

NOVÆ RES URBIS TORONTO

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MAY 8, 2020

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■ BETWEEN THE LETTER AND THE SPIRIT

NAVIGATING HERITAGE GUIDELINES

Andrew Reeves

The Ontario government has suspended public consultations on proposed changes to the *Ontario Heritage Act* as part of Bill 108, the *More Homes, More Choice Act*. Originally set to begin in March 2020 with the expectation of a July 1, 2020 proclamation date, all public consultations have now been postponed as part of the province's ongoing efforts to slow the community transmission of COVID-19.

"Due to the rapidly changing situation since the emergence of the COVID-19 virus, meeting these dates is not possible," Kevin Finnerty, assistant deputy minister in the **Ministry of Heritage, Sport, Tourism and Culture Industries**, wrote in an April 24 email to heritage stakeholders. "To proceed with our original proposed schedule would distract municipal efforts to slow the spread of the virus and would impose an unfair burden on stakeholders whose focus should be on responding to this unprecedented health challenge."

The existing rules and guidelines laid out in the *Ontario Heritage Act* still apply, Finnerty noted. Despite the setback, ministry staff remain at work on the draft regulations and are continuing to update the Ontario Heritage Toolkit. A new proclamation date has been set for January 1, 2021.

The announced delay in public consultations gives municipalities a chance to get organized, **Michael McClelland**, principal with **ERA Architects**, told *NRU*. While the restructured timeline does put developers and municipalities in "delay mode," he said, "COVID-19 has slowed things down anyway."

The timing of the pandemic may also have given the provincial government more leeway to meet the revised *Ontario Heritage Act* regulation deadlines they set for themselves. "I think the government found that it's a lot of work to make these kinds of revisions," McClelland said:

"I think they actually needed the [additional] time because they couldn't prepare it all and have the consultations that they needed to do in the timeframe they gave themselves."

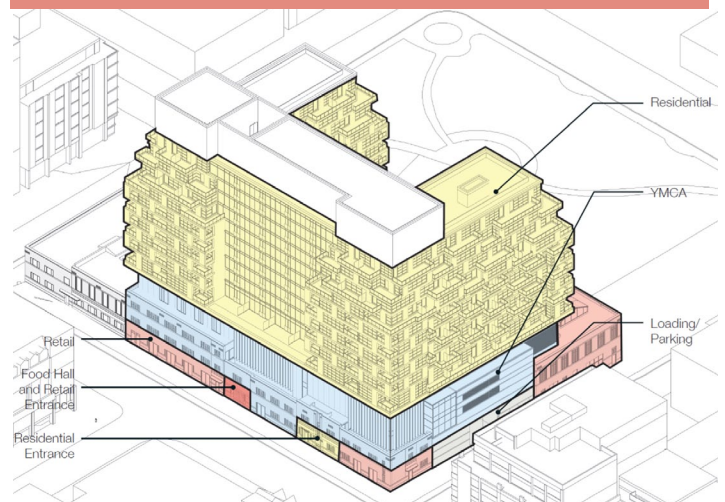
"It is richly ironic that after the big rush to get these changes into Bill 108 that the new rules will not see

the light of day until next January," heritage planner **Dan Schneider** told *NRU*. What many industry insiders are eagerly awaiting is the draft advisory material, he said – updates to the Ontario Heritage Toolkit that the ministry has been working on behind-the-scenes.

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Rendering of MOD Developments and Woodcliffe Landmark Properties' Waterworks development at 497, 505, and 511 Richmond Street West which incorporates a large YMCA facility into its lower floors. Buildings like this are an example of the creative mixed-use projects that the University of Toronto is looking to make more common. See Story page 3.

