



**RE: Ron Jones on the CTV News Toronto at 11:30 for Wednesday, September 23, 2020 | CTV News**

Dear Mayor Tory:

We are writing to you on behalf of our neighbour, Mr. Ron Jones of 72 Brooklawn Avenue. Mr. Jones reached out to the Cliffcrest Scarborough Village SouthWest Residents Association (CSVSWRA) to assist in a response to a 28 September invitation from your office to elaborate on a series of community issues about which Mr. Jones has raised concerns.

We understand the Mayor's office reached out to Mr. Jones after he appeared in a news report concerning police who were called to a home on Mr. Jones' street where a large party was held in contravention to Covid 19 restrictions. Mr. Jones wanted to convey that this incident is the 'tip of the iceberg' in terms of a growing set of interconnected problems in the neighbourhood.

There are several underlying concerns.

The first concern is a practice of developers purchasing homes and renting them out to a large number of individuals in a neighborhood zoned single family. This appears to be done to maximize revenue while waiting for variance approvals for permits. We surmise that there is a correlation between the large number of these developer-owned, arguably unapproved rooming houses (which are illegal in Scarborough) and neighbourhood-disruptive incidents and unkempt properties.

The second concern is the high profit-motivated practice of developers purchasing small homes on large lots on our quiet streets and gaining approvals for multiple variance large scale home designs that in many cases are multi-family homes in disguise. Through incremental precedents they are rapidly changing the character of the neighbourhoods that the City's zoning bylaws are meant to protect. The attached appendix outlines the case and data behind this issue.

The third concern that is evolving is that some developers are flaunting established regulations and processes intended to ensure oversight of developments and safety. This is evidenced by recent incidents at 200 Oakridge Drive where a home was partially demolished without disconnecting the gas and electricity. This same house was left in a dangerous condition with the chimney unsupported and some of the roof debris hanging over the top of the outer wall.

The practices we are bringing to your attention on Mr. Jones' behalf are having a significant impact on the welfare of our neighbourhood residents; and will continue to do so in the future without action on the part of the City.



Councillor Gary Crawford and his office have been working with the community to address these issues, however, to be successful it would be important to have consensus support from you and other councillors.

We believe that there has been a gradual drifting from the standard practices meant to protect our communities and we respectfully request the following:

1. Support for an investigation into the current practices of the home construction and zoning by-laws in South Scarborough such that City Planning, Urban Forestry and Environment, and the Scarborough Committee of Adjustment have a better understanding of the priorities of its residents and the long-term impact of decisions being made.
2. Support for guidance to the Scarborough Committee of Adjustment to rule more closely to the existing construction by-laws rather than expanding the scale of developments through liberally drifting precedents of plans with 5 and even 10 or more variances.
3. A meeting where Mr. Jones and CSVSWRA representatives can discuss the impact that some developer practices are having on neighbourhood well-being.

Thanking you in advance,

Sincerely

Tom Kasanda  
Director  
Interim President

Alan Burt  
Director  
Planning and Development Committee

Cliffcrest Scarborough Village SW Residents Association  
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## **APPENDIX 1**

### **The Backdoor Practice and Implications of Re-Zoning Without Public Consent Through Iterative Precedent-Setting Variance Requests and Approvals.**

#### **Context**

South Scarborough is an established, growing, and welcoming community. It is a beautiful neighbourhood of mature tree lined streets. The lots are relatively large compared to central Toronto. Neighbours enjoy and value the peace and quiet of suburban streets and move here or stay because of existing unique character. Some developers appear willing and able to build within our local by-laws that are, by their intent, in place to protect neighbourhoods and give residents the security of knowing the nature of their neighbourhoods will not change without their consent.

#### **Problem - “Re-zoning Without Consent.”**

For several years now we have experienced increasing infill development in our community. A small number of developers are not willing to work within our City’s Scarborough Southwest By-Laws; and, push multiple variances that do not conform with the characteristics of our neighbourhood. As a developer can apply for as many variances as necessary to build their house, it is the City officials that need to comply with municipal code and bylaws. Changes should not be allowed based on precedent but need to go through a bylaw change proceeding to enact common-sense change for the goodness of all parties.

