

**Subject:** Long Branch Conservation - Update May 2019  
**Date:** Friday, May 10, 2019 at 10:27:30 AM Eastern Daylight Time  
**From:** David Godley  
**To:** mayor\_tory@toronto.ca  
**Attachments:** secondoor.doc, bailao.doc, TLAB - Motion Decision 10 Lake Prom.pdf, 90ashplanning.doc, complaintcp.doc

## **Greetings from Long Branch**

Contents: 1) Secondary suites, 2) TLAB Annual Report 3) Changes to appeal System in Ontario 4) TLAB 5) Application Status

### **1) Secondary suites. No appeal was received so these provisions are now in force.**

On 27 March 2019 the City passed a zoning bylaw to eliminate the 5 year waiting period for new houses to have "as of right" secondary suites. The right has been extended to townhouses. No parking for the second suite is now required in most areas. Minimum size is eliminated and controlled through the Building Code. The "no alterations to the outside of the building" condition is retained. (see attached letter Toronto Star letters)

This is an important step forward on the affordable housing front. Low density neighbourhoods have been losing population. Allowing secondary suites is a strong argument, used by the Planning Dept, for not debasing the character of Neighbourhoods. The single underlying strategy of the Official Plan is to respect and reinforce the character of neighbourhoods.

Jennifer Keesmaat, planning guru, points out that for Toronto to be a workable city we should be applying our attention primarily to deeply affordable housing. There is no "need" for detached houses. We need deeply affordable housing.

### **2) TLAB Annual Report. This was considered by the Planning and Housing Committee on 30 April 2019.**

Councillor Ana Bailao is Chair and Councillors Wong Tam and Jaye Robinson the most vocal members. Ron Jamieson, Long Branch's lead on 9 38th Street at the Divisional Court, spoke for the need for a definition of "Minor Variance" as well as more consultation ahead of any application being submitted. Oakville are in the process of establishing a definition of "minor". No action was taken on the definition but motions passed on having a consultation service like the one LPAT (the former OMB) has which is about to be defunded. There is concern about the length of time TLAB take for hearings generally and severance/variances specifically. The latter routinely take 3,4 or 5 days and 10 Lake Promenade has now its 9th day scheduled. (See attached letter on issues)

My view is that most of these applications are the equivalent of zoning applications and were never meant to be considered as minor variances. I believe a simple figure on minor relating to density would suffice and be much more straightforward. I therefore submitted the attached letter to Ana and the one below to TLAB.

Dear Ian Lord,

I watched the April 30 2019 Planning and Housing Committee session considering TLAB's Annual Report.

I did not think that the true contrast between the OMB and TLAB came out strongly. TLAB are so much more efficient and people friendly

One criticism was the increasing length of hearings around severance/variance hearings.

I would hate to think that TLAB's diligence started to become a liability.

It was stated the OMB go straight to the meat of the issue.

I am certain it must be frustrating for TLAB adjudicators to hear the same evidence each time. It is for me and I have only been to 4 hearings!

At the Divisional Court on 9 38th the judge said he had read all the evidence twice and outlined his one concern.

Perhaps there is a way to adapt this approach to TLAB especially as the information is well set out 30 days ahead.

Yours truly, David Godley

### **3) New LPAT legislation. OMB rules to apply.**

The Liberal Government spent most of their last session relieving the development oriented unaccountable OMB of their mandate and introducing a system which would give municipalities more say. Instead of an appeal for a new hearing that the OMB used to do, LPAT only comments back to the Municipality on whether the law and policies were followed including conformity with the Official Plan. If the Municipality does not agree then LPAT can hold a "de novo" hearing. This means a new hearing entirely. It takes longer but removes the development community from the driver's seat. Another provision is that only parties can present oral evidence. Participants have to settle for written representation. It would be even shorter if parties were limited to written representation! Many hearings in the UK are settled without live hearings. At the moment there is confusion as no one knows how and when the new rules will be applied.

