



January 22, 2018

Will Johnston,
Acting Chief Building Official & Executive Director, Toronto Building
City of Toronto
Toronto City Hall
100 Queen St. W., 12th fl. E.
TORONTO ON M5H 2N2

RE: Request for a Feasibility Study to Eliminate the Waiver Process (Minor Variances)

Dear Mr. Johnston:

The Federation of North Toronto Residents' Associations ("FoNTRA") hereby requests that Toronto Building conduct a feasibility study for the elimination of the Use of Waivers in the identification of minor variances to the zoning by-laws for residential and commercial applications to the Committee of Adjustment (CofA).

The Waiver process started some years ago as an interim measure when a large backlog was created (and every application had to be redone) following the enactment of the consolidated By-law 569-2013.

We believe that all applications to the Committee of Adjustment should be accompanied by a Preliminary Project Review (PPR) or Zoning Certificate (ZC) prepared by Toronto Building so that an accurate all-inclusive list of variances is available before the application is submitted to the CofA.

Currently the option for the applicant to take responsibility for identifying the applicable Zoning By-law requirements continues to exist, despite the original reason for the provision no longer being applicable. The applicant provides a list of all required variances to the Zoning By-law required by the proposal, and completes a waiver form.

The reality is that missing variances or variance errors by applicants regularly occur and if discovered need to be corrected at the building permit stage. This process at a minimum wastes staff and residents time and increases the City's approval costs, and at worst a non-conforming, illegal building may get built, which can have a negative impact on the neighbourhood. Missed or incorrect variances cause delay, or the Committee just approves the incorrect variances that then may or may not be

picked up at the building permit stage. We have encountered problem situations where the Zoning Examiner did **not** detect a variance that should have been recognized before the Building Permit was issued. When discovered, it is too late to remedy the structure. Additional “missed” variances (likely already constructed) that are returned to the CofA to deal with are generally “rubber stamped” by the Committee.

Statistics from Open Data on the incidence of Waivers across the four CofA panels for 2010 to 2017 (see attached) show the number and percentage of Waiver applications by CofA Panel compared to applications processed with PPRs. The number of Waivers has generally decreased, but 21% of the applications were still processed under Waiver in 2017.

The Waiver process is often used by applicants to avoid having to wait for review by the Zoning Examiner, which gets them through the process more quickly. Sometimes the applicant will submit for the PPR and apply to the CofA at the same time hoping the PPR will catch up before the application is released to the public and they can just make minor adjustments before the application is heard – it keeps the application in the line.

FoNTRA and its member associations have been asking for a review with a view to elimination of the Waiver process since March, 2016. We understand that it is within the mandate of Toronto Building to initiate such a review. With the End to End Review of Development Review Process underway, now would seem to be a most appropriate time.

Thank you for your consideration of our request.

Yours truly,

Geoff Kettel
Co-Chair, FoNTRA
129 Hanna Road
Toronto, Ontario
M4G 3N6
gkettel@gmail.com

Cathie Macdonald
Co-Chair, FoNTRA
57 Duggan Road
Toronto, ON
M4V 1Y1
cathie.macdonald@sympatico.ca

Cc: Michael Mizzi, Secretary-Treasurer, Committee of Adjustment
Gregg Lintern, Acting Chief Planner & Executive Director, Planning
Joe Nanos, Director, Community Planning, North District,
Diane Damiano, Deputy Chief Building Official, and Director, North District
Michael Kolm, Chief Transformation Officer
Councillor David Shiner, Chair, PGMC
South Armour Heights Residents' Association
Old Orchard Grove Residents' Association

Lytton Park Residents' Organization

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.