The problem in this case may be that constant development pressure, might be overwhelming resource strapped City officials, planners, bylaw enforcement, inspectors etc. in an effort to accommodate those pressures, the unintended consequence is “Re-zoning Without Consent.”

This probably is not evident in the individual decisions, but fundamentally clear when looking at the big picture as shown in the data below.

Recently, Robert Brown, an experienced nine-year veteran member of the Toronto/ East York Committee of Adjustment (2007-2016), and also a 39 year member of the Annex Residents Association described the South Scarborough house style, in an article for the Bluffs Monitor, this way: “South Scarborough has a specific style. It’s one and a half to two story homes with generous side, front and rear yard setbacks. Anything that exceeds that by having a ten-foot basement or a two-foot set-back is not in keeping with the character of the community.”



In the same article, when asked about the Scarborough Committee of Adjustment, he said the following, “These are appointed officials - not elected. Establishing policy is not their role.” The Scarborough Committee of Adjustment, in his words “tends to move things along.” His view is that they often have too much on the agenda and not enough time for thoughtful deliberation. (Bluffs Monitor, October 2020).

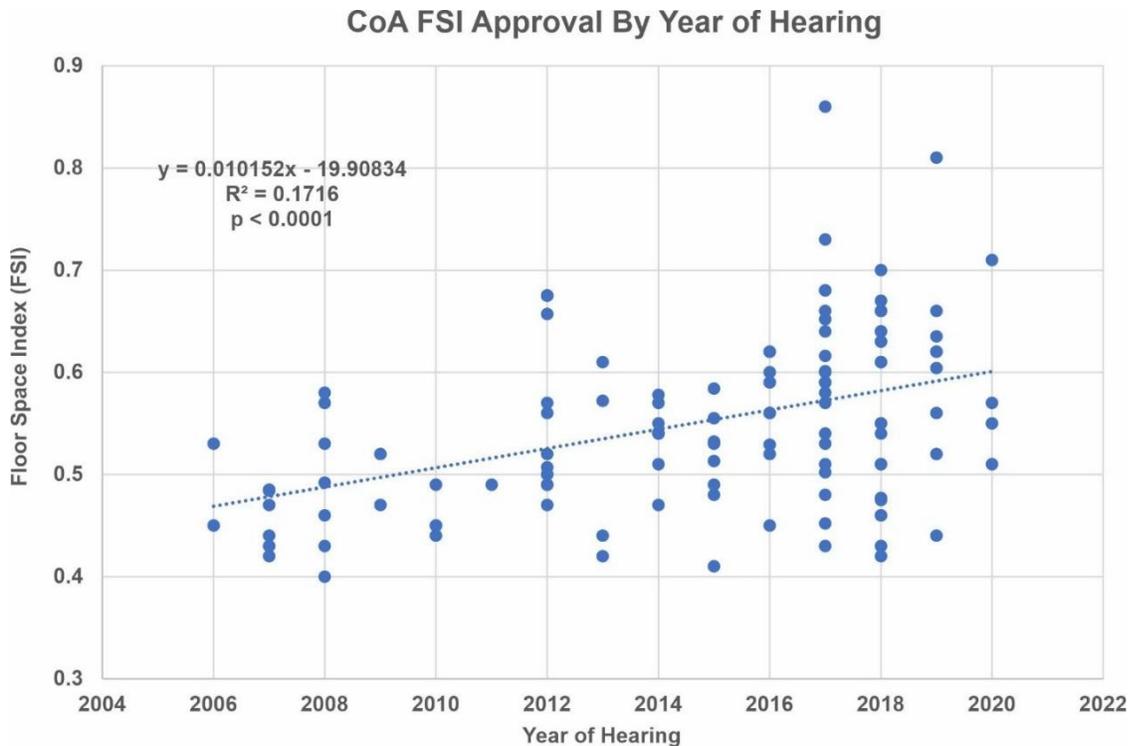
A “Planning Area” for a “Relevant Neighborhood” is small, usually a few blocks. City Planners seem to make some of their determinations about development proposals based on “Planning Areas” and precedents. If there is precedent concerning a big house with multiple variances from existing By-Laws; City Planners tend, or so it seems, to not oppose it. The Committee of Adjustment can and often does use that as cause to approve the next, and the next, and the next.