SOURCE: MOD DEVELOPMENTS / WOODCLIFFE LANDMARK PROPERTIES
ARCHITECT: DIAMOND SCHMITT ARCHITECTS



UPCOMING DATES

MAY

- 12 Etobicoke York Community Council, 9:30 a.m., council chamber, Etobicoke Civic Centre [CANCELLED]
- North York Community Council, 9:30 a.m., council chamber, North York Civic Centre [CANCELLED]
- Scarborough Community Council, 9:30 a.m., council chamber, Scarborough Civic Centre [CANCELLED]
- Toronto & East York Community Council, 9:30 a.m., committee room 1 [CANCELLED]
- 13 Special Toronto Transit Commission Board Meeting, 1:00 p.m. (live-streamed on official TTC YouTube Channel)
- 14 Planning & Housing Committee, 9:30 a.m., committee room 1 [CANCELLED]
- 20 Executive Committee, 9:30 a.m., committee room 1 [CANCELLED]
- 21 Budget Committee, 9:30 a.m., committee room 1 [CANCELLED]
- 27-28 Council, 9:30 a.m., council chamber [CANCELLED]
- 28 Design Review Panel, time TBC, committee room 2

JUNE

- 1 General Government & Licensing Committee, 9:30 a.m., committee room 1
- Toronto Preservation Board, 9:30 a.m., committee room 2
- 2 Infrastructure & Environment Committee, 9:30 a.m., committee room 1
- 9 Etobicoke York Community Council, 9:30 a.m., council chamber, Etobicoke Civic Centre



IN BRIEF

Sidewalk goes sideways

In a statement released Thursday morning, Sidewalk Labs CEO Dan Doctoroff announced that Sidewalk Labs has withdrawn its intention to pursue its widely-contested smart city Quayside Project. Attributing the decision in part to the economic uncertainty that the COVID-19 pandemic has introduced to world real estate markets, Doctoroff's email explained:

"For the last two-and-a-half years, we have been passionate about making Quayside happen — indeed, we have invested time, people, and resources in Toronto, including opening a 30-person office on the waterfront. But as unprecedented economic uncertainty has set in around the world and in the Toronto real estate market, it has become too difficult to make the 12-acre project financially viable without sacrificing core parts of the plan we had developed together with Waterfront Toronto to build a truly inclusive, sustainable community."

The Quayside project was initiated in partnership with Waterfront Toronto in 2017 and involved plans to build a 4.6-hectare community that would use sensors to gather data on residents' use of the neighbourhood to inform sustainable design choices and

offer technological innovations like heated sidewalks to maintain the area. Its vision and promise was to create an inclusive neighbourhood where commute times would be shortened, housing would be affordable, new jobs would be created and where a new standard could be set for a healthier planet.

From its beginnings, the project attracted both widespread praise for its sustainability goals and significant criticism due to privacy concerns about the security of the data it would collect to inform the infrastructure of the community.

The project was beset by further controversy when it released a draft masterplan seeking control of a greatly expanded area of the Port Lands' high-value real estate for its experiment over 16 times larger than the 4.6-hectare site it was originally granted.

Waterfront Toronto board chair Stephen Diamond released a statement in response to Doctoroff's announcement saying: "While this is not the outcome we had hoped for, Waterfront Toronto offers thanks and appreciation to Sidewalk Labs for its vision, effort, and the many commitments that both the company and its employees have made to the future of Toronto."

The statement continues: "Today there is global financial

uncertainty, but Waterfront Toronto has confidence in the city's economic future, and will take the long view when making real estate and development decisions on Toronto's Waterfront. Quayside remains an excellent opportunity to explore innovative solutions for affordable housing, improved mobility, climate change, and several other pressing urban challenges that Toronto — and cities around the world — must address in order to continue to grow and succeed."

In a statement also released Thursday morning, Ward 10 Spadina-Fort York city councillor and Waterfront Toronto board member Joe Cressy reiterated the city's commitment to revitalizing and reclaiming Toronto's waterfront.

