

DECISION AND ORDER

Decision Issue Date: Wednesday, July 20, 2022

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

Appellant(s): AMAL PODDER

Applicant(s): CANTAM GROUP LTD

Property Address/Description: 10 PENAIRE STREET

Committee of Adjustment File

Number(s): 21 203050 ESC 20 CO (B0054/21SC), 21 203052 ESC 20 MV (A0291/21SC), 21 203059 ESC 20 MV (A0290/21SC)

TLAB Case File Number(s): 21 250956 S53 20 TLAB, 21 250960 S45 20 TLAB, 21 250961 S45 20 TLAB

Hearing date: Thursday, July 14, 2022

DECISION DELIVERED BY TLAB Panel Member G. Swinkin

REGISTERED PARTIES AND PARTICIPANTS

Appellant	Amal Podder
Appellant's Legal Rep.	Amber Stewart
Applicant	Cantam Group Ltd
Expert Witness	Jonathan Benczkowski

INTRODUCTION

Amal Podder (the “Owner”), through his agent, the Applicant, brought applications to the Toronto Committee of Adjustment (the “Committee”) for the purpose of obtaining a consent to sever the property municipally known as 10 Penaire Street (the “Property”) into two lots and to obtain variance relief with respect to proposed construction of new dwellings on the resultant lots.

The Committee refused the applications. The Owner appealed to the Toronto Local Appeal Body (the “Tribunal”). The only persons present at the Tribunal hearing were the Owner’s counsel, Amber Stewart, and the land use planning consultant retained by the Owner, Jonathan Benczkowski.

JURISDICTION

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body (‘TLAB’) must be consistent with the 2020 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).

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.

BACKGROUND AND EVIDENCE

The Property is on the north side of a short local residential street in the Clairlea area of the former City of Scarborough. Penaire Street runs east from Pharmacy Road over to Presley Avenue. The block within which the Property is located consists of five parcels of land fronting on Penaire Street. On the south side of the street, the two parcels of land flank Penaire as they front on the north/south streets that intersect Penaire Street.

Mr. Benczkowski provided a curriculum vitae outlining his training and experience. He is a member of the Ontario Professional Planners Institute and has been certified as a Registered Professional Planner. He was qualified by the Tribunal to offer opinion evidence on land use planning matters in the proceeding.

Mr. Benczkowski assembled a comprehensive factual and policy background which was laid out in his Witness Statement and accompanying document disclosure, which items were taken in respectively as Exhibits 1 and 2 in the proceeding.

The Property has a frontage on Penaire Street of 15.24 metres ("m"). It has a lot area of 580.64 square metres. It is presently improved with a single storey dwelling apparently constructed in 1955. There is a driveway on its eastern side which accommodates vehicle parking.

The Owner's intent is to sever the Property evenly into two parcels, each of which would have a 7.62m frontage and a lot area of 290.32 square metres. The buildings proposed thereon would be two storey detached dwellings with similar floor plans, consisting of a basement, a main floor with an open concept layout and a second storey with four modest bedrooms. There is a significant Manitoba maple in the boulevard in front of the property which would have been impacted by the proposed driveway layouts.

The development proposal as it was conceived at the time of application to the Committee required the following variances:

Part 1

1. Chapter 10.20.30.20.(1)(A), By-law No. 569-2013 The minimum required lot frontage is 12 m. The proposed lot frontage is 7.62 m.

2. Chapter 10.20.30.10.(1)(A), By-law No. 569-2013 The minimum required lot area is 371 m². The proposed lot area is 290.32 m²

3. Chapter 10.20.30.40.(1)(A), By-law No. 569-2013
The maximum permitted lot coverage is 33% of the lot area. The proposed lot coverage is 35.1%

4. Exception RD 169.(C), By-law No. 569-2013 The minimum required side yard setback is 0.9 m. The proposed west side yard setback is 0.61

5. Chapter 10.20.40.10(4)(A), By-law No. 569-2013
The maximum permitted height of a dwelling with a flat roof is 7.2 m. The proposed dwelling height is 9.01 m.

6. Clause VI(14)(1), By-law No. 8978
The maximum permitted height of a dwelling is 9 m. The proposed dwelling height is 9.01 m.

7. Chapter 10.20.40.10(6), By-law No. 569-2013
The maximum permitted height of the first floor above established grade is 1.2 m. The proposed height of the first floor above established grade is 1.37 m.

