

INTERIM ORDER WITH INSTRUCTIONS

Decision Issue Date Monday, October 03, 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): JAMES SZU TAI HOU

Applicant(s): RUBINOFF DESIGN GROUP

Property Address/Description: 40 RIVERVIEW DR

Committee of Adjustment File Number(s): 21 160342 NNY 15 CO, 21 160346 NNY 15 MV, 21 160350 NNY 15 MV

A0419/21NY, B0028/21NY, A0420/21NY

TLAB Case File Number(s): 21 247079 S53 15 TLAB, 21 247080 S45 15 TLAB, 21 247081 S45 15 TLAB

Hearing date: July 13, 2022

Deadline Date for Closing Submissions/Undertakings: October 24, 2022

DECISION DELIVERED BY TLAB Panel Member S. Gopikrishna

REGISTERED PARTIES AND PARTICIPANTS

Applicant RUBINOFF DESIGN GROUP

Owner/ Appellant JAMES SZU TAI HOU

Appellant's Legal Rep. CHRISTINA KAPELOS

Expert Witness STEVEN QI

INTRODUCTION AND BACKGROUND

James Szu Tai Hou is the owner of 40 Riverview Drive, located in Ward 15 (Don Valley West) of the City of Toronto. In order to sever the existing lot, and build a detached dwelling on each of the resulting lots, Mr. Hou applied to the Committee of Adjustment,

which scheduled a hearing on November 18, 2021, to hear the Application. It is important to note that one of the lots that would have resulted from the requested severance would have faced Snowdon Ave., while the other lot would have faced Riverview Avenue.

The COA heard the Application on November 18, 2021, and refused the Application in its entirety. The Applicant appealed the COA's decision to the Toronto Local Appeal Body (TLAB) on December 7, 2021, which set a Hearing date for July 13, 2022.

At the Hearing held on July 13, 2022, the Applicant was represented by Ms. Christina Kapelos, a lawyer, and Mr. Steven Qi, a planner. No individual, other than the Applicant, had elected for Party, or Participant status.

When an individual who called themselves "Guest" joined the aforementioned Hearing, and did not identify themselves upon being requested to do so, Ms. Kapelos expressed apprehension about whether this unidentified individual (or individuals) would ask to participate later in the Proceeding. After requesting the individual(s) to identify themselves, and not getting any answer orally, or in writing, by way of the "Chat" function, I ruled that no new Participants or Parties would be allowed to give evidence in this Proceeding at any point in time in the future, though they were welcome to attend the Hearing as "Observers".

I then asked Ms. Kapelos about the comprehensiveness of the submissions on behalf of the Expert Witness, since what was received by the TLAB was restricted to 1036 pages of an ostensibly 1363 page submission, based on the numbering of the pages.

Ms. Kapelos apologized for the submission, and said that what had initially been sent to the TLAB, comprised three parts of a four part submission, with the result that the pages from 1036-1363, had not been made available to the TLAB, in the initial submission. She said that on recognizing what had happened the previous evening (July 12, 2022), she had resent the entire submission to the TLAB. I stated that I had not had an opportunity to read the last part of the submission (i.e. Part 4), because this had still not been updated on the TLAB website, which was my resource for obtaining information about a given Appeal to be adjudicated.

After a brief discussion, I informed Ms. Kapelos that I would affirm Mr. Qi to give evidence, and instructed him to restrict himself to explaining the highlights of the project, before we adjourned. Before affirming Mr. Qi, I informed him that I had read his Witness Statement, and had noted that there was no statistical information to back his conclusions, as stated in the Witness Statement, with respect to Policy 4.1.5. Mr. Qi stated that he had included information about the lot frontages, and areas in the part of the submission that had not been submitted to the TLAB. I then asked Mr. Qi if he had identified an "Immediate Context", because Riverview Avenue had large lots, when compared to the Interior of his Study Area. Mr. Qi said that he had two "Immediate Contexts", because the two lots to be formed faced two streets, and said that the information was available in the missing portion of the submission. When I asked him to provide information about the FSI, given the smaller-than-standard lots that would be

formed, Mr. Qi said that he could only provide information about FSIs that had been previously approved by the COA.

I also instructed Mr. Qi to speak to the public interest in allowing the formation of smaller lots.

I affirmed Mr. Qi, and instructed him to restrict himself to a discussion of the proposal, and not to get into the evidence.

The TLAB subsequently set a Hearing date for October 27, 2022. I note that Part 4 of the submission alluded to by the Applicants (Pages 1036-1363), does not appear on the TLAB website-

By way of this Order, I instruct the Applicant to submit information about two Immediate Contexts identified, as well as submit (or re-submit) statistical information about the lot areas, and frontages. It is important that the statistical information be arranged in the form of a table, such that the prevailing type can be identified through a counting exercise.

While I fully appreciate the challenges listed by Mr. Qi in collecting fulsome statistical data about variables such as FSI, I request the Applicants to please refer to Section 4.1.5 of the OP, and identify any other variables, for which fulsome numerical information (i.e. with respect to any variable in the Immediate Context) can be obtained, and submitted to the TLAB. I emphasize that the submission of statistical information with respect to any of the variables for which variances are being requested (e.g. height of the building) would be sincerely appreciated.

The Applicants are given time till the end of day on October 24, 2022 (Monday) to submit the requested information.

INTERIM ORDER

1. The Proceeding respecting 40 Riverview will be heard on October 27, 2022, by way of a Webex based, electronic Hearing, which will commence at 9:30 AM.
2. No individuals can elect for Party, or Participant status in the Proceeding respecting 40 Riverview, if they have not done so by July 13, 2022.
3. The Applicants are instructed to submit the following information by the end of day on October 24, 2022:
 - Comprehensive Lot area sizes and frontages in the two identified Immediate Contexts facing Riverview and Snowdon Avenues. The

information has to be comprehensive enough to help identify the Prevailing type of lot frontage, and lot size.

- Comprehensive Numerical information from within the Immediate Contexts with respect to any of the other variables that correspond to the requested variances, such that the relationship between the proposal, and Section 4.1.5 of the OP, can be understood.
- Information about how the proposal aligns with public interest

So orders the Toronto Local Appeal Body

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body