"Quayside continues to be an opportunity to build a neighbourhood that serves everyone, while addressing the urban challenges of housing affordability, active transportation, and climate change...I want to thank all the staff at Waterfront Toronto and at Sidewalk Labs for their hard work, along with every community member who attended a meeting or sent us your thoughts and ideas. Thanks to you, we have a solid foundation from which to start again," the statement says. 🌱

NRU PUBLISHING STAFF

Ian A.R. Graham, Publisher
iang@nrupublishing.com

Irena Kohn, Editor
irenak@nrupublishing.com

Andrew Reeves, Senior Reporter
andrewr@nrupublishing.com

Rob Jowett
Reporter
robj@nrupublishing.com

Peter Pantalone
Planning Researcher
peterp@nrupublishing.com

Jeff Payette
Design/Layout
jeffp@nrupublishing.com

Samantha Lum
Sales and Circulation
samanthal@nrupublishing.com

NRU PUBLISHING INC

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circ@nrupublishing.com
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Editorial Office
26 Soho Street, Suite 330
Toronto, ON M5T 1Z7
Tel: 416.260.1304
Fax: 416.979.2707

Billings Department
NRU Publishing Inc.
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MAKING STRANGE BEDFELLOWS



Rob Jowett

The University of Toronto's School of Cities is launching a [program](#) to bring unexpected partners together to pursue new development projects that combine public and private uses in a single building. In doing so, the program proposes to offer unique opportunities for community-building to Canadian urban neighbourhoods.

Different from standard mixed-use buildings, creative mixed-use buildings combine private uses, such as residential or employment uses, with public sector or non-profit uses like schools, homeless shelters, athletic facilities or theatres in one structure. Such partnerships can contribute greatly to the success of an individual development project, through offering unique marketing opportunities for developers seeking to secure future tenants and by garnering widespread community support for uses and amenities that might not otherwise be available in a neighbourhood. However, there are often logistical and design challenges which limit the attractiveness and viability of integrating various private and public uses into the space of one building.

"Toronto has become a leader in what we've been calling creative-mixed use buildings... [but] they tend to happen largely as a last resort," School of Cities interim director **Matti Siemiatycki** told *NRU*. "Each of the parties [involved in a mixed-use project], probably... their first

choice would have [been to do] it on their own and build a more conventional building, but for a variety of reasons, they weren't able to. And so, they had to build one of these creative mixed use types of buildings."

Siemiatycki points to buildings like the **Toronto**

International Film Festival (TIFF) Bell Lightbox, an eight-storey movie theatre in the base of **The Daniels Corporation's** 42-storey condominium tower at 350 King Street West, as an example of the kinds of projects the university is looking to promote. In that case, Daniels

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Rendering of MOD Developments and Woodcliffe Landmark Properties' Waterworks development at 497, 505, and 511 Richmond Street West which incorporates a large YMCA facility into its lower floors. Buildings like this are an example of the creative mixed-use projects which the University of Toronto is looking to make more common.

SOURCE: MOD DEVELOPMENTS / WOODCLIFFE LANDMARK PROPERTIES
ARCHITECT: DIAMOND SCHMITT ARCHITECTS

The Waterworks is scheduled for first occupancy by 2021.

SOURCE: MOD DEVELOPMENTS / WOODCLIFFE LANDMARK PROPERTIES
ARCHITECT: DIAMOND SCHMITT ARCHITECTS

MAKING STRANGE BEDFELLOWS

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agreed to incorporate TIFF as part of a *section 37* agreement to build more than four times higher than the permitted height for the site. Siemiatycki says there are between 50 and 60 buildings in Toronto which he would describe as creative mixed-use, and many more projects have the potential to be designed this way as well.

The School of Cities is creating a matchmaking program to bring developers together with various organizations that would benefit from being part of a large, collaborative project. The school has been researching creative mixed-use buildings for over a year and is creating a network of potential stakeholders to provide training on how best to design these types of projects and to help identify potential partnerships. It is also developing an app to make the matchmaking process as simple and efficient as possible.

“What we’re trying to do is build awareness throughout the industry so that a larger range of partners and stakeholders in the public sector and private sector becomes familiar and comfortable with this [creative mixed-use] model, and it really expands out and becomes more of the norm rather than the exception to the rule,” says

Siemiatycki. “What we envision is that this model, when it’s scaled up at a citywide level, allows development to happen, while also capitalizing on that development and turning that into the social purposes that are necessary for a great city.”