8. Chapter 10.5.40.50(2), By-law No. 569-2013
A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 m of a building, must comply with the required minimum building setbacks for the zone.
The proposed front porch does not comply with the side yard setback.

9. Chapter 10.5.40.50(4)(C), By-law No. 569-2013
The level of the floor of a platform, such as a deck or balcony located at or below the first storey may be no higher than 1.2 m above the ground at any point below the platform, except where the platform is attached to or within 0.3 m of a front wall, the floor of the platform may be no higher than 1.2 m above established grade.
The proposed rear deck is 1.37 m above the ground below it.

Part 2

1. Chapter 10.20.30.20(1), By-law No. 569-2013 The minimum required lot frontage is 12 m. The proposed lot frontage is 7.62 m.

2. Chapter 10.20.30.10(1), By-law No. 569-2013 The minimum required lot area is 371 sq.m.. The proposed lot area is 290.32 sq. m.

3. Chapter 10.20.30.40(1)(A), By-law No. 569-2013
The maximum permitted lot coverage is 33% of the lot area (95.80 sq.m.). The proposed lot coverage is 35.1% of the lot area (101.91 sq.m.).

4. Exception RD 169(C), By-law No. 569-2013 The minimum required side yard setback is 0.9 m. The proposed west side yard setback is 0.61 m.

5. Chapter 10.20.40.10(4)(A), By-law No. 569-2013
The maximum permitted height of a dwelling with a flat roof is 7.2 m. The proposed dwelling height is 8.72 m.

6. Chapter 10.5.40.50(2), By-law No. 569-2013

A platform without main walls, such as a deck, porch, balcony or similar structure, attached to or within 0.3 m of a building, must comply with the required minimum building setbacks for the zone. The proposed front porch does not comply with the side yard setback.

Mr. Benczkowski advised that after his review of the proposal and the relevant background, and paying special attention to the objections which had been registered by neighbours at the Committee, he advised the Owner that he would accept the retainer provided that the Owner was prepared to modify the proposal so as to bring it more into conformity with the requirements of the Zoning By-law. The Owner consented to the recommended modifications.

In the result, a revised set of drawings were prepared and filed with the Tribunal and a request was made by counsel for the Owner that the Tribunal allow modifications to the requested relief. The changes proposed were to eliminate all variances except the following:

- I. Minimum Lot Frontage
- II. Minimum Lot Area
- III. Permitted Maximum Height for a Flat or Shallow Roof.

Consequently, the variance relief being sought before the Tribunal was as follows:

PART 1

1. Ch.10.20.30.10.(1) By-law 569-2013 [Minimum Lot Area]

A) The required minimum lot area is 371 square metres. The proposed lot area is 290.32 square metres.

2. Ch.10.20.30.20.(1) By-law 569-2013 [Minimum Lot Frontage]

A) The required minimum lot frontage is 12.0 metres. The proposed lot frontage is 7.62 metres.

3. Ch.10.20.40.10.(4) By-law 569-2013 [Restrictions for a Detached House with a Flat or Shallow Roof]

A) The permitted maximum height is 7.2 metres. The proposed height is 8.83 metres.

PART 2

1. Ch.10.20.30.10.(1) By-law 569-2013 [Minimum Lot Area]
A) The required minimum lot area is 371 square metres. The proposed lot area is 290.32 square metres.

2. Ch.10.20.30.20.(1) By-law 569-2013 [Minimum Lot Frontage]
A) The required minimum lot frontage is 12.0 metres. The proposed lot frontage is 7.62 metres.

3. Ch.10.20.40.10.(4) By-law 569-2013 [Restrictions for a Detached House with a Flat or Shallow Roof] A) The permitted maximum height is 7.2 metres. The proposed height is 8.69 metres.

Ms. Stewart requested that the Tribunal exercise its authority under s.45(18.1) of the *Planning Act* to permit these modifications to the relief requested and that the Tribunal determine that the changes in this instance were minor so as to obviate the need for further notice, as provided for in s.45(18.1.1) of the *Planning Act*. As the modifications requested eliminated a variety of heads of relief due to intended compliance with the regulatory standards in the Zoning By-law, the Tribunal agreed to permit the requested modifications without further notice.

Mr. Benczkowski advised the Tribunal that the Urban Forestry Division of the City initially raised the concern about impact on the boulevard Manitoba maple and that the applicant responded to this concern by flipping the driveway array prior to the Committee hearing and amending the plans accordingly, which addressed the noted issue completely. The Tribunal was further advised that the ECS division of the City had no objections to the proposal and that the City Planning Dept. took no position on the applications, which is typically understood to mean that no planning policy issue was identified by that department.

