

ISSUE DATE:

January 10, 2014



PL130767

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	2309162 Ontario Inc.
Subject:	Minor Variance
Variance from By-law No.:	438-86
Property Address/Description:	237 Dunvegan Road
Municipality:	City of Toronto
Municipal File No.:	A0380/13TEY
OMB Case No.:	PL130767
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APPEARANCES:

Parties

Counsel

2309162 Ontario Inc.

S. Mahadevan

City of Toronto

J. Braun

DECISION DELIVERED BY J. V. ZUIDEMA AND ORDER OF THE BOARD

[1] 2309162 Ontario Inc. ("Appellant") made an application for minor variance to the City of Toronto ("City") Zoning By-Law for its property located 237 Dunvegan Road ("subject property").

[2] At the outset of the hearing, the Board was advised that the Appellant and the City had reached a compromise. The Appellant abandoned one the variances it was seeking and amended another resulting in a settlement between it and the City.

[3] Some history is pertinent in that in 2012, the Appellant sought and was granted variances to construct a dwelling at the subject property. The application which was before the Board resulted from refinements to the earlier proposal. The subject site is in fact vacant as the earlier dwelling has been demolished. A new 2 ½ storey house is proposed.

[4] The Board heard from Michael Goldberg, who was qualified and accepted as an expert in land use planning. His evidence was unchallenged and it was on this basis that I provided an oral decision allowing the appeal in order to grant the amended variances. Further, I was satisfied that the amended variances were minor and no further notice was required.

[5] I relied on Mr. Goldberg's opinion that the amended variances sought, individually and collectively met the four tests set out under ss. 45(1) of the *Planning Act*. I also accepted his opinion that the revised variances were consistent with the 2005 Provincial Policy Statement, conformed to the Greenbelt Plan, conformed to the operative policies of the City's Official Plan and overall, represented good and proper planning.

[6] Mr. Goldberg took the Board to the specific sections of the City's Official Plan (sections 2.3, 4.1.5, 4.1.8) to suggest that the proposed development will respect and reinforce the existing area and will maintain a compatible relationship with the character of the neighbourhood. The subject property is located in Forest Hill, an established area of the City noted for larger lots and dwellings with higher calibre construction. I note that while some neighbours attended and raised objections at the proceeding before the Committee of Adjustment, no one appeared at this hearing in opposition.

[7] Further, he testified that the zoning test had been met in that proposal would not result in any significant adverse impacts. In that vein, he opined that the variances sought were both minor and desirable.

[8] On the basis of his unrefuted evidence, the Board orders that the amended variances as set out in Exhibit 2 are authorized subject to the condition also noted in, Exhibit 2, namely that the dwelling shall be constructed substantially in accordance with the drawings filed as Exhibit 3 with the Board.

[9] In all other respects the appeal is dismissed. The Board congratulates the parties in their efforts.

“J. V. Zuidema”

J. V. ZUIDEMA
VICE CHAIR