Siemiatycki says that much of the program will involve making the case to development proponents and designers for the inherent value of integrating different uses into their projects. However, **MOD Developments** CEO **Gary Switzer** told *NRU* that from a design standpoint, it can be challenging to integrate many of the possible uses, so most developers are not likely to participate in such partnerships without tangible financial incentives or other benefits beyond marketability and general community building.

MOD Developments and **Woodcliffe Properties** are building a 13-storey, mixed-use building at 497, 505, and 511 Richmond Street West with 288 condominium units and 4,171.5-square metres of retail space. It also includes a 4,462.5-square metre **YMCA** facility, which was a requirement of the sale of the lands from **Build Toronto** (now **CreateTO**) to the proponents. Part of the site was

conveyed to **Eva’s Phoenix**, a non-profit, transitional youth shelter as part of the same agreement to relocate to a new facility. The building is scheduled to have its first occupants by 2021.

Switzer says while he believes that the inclusion of the YMCA facility improves the project greatly, the design and financing challenges would prohibit him from venturing into future similar projects without specific requirements or incentives.

“It’s very complicated from a construction point of view when you think of these double-height spaces and the [building form],” says Switzer. “As soon as you start adding these kinds of elements to a project, even though they make a great project... it complicates things. The price of your residential [units] becomes more expensive. You have to charge more... because you know that it’s going to be a more complicated building.”

Switzer says that while he believes there are more advantages than disadvantages to including these mixes of uses, he also believes most developers would not consider them of their own accord due to the inherent complexity and risk they bring to a project. He says for the program to be successful, School of Cities will likely need to partner with the **City of Toronto** as well, to build in more incentives to make creative mixed-use projects more attractive.

“I think [city incentives]

are crucial. At the end of the day, you know, we still get charged with parks levies and development charges and our application fees are still the same,” says Switzer. “I think if the city really did want to incentivize people to include these kinds of [mixed] uses in them, then those are the kinds of things they should be looking at. There should be a break [on those or other costs].”

The university’s matchmaking program began with a workshop in November 2019. Siemiatycki says the school is focussing on building awareness in the development industry and on completing its app that will facilitate possible partnerships, and expects to be able to make connections between private development projects and public or non-profit uses quickly once it can build out its network of potential partners. 🌱

NAVIGATING HERITAGE GUIDELINES

CONTINUED FROM PAGE 1

“This material is vital to helping municipalities and the public understand all the changes that are being made to the *Ontario Heritage Act*, the regulations, and the heritage appeals process,” he said. “The ministry has assured people that there would be a meaningful opportunity to review the toolkit” before the regulations are proclaimed.

As municipalities, developers, heritage planners, and neighbourhood advocates await the opportunity to provide their two cents on new regulations, one recent decision by the **Local Planning Appeal Tribunal** regarding a proposed hotel project in the King-Spadina district of the **City of Toronto** could shake up heritage-related development projects (and appeals) for years to come.

The case raises the issue of how to interpret provincial planning guidelines related to heritage designations set out in both the Growth Plan (GP) and the *Provincial Policy Statement* (PPS). Are these documents to be considered manifest, the carefully elaborated rules existing solely to support local government’s duty to conserve heritage properties, above

all other considerations? Or is the language contained in the GP and PPS regarding

heritage preservation to be read as merely one part of the provincial guidelines for building livable communities that use land efficiently and sustainably?

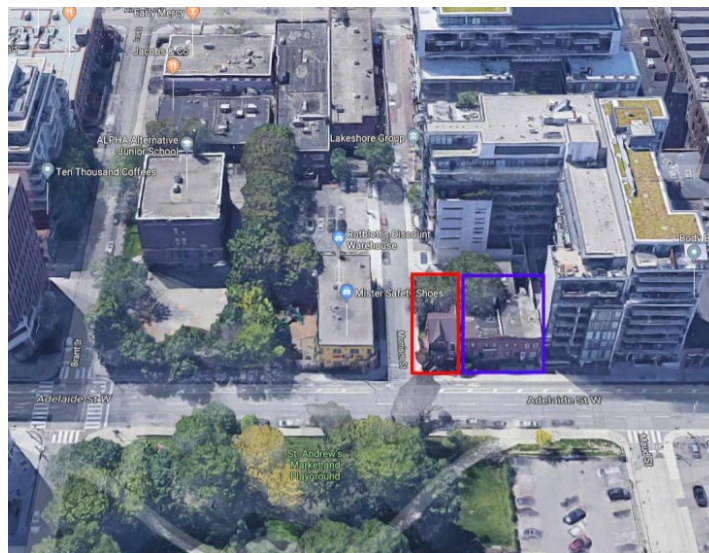
These questions were at the heart of an April 14 decision from LPAT members **Gerald Swinkin** and **Dale Chipman** that explored the merits of an appeal from **445 Adelaide**