General Character of the Neighbourhood

In accordance with the guidance in Section 4.1.5 of the City Official Plan (the "OP") Mr. Benczkowski delineated a general neighbourhood study area which he bounded by St. Clair Avenue East to the north, Donside Drive to the south, Heron Road to the east, and Bertha Avenue to the west. The properties in the study area all have the same Zoning By-law zone category.

Further to his review and observation, he concludes that the area is made up of a mix of lot frontages and lot areas as well as built forms. In his view, the area has no consistent 'feel' in terms of dwelling size, or architectural look.

Lot shapes are generally rectangular with typical depths except those that back onto Warden Woods Park, which are deeper and may have angled rear lot lines. The study area is comprised of a mix of one-, and two-storey detached dwellings. The area

is undergoing reinvestment, with additions and replacement homes. There is significant diversity in built form and lot sizes. Original dwellings are often bungalows with driveways leading to parking areas in the rear yards. Newer replacement dwellings are scattered throughout the study area and are larger in both livable area as well as massing.

Provincial Planning Policy

Mr. Benczkowski offered his opinion that the proposal was consistent with the Provincial Policy Statement and conformed with the policies of the Growth Plan for the Greater Golden Horseshoe, 2020 on the basis that the proposal represents appropriate intensification in a compact form, that it optimizes the use of infrastructure and transportation services, and that it contributes to the provision of housing options.

City Official Plan Policy

The Property is within the Neighbourhoods designation as depicted on the Land Use Map.

Mr. Benczkowski canvassed the relevant policies applicable to the proposal in the Neighbourhoods designation. In this regard, he focused on the policies in Section 2.3.1 (1), where the Official Plan states that 'Neighbourhoods are low rise and low density residential areas that are considered to be physically stable. Development in Neighbourhoods will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.' He asserted that regeneration of this neighbourhood has resulted in new dwellings that are larger in scale than the original vintage dwellings, but which have contributed to the stability of this desirable neighbourhood.

Built form Policy 3.1.2 (5) requires 'that development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by:

- a) providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and
- b) stepping back building mass and reducing building footprints above the streetwall height.

Mr. Benczkowski addressed in detail the provisions of Policy 4.1.5. As it is central to the review of the consent and development proposal before the Tribunal in this appeal, it is worth setting forth extracts of the text of that policy:

5. Development in established Neighbourhoods will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- a) *patterns of streets, blocks and lanes, parks and public building sites;*
- b) *prevailing size and configuration of lots;*
- c) *prevailing heights, massing, scale, density and dwelling type of nearby residential properties;*
- d) *prevailing building type(s);*
- e) *prevailing location, design and elevations relative to the grade of driveways and garages;*
- f) *prevailing setbacks of buildings from the street or streets;*
- g) *prevailing patterns of rear and side yard setbacks and landscaped open space;*
- h) *continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and*
- i) *conservation of heritage buildings, structures and landscapes.*

The geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the Neighbourhood in proximity to a proposed development, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features. Lots fronting onto a major street shown on Map 3 and designated Neighbourhoods are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 6 in order to recognize the potential for a more intense form of development along major streets to the extent permitted by this Plan.

The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area in proximity to the proposed development (the broader context) and the physical characteristics of the properties that face the same street as the proposed development in the same block and the block opposite the proposed development (the immediate context). Proposed development within a Neighbourhood will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts. In instances of significant difference between these two contexts, the immediate context will be considered to be of greater relevance. The determination of material consistency for the purposes of this policy will be limited to consideration of the physical characteristics listed in this policy.

In determining whether a proposed development in a Neighbourhood is materially consistent with the physical character of nearby properties, only the physical character of properties within the geographic neighbourhood in which the proposed development is to be located will be considered. Any impacts (such as overview, shadowing, traffic generation, etc.) of adjacent, more intensive development in another

land use designation, but not merely its presence or physical characteristics, may also be considered when assessing the appropriateness of the proposed development.

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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. Some Neighbourhoods will have more than one prevailing building type or physical character. The prevailing building type or physical character in one geographic neighbourhood will not be considered when determining the prevailing building type or physical character in another geographic neighbourhood.