One development group operating in our community has been responsible for over 60 development infills requiring multiple variances since 2014. These precedents effectively amount to “re-zoning without consent.” Many in the community are frustrated as we have not been widely consulted about these changes and feel that individuals and communities have not been invited to actively participate in decisions affecting them.

### Supporting Data Analysis

By way of example to the above narrative, The Scarborough Committee of Adjustment has been consistently approving variance applications that include increasing Floor Space Indexes (FSI). Below is a graph prepared by Mr. Alan Burt. His methodology was then confirmed by Mr. Tim Daciuk. Both are respected statisticians who also reside in South Scarborough.

The graph study area is bounded by the CNR tracks to the north, Brimley Road South to the west, Bellamy Road South to the east, and Lake Ontario to the south. This represents most of the community referred to as Cliffcrest. In other words, this is one small part of Scarborough Southwest.



The graph indicates that between 2006 – 2011 Floor Space Index (FSI) approvals by the Scarborough Committee of Adjustment did not exceed 0.6. However, since 2012 to the present, FSI approvals have risen dramatically with some reaching to 0.8 or higher. At 0.4 FSI or less, no approvals are required as they are consistent with existing By-laws for gross living space as a percentage of lot size.

Sub-Problem “Impact to Tree Canopy and Community Forests of Oversized Development”

An inherent consequence of variance approvals increasing large homes and reducing setbacks, is a significant loss of large canopy trees; a primary distinguishing feature of this community. Trees are cut down to make way for these large homes and their driveways, many on ravine facing lots. The current regulations require the replacement of trees that are removed, but this does not take into account the disparity between cutting down a mature 50 year old tree and replacing it with a 2 year old sapling.

Trees are slow to grow in clay and sandy soil but so important to the City and our neighborhood. The benefits of large canopy trees include; wildlife habitat, reduction of the “heat island effect” (through absorption of the sunlight during hot summer days), cooling the City down through air purification and pollution control, increased energy savings for buildings and homes, carbon sequestration, and surface water runoff reduction serving to mitigate erosion. Another valued benefit is the beauty of the canopy and the feeling of well being that accompanies this emotion.



Some conclusions from “2018 Tree Canopy Study” (City of Toronto), that relate to the Urban Forest:

Although the total tree population increased, the canopy has decreased because the tree population is made up of younger trees. This factor influences structural value and ecosystem services.

- *Since 1999, impervious surfaces have been progressively increasing by 3.6 percent, pervious areas have decreased by 6.9 percent*
- *The most land area converted from pervious to impervious cover is found on Single Family Residential lands.*
- *The overall condition of the urban forest has declined, with 70 percent of trees rated in good/excellent condition compared to 82 percent in 2008.*

### Conclusion

The practices of some developers seem to be in contradiction to the intent and guidance of the City of Toronto Official Plan in that

***“...individuals and communities actively participate in decisions affecting them...” and that the Plan “...protect adjacent neighbourhoods from encroachment of larger scale development...”***

City Planners carefully consider the needs of the community when crafting zoning by-laws. Yet the violation of those by-laws either outright, or incrementally through constantly expanding acceptance of variations, doesn't seem to carry the concern that might be associated with the flaunting of criminal laws.

If zoning by-laws are held in disregard or considered less than binding, this opens up the potential for rapid and undesirable change to neighborhoods, pushed by profit-seeking developers who raze established norms like locusts and then move onto the next vulnerable community leaving uncaring consequences of damaged canopies and imposing monster homes behind.