Street West Inc. against the city’s failure to make a decision regarding the rezoning application for two buildings – 445 and 447-453 Adelaide Street West – between Bathurst Street and Spadina Avenue.

The appellant, led by **Lamb Development Corp.**, had originally proposed to construct an 11-storey office tower on the site across from St. Andrew’s Park. The development proposal was later amended to accommodate a 14-storey, 146-suite hotel – the first Hudson Hotel in Canada, to be managed by hospitality firm **sbe** and designed by architect **Peter Clewes** of **architectsAlliance**.

In November 2019, the Toronto Preservation Board prepared a Report for Action for Toronto council, informing city representatives that the property at 445 Adelaide (as it’s known collectively) was the subject of an LPAT appeal, and that (in the Tribunal’s interpretation) a heritage designation could enable council to refuse the request to demolish existing buildings on site. City officials agreed that the

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Site of a rezoning application at 445 Adelaide Street West (indicated in red square) and 447-453 Adelaide Street West (indicated in blue square) where 445 Adelaide Street West Inc. sought to develop a 14-storey, 146-suite hotel. The site was the subject of a recent LPAT decision released April 14.

Photo of 445 Adelaide Street West. The city sought to protect the building for its heritage value.

PREPARED BY: HERITAGE PRESERVATION SERVICES
SOURCE FOR BOTH: CITY OF TORONTO

NAVIGATING HERITAGE GUIDELINES

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structures should be preserved. At a council meeting in January 2020, both buildings were designated as being of cultural value or interest under *Part IV* of the *Ontario Heritage Act*, having met Ontario Regulation 9/06 criteria for all three categories: design, associative value, and contextual value.

However, Swinkin and Chipman note in their decision that, “the [Preservation Board] report suggests that the properties have been targeted for [heritage designation] as a consequence of the development proposal.” In other words, in the Tribunal’s view, moving to designate both structures as heritage was based less on the merits of their cultural value than it was on the city’s distaste for the development proposed for the site.

At the heart of this dispute are two buildings. One of the two structures is a two-storey house constructed in the Bay

& Gable style, according to McClelland, who testified at the hearing on behalf of the appellant. However, he noted that in 2005, a significant alteration that removed the second-storey balcony ultimately diminished the

building’s historical character. In addition, as a matter of context, houses built in the Bay & Gable style are not rare, but number in the hundreds in the King-Spadina area and into surrounding neighbourhoods, including many in better condition than the house at 445 Adelaide Street West.

The second, adjacent structure on the property is a row of four townhouses built in the Edwardian Classical style in 1906. At the LPAT hearing, McClelland’s testimony suggested that little evidence

of the architect’s hand remains in the building’s current design. The Tribunal agreed. “To say [the townhouses] are unprepossessing would be kind,” the decision noted. “Though they say beauty is in the eye of the beholder, this structure is utterly bereft of any attractive features, street appeal or indicia of artisanship or historic reference.”

Mary MacDonald, senior manager of Heritage Preservation Services for the City of Toronto, told *NRU* the

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Photo of 447-453 Adelaide Street West. The city sought to protect the structure for its heritage value.

Photo of 445-453 Adelaide Street West showing context from the west.

PREPARED BY: HERITAGE PRESERVATION SERVICES
SOURCE FOR BOTH: CITY OF TORONTO

NAVIGATING HERITAGE GUIDELINES

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property owner “did not appeal or oppose the designations when they were brought forward. The City considered the value of the buildings to not be in dispute from a legal or legislative perspective.”