### **4) TLAB The body which hears severances and variances in Toronto is not affected by the political earthquakes**

TLAB's new rules and procedures come into effect for appeals made on or after May 6 2019. Forms will be less complicated and some will not need signatures. (I have to fax my handwritten forms). More time will be given for submissions. On a more important note a decision by TLAB on 10 Lake Promenade strongly confirmed that public can be relevant for hearings at any stage. There was some criticism of length of hearings at Planning and Housing Committee. This could be remedied with by limiting witnesses presentations and relying on their written material. TLAB is still the knight in shining armour as far as fair planning is concerned.

### **5) Applications Status**

#### **A) DIVISIONAL COURT**

9 38th Street. The Divisional Court judge decided on January 31st 2019 that there was enough evidence for one of several items to go to a full hearing - procedural fairness. The issue was how a Request for a Review should be answered after a TLAB decision was overruled. A hearing is expected within months.

11 Stanley was to go before a judge on February 19 about a leave to appeal to the Divisional Court on the legal points of a decision which refused the applications. However further discussions are taking place.

15 Stanley has been the subject of a Review Request and leave to Appeal to the Divisional Court. The resident who appealed both 11 and 15 and acted independently winning both decisions at TLAB has requested that TLAB change their rules not to allow both actions to be done simultaneously. The proposal was well received by TLAB at a business meeting. A classic strategy in legal matters where it is a well resourced party against a not so well resourced party (ie personal finance) is to wear down the opposition.

## **B) TLAB**

**A) January 7<sup>th</sup> and 8<sup>th</sup> 2019 (extended hearing to July 4) 80 39th Soldier houses 0.35 to 0.62 density, For TLAB Makuch, for Proposal Kanter/Romano.**

**B) January 10, 80 23rd St (extended hearing to May 28 and June 13) Soldier houses (variances only) 0.35 to 0.60. Approved by COA. Appeal by City. For Proposal Cheeseman/Cieciura.**

**C) January 22, 27 39<sup>th</sup>, (extended to July 23, 24, 25) 2 storey houses (revised from soldiers) 0.35 to 0.60. For Proposal Stewart/Romano.**

**D) January 15th and 17th 2019, (extended hearing to April 26, 29 and May7, and Sep 3, 4, 5 and 12th) 10 Lake Promenade. Soldier Houses 0.35 to 0.59. For TLAB Makuch. For Proposal Cheeseman/Cieciura.**

A front page article about this hearing was in the Toronto Star on May 6 2019. I sent the following letter.

*Congratulations on your article highlighting a critical issue for Toronto neighbourhoods.*

*As with all greed driven issues, there is much gobblydegook spoken.*

*First, the City's main planning principle is to conserve the character of neighbourhoods. This was reinforced last December by the coming into force of Official Plan Amendment 320.*

*Second, redevelopment of the lot is good. Two units could be provided by having a*

*detached house with a secondary suite. This is now legal since this was approved by the City in March 2019.*

*Third, the zoning bylaw was recently approved which confirmed low density in Long Branch.*

*The OMB and the Committee of Adjustment started the rot by approving over 100 similar developments to the proposal in Long Branch over the last 5 years.*

*This was when the development was running amok.*

*The current builders believe it is unfair that they should not have a similar opportunity.*

*The fact is these 3 storey garage predominating "soldier houses" are opposite to the "goofy" neighbourhood character.*

*Not only is traditional Long Branch being degraded by suburban development but so are many neighbourhoods in Toronto.*

*Yours truly,*

*David Godley*

*401 Lake Promenade*

*Toronto, M8W 1C3*

**F) February 26<sup>th</sup> and 27<sup>th</sup> 2019 (extended hearing July 11), 11 Shamrock. Soldier houses 0.35 to 0.69 For Proposal Artenosi/Romano.**

