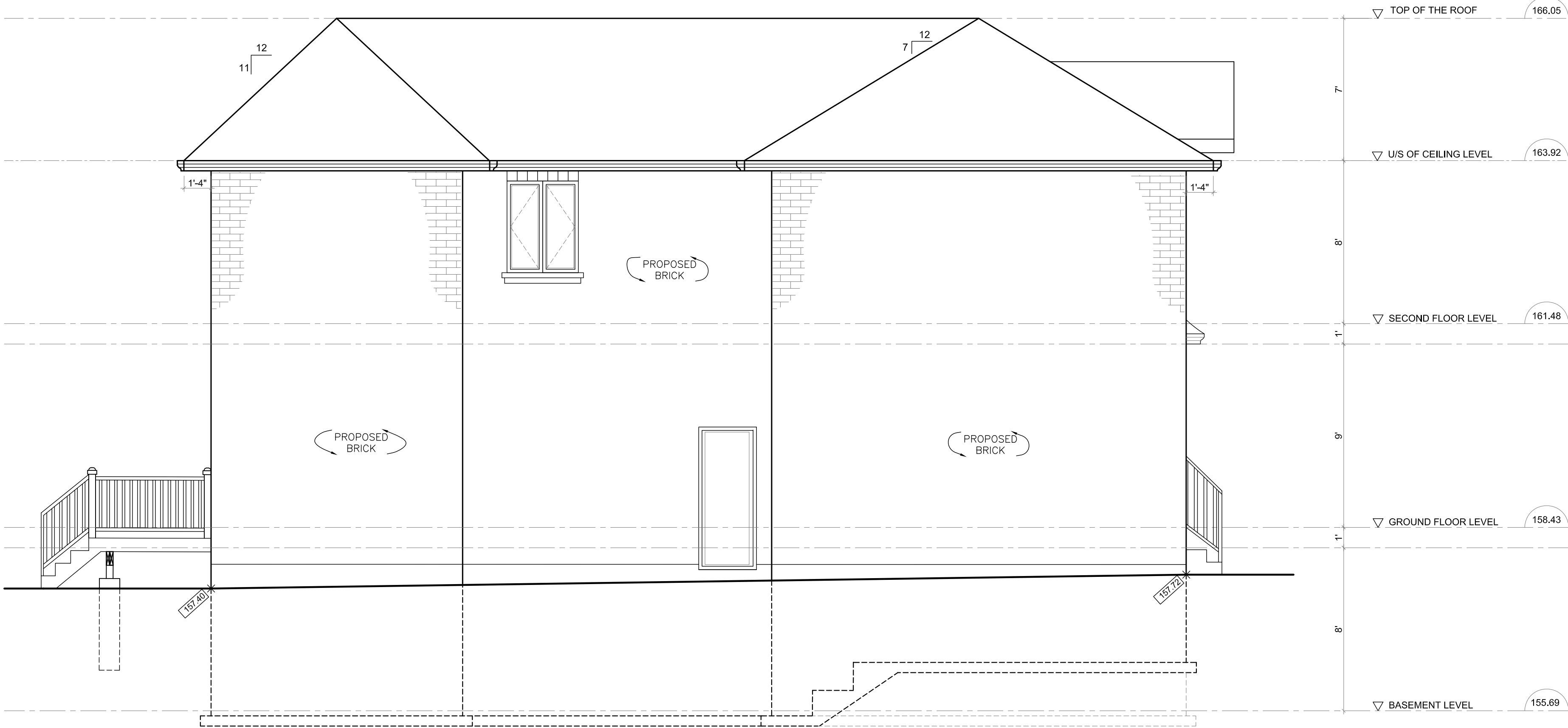
DO NOT SCALE DRAWINGS.

CANTAM
Group Ltd.
PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51, TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :
**PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 2)
SCARBOROUGH , ON**

DRAWING: **PROPOSED RIGHT SIDE ELEVATION**

DATE: AUG. / 29 / 2017	A8
SCALE: AS NOTED	
DRN: CB CKD: YASO	



Proposed Left Side Elevation
SCALE : 1/4"=1'

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 2.17.5.1. of the building code

Yaso Somalingam
Name
Signature
24694
Individual BCIN / BCDN

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

CANTAM GROUP LTD.
Firm Name
29976
Firm BCIN / BCDN

2.	ISSUED FOR COA	APR. / 13 / 2018
1.	ISSUED FOR ZONING CERTIFICATE	FEB. / 12 / 2018
NO.	REVISIONS	DATE

CONTRACTORS MUST CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND MUST REPORT ANY DISCREPANCIES TO THE DESIGNER BEFORE PROCEEDING WITH CONSTRUCTION.

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION PURPOSE UNTIL SEALED AND SIGNED BY THE ARCHITECT.

DO NOT SCALE DRAWINGS.

--	--

© COPY RIGHT

CANTAM
Group Ltd.

PLANNING & BUILDING CONSULTANTS
850 TAPSCOTT RD, UNIT # 51,TORONTO ON M1X 1N4
TEL: 416-335-3353 * FAX: 416-335-7967 * CELL: 416-854-2485

PROJECT :

PROPOSED TWO STOREY RESIDENCE
AT 100 BRENDA CRESCENT (PART 2)
SCARBOROUGH , ON

DRAWING: PROPOSED LEFT SIDE ELEVATION

DATE: AUG. / 29 / 2017	DRAWING NO. A9
SCALE: AS NOTED	
DRN: CB CKD: YASO	