And the properties do meet the provincial guidelines for heritage designation, MacDonald said. “The John P. Jackson House is a well-crafted representative example of an extant detached Toronto Bay & Gable House,” she said, built in 1880 and “distinguished by its patterned brickwork and decorative woodwork.” The adjoining Eliza Lennox Houses at 447-453 Adelaide Street West “are valued for their design as late examples of row houses in the King-Spadina neighbourhood ... with distinctive detailing incorporating a stepped parapet, a segmental-arched pediment and terra cotta detailing that unifies the group.”

Taken together, MacDonald said the city believes all five properties “are historically and contextually related to the development of the King-Spadina neighbourhood as it changed from an institutional and residential enclave in the 19th century to the city’s

manufacturing district after the Great Fire of 1904,” illustrative of “the evolution of the community.”

Ultimately, Swinkin and Chipman allowed the appeal and approved the hotel development in principle, though with stipulations aimed at protecting the privacy of neighbouring residents.

In making their decision, both LPAT members drew heavily on an Ontario Court of Appeal case involving the **Town of Oakville versus Clublink Corporation ULC** and a Supreme Court of Canada case involving the remuneration of employee termination pay. In both instances, the decision noted, justices grappled with adhering to a strict reading of the law versus a more “statutory interpretation” that considered both the words of the legislation and the spirit of its “scheme.”

Ultimately, the PPS states that cities need to demonstrate that a heritage property has “significant” or “important” cultural value, and Toronto did not show that either structure met this standard of significance. “A designation is not therefore a matter of perpetuity,” Swinkin and Chipman wrote in their

decision. “The force and dynamic of city building will create a changing context and a closer scrutiny of the relative value of any given heritage resource.”

In Toronto, the city’s general approach to heritage preservation amounts to overreach, said **Max Allen**, vice-president of planning and development with the **Grange Community Association Inc.** “I’m as concerned as anybody in preserving useful and beautiful aspects of the past,” he told *NRU*. But the city’s strategy of relying on heritage designations to curtail development that is “running ahead of their ability to control it, site by site,” only ensures a huge amount of resources are spent defending properties at the LPAT that are not worth the time or money. “When essentially every brick building is important enough to fight over,” Allen added, “then nothing is important.”

Rather than relying on heritage guidelines contained in the *Provincial Policy Statement* or the Growth Plan, he said, the city should simply set laws regarding what it wants to protect and why. “Tall building guidelines, heritage guidelines – all of this business of trying to make laws without making laws,” Allen said, driven largely out of fear. “I don’t think it works, and it should be dumped holus-bolus.”

Asked whether the city is using the *Ontario Heritage Act* in good faith to preserve buildings of significant historical value, MacDonald

was emphatic: “Yes.” Schneider agrees. “Toronto is in a class by itself when it comes to development pressures,” he said. “I think the city is trying to do the best it can within a framework of provincial laws and policies that apply across Ontario.”

Looking forward, the Tribunal’s decision in approving 445 Adelaide in principle could be “unsettling” for many upcoming heritage-based development decisions facing Toronto, McClelland believes. The Tribunal’s basic argument is that heritage cannot be thought of in isolation; rather, it has to be part of building a better city. Each older structure has some heritage value, McClelland added – but what the LPAT has done is reaffirm something not easily codified in the PPS or the Growth Plan: namely, that there is a “gradation of values” when it comes to old buildings.

The *Ontario Heritage Act* allows cities to designate a building or not, McClelland said: “And that creates a binary system. We’re finding throughout the city that this black and white [approach to heritage] doesn’t work,” largely because it ignores intangibles like neighbourhood character. “How do you define that in black and white terms?”

NRU reached out to the Ministry of Heritage, Sport, Tourism and Culture Industries and counsel representing the appellant for comment but did not hear back from either before press time.



Changes to City of Toronto Operations Since April 24, 2020

Since we last reported on City of Toronto planning and development services affected by COVID-19, some information has changed.

The most up-to-date information on city operations and planning and development-related city services affected by COVID-19, can be found [here](#).