**G) March 21, 25 and April 1 2019 (extended hearing Aug 2 , 20) 38 31st Soldier houses 0.35 to 0.66. For Proposal Guglietti/Romano.**

**H) April 17<sup>th</sup> and 18<sup>th</sup>, (extended hearing July 17, 18) 99 27th St Soldier houses 0.35 to 0.94. For TLAB Yao, for Proposal Mazierski/Weston Consulting. Plans being revised to lower density.**

**I) May 27<sup>th</sup> and 30<sup>th</sup>, (extended hearing) 70 36th Soldier houses 0.35 to 0.67 TLAB Ted Yao**

**J) Aug 6<sup>th</sup> and 7<sup>th</sup>, 65 40th, (2) 2 storey houses 0.35 to 0.79 . Approved by COA and appealed by City. A test case for the Long Branch Character Guidelines.**

**K) Aug 15, 19, 77 35<sup>th</sup>, 2 storey semis 0.60 to 0.61 and 0.7. Approved by COA and appealed by City. City dropped appeal because of lack of planner. Neighbour Resident also appealed. LBNA a party. A record number of participants, over 30. A pat on the back for the community. A test case for Long Branch Character Guidelines Guidelines.**

**L) July 19th and 22nd , 74 38th, soldier house and 2 storey house 0.58, 0.59 Approved by COA and appealed by City.**

**M) July 26th 6B Shamrock, rear balcony, 4sqm approved. Owner appealed for 8 sqm.**

## **D) COA Files**

**January 24<sup>th</sup> 2019**

**90 Ash, soldier Houses 0.35 to 0.68 (revised from 1.04). Deferred by applicant . Hearing May 9 a day before which a fifth set of changes were made now down to 0.61 and 0.62.**

I was shocked to see Community Planning support the application and that they had meetings behind the scenes with the applicant This is fundamentally opposed to the transparent and fair process which Community Planning is bound to observe. The most apt word for the Community Planning Report is Garbage. The essence of planning is co-ordination. Unfortunately Community Planning usually operate in a silo separate from Urban Forestry, Urban Design and the Official Plans section and foist their own unjustified and irrational opinion on decision makers without much thought for the public or City policy. Attached is some of the communication and a complaint/proposal.

**29 Lake Promenade, Raising (illegally) flat roof by 0.5m. Deferred. No hearing scheduled**

**February 21 COA**

**198 Lake Promenade, New house, 0.35 to 0.87. Deferred. Hearing May 9**

**April 25 COA,**

**30 36th Lot split approved by OMB but variances for double density refused. Proposed Density 0.35 to 0.60 Refused. Appeal deadline May 15**

**May 9 COA 90 Ash, 198 Lake Promenade (see above), 69 Long Branch Ave (daycare in former Anglican church) approved,**

**May 23 COA nothing scheduled**

**E) New Application 39 Fairfield no data**

**G) Other Applications**

**36 Ash, Soldier Houses 0.35 to 0.71 Deferred**

**11 Garden Place, Soldier Houses 0.35 to 0.71 Deferred**

**69 Long Branch Avenue, Soldier houses. Withdrawn**

**46 Park Blvd. Legalising triplex with addition and affecting two healthy trees. Planning Recommends refusal**

*If you wish to look at all the material online go to "Development Applications Toronto" then check "Committee of Adjustment" "Ward 3" "Search" and follow the cues. However the number of applications in Ward 3 has outstripped the capacity of the Applications Information Website and you cannot view the whole list of applications together.*

*Previous "Updates" can be found on [preservedstories.com](http://preservedstories.com) a major blog site run by Jaan*

***Pill, formerly of Villa Road.***

***Submissions on applications need to be in to COA by 3pm on the Thursday before the COA meeting for inclusion in the package that is given to COA members. Submissions before 10am on the day of the hearing will be considered. E&EO. Please feel free to correct, add to or forward information. Feel free to circulate.***

**David**