While prevailing will mean most frequently occurring for purposes of this policy, this Plan recognizes that some geographic neighbourhoods contain a mix of physical characters. In such cases, the direction to respect and reinforce the prevailing physical character will not preclude development whose physical characteristics are not the most frequently occurring but do exist in substantial numbers within the geographic neighbourhood, provided that the physical characteristics of the proposed development are materially consistent with the physical character of the geographic neighbourhood and already have a significant presence on properties located in the immediate context or abutting the same street in the immediately adjacent block(s) within the geographic neighbourhood.

In his discussion of this policy, Mr. Benczkowski advised that the proposal will respect the street pattern as the parcels will continue to front on Penaire Street. With respect to height and massing, the proposal will be consistent with the two storey dwellings which are present in the neighbourhood and will conform with Zoning permissions regarding height and yard setbacks.

The building type is detached single family dwelling, which is the prevalent type in the neighbourhood. The driveways will have a positive grade from the street and lead to integral garages, which is the design of the new builds in the area.

The potential issue with respect to conformity with Policy 4.1.5 regards the direction in clause (b) with respect to prevailing size and configuration of the lots.

On this issue, Mr. Benczkowski produced a coloured plan showing lot frontage data throughout his general neighbourhood. In its illustrativeness this plan is very instructive and Mr. Benczkowski brought this to bear in his testimony. The general neighbourhood really breaks into two character areas. Florens Avenue runs east/west through the neighbourhood about two thirds of the way south from St. Clair Avenue East. It is remarkable how uniform the lot frontages are in the area north of Florens Avenue. It is equally remarkable how mixed the lot frontages are in the area south of Florens Avenue, which is where the Property is located. Mr. Benczkowski points out how there are a number of instances where 7.62m lots are adjacent to 15.24m lots. By reason of the significant variety of lot frontages, Mr. Benczkowski goes so far as to say

that there is no prevailing lot frontage in the area south of Florens Avenue. And he says that the resultant mix defines the character and is nonetheless compatible amongst themselves. He thus opines that the proposed severance here would conform with the policy intent of Policy 4.1.5, not only as to the lot division but also as to the proposed built form.

Mr. Benczkowski spoke to the neighbour objections which had been communicated to the Committee. He underlined that with removal of all variance requests relating to the building component, the structures were effectively as-of-right save as to height. With respect to height, the relief requested was now reduced by approximately a foot and it was his view that this variance would hardly be discernible from the street and any impact on the westerly neighbour's views would occur in any event from as-of-right construction. Further, in order to better preserve the privacy of the neighbours, a decision has been made to move the rear decks away from the outer edge of the rear wall and into the centre. As well, certain windows on the westerly side wall have been moved further from the north so as to avoid intrusion on the neighbour to the west.

There had previously been requests for side yard setback relief, the requirement being 0.91m. That requirement will now be met. In this regard, Mr. Benczkowski advised that at present, the easterly setback of 8 Pinaire to the Property is 0.83m, and the westerly setback of 12 Pinaire to the Property is 0.623m.

Based upon the review discussed above and his general review as laid out in his witness statement, Mr. Benczkowski opined that the proposed variances were in keeping with the general intent and purpose of the OP, as well as the Zoning By-law.

In his view, there was no apparent impact that would arise from granting the relief and that it was consistent with the circumstances pertaining to other properties in the vicinity and therefore minor and desirable.

In connection with the proposed severance of the Property, Mr. Benczkowski canvassed the matters which are set forth in s.51(24) of the *Planning Act*, being the matters which must be considered in connection with any application for subdivision or severance. He confirmed that the proposal did not warrant the need for a plan of subdivision and as the area is fully serviced and has a developed transportation network as well as the presence of community and recreational facilities and educational facilities in the community, there were no issues that would inhibit the grant of provisional consent in this instance. He did recommend the imposition of conditions of approval, which will be addressed below.

ANALYSIS, FINDINGS, REASONS

Based upon the evidence, the Tribunal is satisfied that the proposal does not create any inconsistency with the PPS nor a lack of conformity with the Growth Plan.

The key issue in the review of the development proposal is the question of conformity with the OP. The proposal addresses the policy goal of providing additional housing options in the City. The question is whether the development proposal will respect and reinforce the character of the neighbourhood.

Given that the immediate context, as that term is used in Policy 4.1.5 of the OP, is confined to five properties on one side of this street, the Tribunal finds that areal extent to be too narrow to define a neighbourhood character. However, the policy does require consideration of the general neighbourhood in terms of attempting to isolate the character of the area. The Tribunal is here, based upon the comprehensive data and visual exhibits, of the view that the character of the area for the purpose of these applications should be discerned from the more proximate general neighbourhood, being the area south of Florens Avenue down to Donside Avenue. And the Tribunal accepts the characterization advanced by Mr. Benczkowski that this area is one of mixed character when it comes to lot frontages, and that based on the current data, that there is no prevailing lot frontage in this area. The lot frontages proposed on this appeal, of 7.62m, are present in this more proximate general neighbourhood and accommodate dwellings which are compatible with the other older and newer dwellings.