Below, we have reproduced selected planning and development-related information from the city's website as of press time that has changed since we last reported on it in our April 24 issue.

This information is being updated by the city periodically and should be consulted regularly for the latest status of city operations. NRU will continue to monitor and report on the status of city operations in future issues.

From the City of Toronto website: <https://www.toronto.ca/home/covid-19/affected-city-services/>

Council and Committee Meetings

City Council, committee, board and tribunal meetings are currently suspended but the Mayor can call a special meeting of City Council to discuss urgent business, if required.

Meeting information and schedules are available at toronto.ca/council.

Building Permits and Inspections

Permits – Building, Sign, Occupancy and Zoning Reviews

- All building, sign and zoning permit applications received prior to March 17 are being reviewed and issued where possible.
- Accepting and processing applications for projects that are underway and require the permit to proceed to the next phase of construction.
- Accepting and processing occupancy permits. [More information about occupancy permit requests](#).
- Accepting and processing building permit applications for:
 - Affordable housing units
 - Work that addresses immediate life safety issues
 - Work that supports the City's response to COVID-19
- New building permit applications are being accepted electronically and staff are evaluating the timeframe for review and processing.
- For more information on electronic submission of sign permit applications please email: signbylawunit@toronto.ca

Building permits and Provincial regulations:

- The issuance of a building permit by Toronto Building does not relieve the permit holder of the need to

determine whether the construction is permitted to proceed in accordance with O Reg 82/20 as amended.

- Please be advised that conditional permit applications may be processed, but not be issued for construction activity that is not permitted in accordance with O Reg 82/20 as amended. Please contact the appropriate plan review manager before submitting a conditional permit application.

Inspections

- All inspection services are being provided
 - [Construction Site Procedures for Inspections](#)
 - For occupied homes, inspection reports may now be conducted by a qualified professional in lieu of a progress inspection by a City inspector. [More information about inspections in occupied homes](#).
- Booking an inspection
 - Inspection requests, (not including occupied homes), can only be booked online through the [Request a Building Inspection webpage](#).
- Inspection requests through our telephone and email channels will not be accepted.
 - Progress reports prepared by qualified professionals will only be accepted for occupied homes.

Property Information Requests

- Requests for property information may be submitted by email to: bldapplications@toronto.ca. Please state "Property Information Report or Compliance letters" in the subject line.

City Planning (changes since April 24 highlighted in bold)

Current Services

- Reviews of planning applications received on or before March 16; working with Development Review partners (e.g. Engineering Construction Services, Transportation Services, Toronto Water, Toronto Building) to coordinate priority review services.
- Priority development review service focussed on applications that are close to process and review completion (prior to permit/construction and prior/in conjunction with occupancy permits):
 - The review of applications that have cleared any Council-related approval and are proceeding through final technical clearances (e.g. site plan approval).
 - Development projects close to occupancy (e.g. draft plan of condominium clearances and registrations).
- Working with applicants' solicitors to register

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LPAT NEWS

HUMEWOOD TOWNHOUSES APPROVED

In an April 28 decision, LPAT Vice-Chair **Susan de Avellar Schiller** allowed appeals by **OOH Vision Inc.** with respect to its applications for consent, minor variances, and site plan approval for 465-467 Vaughan Road.

OOH proposes to sever the two properties to create six new residential lots, each accommodating a townhouse dwelling. One of the proposed townhouses will contain a secondary suite.


The City attended the

hearing in support of the applications, provided that conditions be applied to the approval of the planning instruments addressing, among other matters, tree protection and a conveyance of a three-metre corner splay at the corner of Vaughan Road and Atlas Avenue.

Planner **Louis Tinker (Bousfields)** testified on behalf of OOH that the proposal represents modest infill intensification in a neighbourhood comprised of an eclectic mix of dwelling types, including nearby townhouses and a seven-storey apartment

building.

Finding that the applications meet the prescribed tests, the Tribunal allowed the appeals, subject to conditions.

Solicitors involved in this decision were **Amber Stewart (Amber Stewart Law)** representing OOH Vision Inc. and city solicitor **Marc Hardiejowski** representing the City of Toronto. [See *LPAT Case No. PL190130.*] 

Changes to City of Toronto Operations Since April 24, 2020

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- agreements where the agreements can be finalized (e.g. Site Plan, Section 37, Consent Agreements).
- Accepting resubmissions of materials through Customer Service electronically related to existing applications, especially on priority matters close to completion.
 - Committee of Adjustment decision appeals will be accepted electronically. Note: the Province has suspended deadlines for submitting appeals,

retroactive to March 16.

- Should you still wish to submit an appeal it can be done via email.
- Please send the appeal to both the general email address and the Manager & Deputy Secretary-Treasurer for your district as found on the [Committee of Adjustment](#) web page.
- Fee payments will be collected after regular service delivery resumes.
- Limited review of Heritage Planning applications received on or before March 16.
- **The Design Review Panel is holding virtual meetings**

- **but will not be publicly accessible. Following the meeting, City Planning will be posting the recorded meeting online for the public to view.**
- **The Application Information Centre is active, some updates may be delayed.**

We are actively evaluating our needs and capability to allow for additional services.

To access these services, connect with the Planner you have been working with or the appropriate Community Planning Manager via email. If you are unable to access the content in the PDF map, please call 311.

Suspended Services

- Committee of Adjustment meetings have been cancelled and will be rescheduled.
- New planning applications and applications to the Committee of Adjustment are not being received by City Planning.

Public Consultations

Most City of Toronto public consultations are cancelled. For details on all ongoing activities, please see the [Public Consultations Calendar.](#) 

TLAB NEWS

MIDTOWN VARIANCES AUTHORIZED AFTER DESIGN REVISIONS

In an April 27 decision, TLAB member **Stanley Makuch** authorized a revised set of variances to permit a two-storey addition to an existing residential dwelling at 393 Balliol Street.

In April 2019, the TLAB heard an appeal by **Mohammad Reza Nikravan** against a decision of the **City of Toronto** Committee of Adjustment to refuse his minor variance application for 393 Balliol Street. Nikravan had proposed to alter the existing dwelling by constructing side and rear additions and adding an integral garage.

At the hearing, several objecting neighbours voiced concerns regarding the massing of the proposed addition and the inclusion of an integral

garage, in light of a prohibition on as-of-right integral garages introduced by city-enacted zoning by-law amendments for the Davisville Village neighbourhood.

After the objectors provided their evidence to the TLAB, the appellant agreed to settle the dispute by submitting revised plans that would eliminate the integral garage and would substitute a carport instead, and to lower the front portion of the second-storey addition.

Revised plans showing the modifications were submitted to the TLAB in November 2019, with supporting affidavit evidence that the statutory *Planning Act* tests are met by the associated amended variances.

The TLAB allowed the appeal, in part, and authorized the revised variances subject to conditions.

Solicitors involved in this decision were **Amber Stewart (Amber Stewart Law)** representing Mohammad Reza Nikravan and city solicitors **Sara Amini** and **Kasia Czajkowski** representing the City of Toronto. 🌸

HAVE A STORY TIP OR IDEA RELATED TO YOUR MUNICIPALITY?

Send an email to pressrelease@nrupublishing.com



PEOPLE

Papazian Heisey Myers senior partner **Alan Heisey** is resigning from his role as **Toronto Transit Commission** board of directors vice-chair and acting chair May 13 to focus on his legal practice. Heisey has

been TTC vice-chair since 2015 and the agency's acting chair since November 2019. He is the only person to have served in that role as well as having served previously as **Toronto Police Services** board of

directors chair (from March 2001 to October 2004) and **Toronto Parking Authority** board of directors chair (beginning as a board member in 1992 and finishing as board chair in 2001). Heisey will be replaced

by TTC commissioner and **Financial Services Regulatory Authority** board of directors member, **PIMCO Independent Review Committee** chair, **Dealnet Capital** board of directors member, **BeWhere Holdings**

board of directors member, and **Canadian Foundation for Economic Education** board of directors member **Joanne Di Laurentiis**.