The Tribunal also accepts the opinion of Mr. Benczkowski that with respect to street pattern, building height and massing, building type and setbacks, the development proposal here conforms with that policy and the other relevant policies in the OP.

On the evidence, the Tribunal is satisfied that it is appropriate to grant provisional consent as sought by the Owner and, based upon the modifications advanced by the Appellant, to grant the modified variance relief, as the Tribunal accepts the opinion of Mr. Benczkowski that the modified variances meet the four tests set forth in s.45(1) of the *Planning Act*.

DECISION AND ORDER

The Tribunal will allow the consent appeal and grant provisional consent for the lot division which appears on the severance plan filed with the Committee subject to the conditions of approval which are appended hereto as Schedule A.

The Tribunal will allow the variance appeals, in part, on the conditions set forth hereinafter.

The modified variance relief for which approval is being granted is as follows:

PART 1:

Decision of Toronto Local Appeal Body Panel Member: G. Swinkin
TLAB Case File Number: 21 250956 S53 20 TLAB, 21 250960 S45 20 TLAB,
21 250961 S45 20 TLAB

Chapter 10.20.30.10.(1), By-law No. 569-2013 [Minimum Lot Area]
The required minimum lot area is 371 square metres.
The proposed lot area is 290.32 square metres.

Chapter 10.20.30.20.(1), By-law No. 569-2013 [Minimum Lot Frontage]
The required minimum lot frontage is 12.0 metres.
The proposed lot frontage is 7.62 metres.

Chapter 10.20.40.10.(4), By-law No. 569-2013 [Restrictions for a Detached House with a Flat or Shallow Roof]
The permitted maximum height is 7.2 metres.
The proposed height is 8.83 metres.

PART 2:

Chapter 10.20.30.10.(1), By-law No. 569-2013 [Minimum Lot Area]
The required minimum lot area is 371 square metres.
The proposed lot area is 290.32 square metres.

Chapter 10.20.30.20.(1), By-law No. 569-2013 [Minimum Lot Frontage]
The required minimum lot frontage is 12.0 metres.
The proposed lot frontage is 7.62 metres.

Chapter 10.20.40.10.(4), By-law No. 569-2013 [Restrictions for a Detached House with a Flat or Shallow Roof]
The permitted maximum height is 7.2 metres.
The proposed height is 8.69 metres.

The conditions of approval with respect to the variance relief as granted are as follows:

1. The proposed dwellings shall be constructed substantially in accordance with the Site Plan (A1) dated December 1, 2021, Proposed Front and Rear Elevations (A4) dated July 8, 2021, and Proposed Right and Left Side Elevations (A5) dated July 8, 2021, prepared by Cantam Group Ltd.

2. Submission of a complete application for a permit to injure or remove a City owned tree(s), as per City of Toronto Municipal Code Chapter 813, Trees Article II Trees on City Streets.

3. Submission of 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.

4. Where there are no existing City owned street trees, the applicant shall provide to Urban Forestry a payment in lieu of planting (1) street trees on the City road allowance abutting each of the sites involved in the application. The number of trees required to be planted is one (1) and the current cost of planting is \$583.00 per tree, as it pertains to the proposed sites. 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.

Schedule A

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.

2. Municipal numbers for the subject lots, blocks, parts, or otherwise 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. The Owner shall submit a draft Reference Plan of Survey, for review and acceptance, prior to depositing in the Land Registry Office. The plan should include one electronic copy of the registered reference plan of survey integrated to NAD 83 CSRS (3 degree Modified Transverse Mercator projection), delineating by separate Parts the lands and their respective areas, shall be filed with, and to the satisfaction of, the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services.

4. One electronic copy of the registered reference plan of survey satisfying the requirements of the Manager, Land and Property Surveys, Engineering Support Services, Engineering and Construction Services shall be filed with the Deputy Secretary-Treasurer of the Committee of Adjustment.

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

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 TWO YEARS of the date of the giving of this notice of decision, the applicant shall comply with the above-noted conditions.

X



G. Swinkin
Panel Chair, Toronto Local Appeal Body