Toronto Local Appeal Body

40 Orchard View Blvd, Suite 253
Toronto, Ontario M4R 1B9

DECISION AND ORDER

Issuance Date: February 23, 2026

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R. S. O. 1990, c. P. 13, as amended

Appellant(s):	C. HO
Applicant(s):	B. LOPES
Property Address:	94 ST CLARENS AVE
COA File No.:	25 185774 STE 09 MV (A0497/25TEY)
TLAB Case File No.:	25 222650 S45 09 TLAB
Hearing Date(s):	02/11/2026
Deadline Date for Closing Submissions/Undertakings:	02/11/2026
Decision Delivered By:	TLAB Panel Member R. Kanter

REGISTERED PARTIES AND PARTICIPANTS:

People Type	First Initial. Last Name	Representative
Appellant	C. HO	M. NEMANIC
Party (TLAB)	M. STRIZIC	M. COOK
Participant	G. BOWIE	
Participant	J. A HALL	
Participant	C. D. BEAMISH	
Participant	B. BERTRAND	

INTRODUCTION AND CONTEXT

[1] On August 26, 2025, the Committee of Adjustment (the “C of A”) refused an application at 94 St. Clarens Ave (the “Site”), seeking the following four (4) variances:

(a) reduced distance between a residential building and ancillary building containing a laneway suite;
(b) increased length of laneway suite to 10.914 metres (10 m permitted);
(c) increased maximum height of a laneway suite; and
(d) floor area of laneway suite exceeding floor area of residential building on the same lot.

[2] On September 9, 2025, the Appellant appealed the C of A Decision to the Toronto Local Appeal Body (the "TLAB").

[3] On September 19, 2025, the TLAB issued a Notice of Hearing ("Notice") setting out a timetable for document disclosure and a hearing date.

[4] On October 20, 2025, Micheal Strizic, a neighbour who owns and resides at 96 St. Clarens immediately north of the Site ("Strizic") elected Party status. On or about the same date, a number of other neighbours elected Participant status ("Neighbours").

[5] On November 14, 2025, Mr. Nemanic, counsel for the Appellant, requested that a second Notice be issued, extending the timetable by a month, to allow additional time for: a new zoning examiner's notice to determine whether a fourplex approved at the front of the Site would impact the variances; and discussions between the Appellant, Strizic, and Neighbours.

[6] Following an exchange of correspondence, on November 17, 2025, the Neighbour consented to an extension of document deadlines and an adjournment of the hearing until early February.

[7] On November 20, 2025, the TLAB issued a further Notice, requiring the Appellant and the Neighbour to each provide a Witness Statement ("WS") by December 22, 2025, responses no later than January 19, 2026, and scheduling the hearing on February 11, 2026.

[8] On December 22, 2025, the Appellant filed an Expert WS and lengthy Document Disclosure. The Document Disclosure included Plans dated December 1, 2025, and an Examiners' Notice dated December 16, 2025, showing additional construction constituting a fourplex fronting on 94 St. Clarens, which eliminated variance (d), since the floor area of the laneway suite no longer exceeded the area of the residential building. The Witness Statement and Disclosure requested and provided evidence in support of three (3) variances:

a) reducing the minimum separation distance between the laneway suite and the residential building from 7.5 m to 6.69 m;
b) increasing the maximum length of the laneway suite from 10 m to 11.92 m; and
c) increasing the maximum height of the laneway suite located less than 7.5 m from the residential building from 4 m to 6.3 m.

[9] On the same date, Strizic filed a WS objecting to the 4 variances refused by the C of A.

[10] On January 9, 2026, the Appellant and Strizic each filed a Responding WS, respectively supporting and opposing 3 variances.

[11] On January 19, 2026, Strizic filed a response to the Appellant's Responding WS.

[12] On February 4, 2026, the Appellant filed revised plans prepared by MXL Engineering (the "Revised Plans"). The Revised Plans showed - but did not describe or request – one (1) amended variance. I have designated the Revised Plans as Exhibit 1.

THE LEGISLATIVE AND POLICY FRAMEWORK

[13] Provincial Interest - S. 2

A decision of the Toronto Local Appeal Body (TLAB) shall have regard to, among other matters, matters of provincial interest, enumerated as (a) – (s) in the Planning Act.

[14] Provincial Policy – S. 3

A Decision of the Toronto Local Appeal Body (TLAB) must be consistent with the 2024 Provincial Planning Statement for the subject area.

[15] Variance – S. 45(1)

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

[16] Amended Application S. 45(18.1)

TLAB may make a decision on an application which has been amended from the application before the C of A if notice of the amendment is given to those who received notice of the original application.

[17] Exception - S. 45(18.1.1)

TLAB need not give notice if in its opinion the amendment to the original application is minor.

PRELIMINARY ISSUE - THE AMENDED APPLICATION

[18] At the beginning of the hearing on February 11, 2026, I asked counsel for the Appellant and Strizic to set out their respective positions with respect to the amended application illustrated by the Revised Plans (the "Proposal").

[19] According to Mr. Nemanic, the approval of the fourplex eliminated variance (d). The Proposal eliminated variances (a) and (c). The only variance remaining before the TLAB is (b), laneway suite length, which now contains amended variances.

[20] The proposed laneway building length variance has been amended as follows:

-11.1 m for the second storey, to be cantilevered at the rear elevation facing the laneway;
- 10.19 m for the first storey

[21] The Proposal resulted in a reduction in the number of variances before the C of A from four to one. The remaining variance for building length reduces the length of the laneway suite at the first floor from that before the C of A from 10.914 m to 10.19 m. The variance increases the length for the second story of the laneway suite from 10.914 m before the C of A to 11.1 m.

[22] Mr. Nemanic submitted that the amendment to the original application reduced the number of the variances requested, reduced the extent of the remaining variance for the first floor, increased the length for the second floor by .2 m, and was minor.

[23] Mr. Cook objected to the "flood" of variances filed by the Appellant. He noted that the Revised Plans were served late - well after December 22, 2025, the deadline set out in the further Notice, and less than a week before the hearing date of February 11, 2026.

[24] Mr. Cook was particularly concerned that the Appellant had not explained the Revised Plans to Strizic or the Neighbours, either by an amended Expert Witness Statement or orally.

[25] Mr. Nemanic replied that the Revised Plans resulted from discussions with the Neighbour. Although no settlement was reached, the Revised Plans reflected some, though not all, of the Neighbour's concerns. The Revised Plans reflected an iterative planning process.

[26] I asked Mr. Cook if he required an adjournment to review the Proposal. Mr. Cook stated that he was prepared to proceed, although his client objected to the numerous revisions and very late disclosure of the Proposal.

[27] I understand the Neighbour's frustration at the number of revisions, their late submission, and the lack of explanation prior to the hearing.

[28] However, I have the power to grant exceptions to the time limits for the service of documents, by Rules 2.12 and 4.4 of the TLAB *Rules of Practice and Procedure ("the Rules").* I have also considered Practice Direction Number 7, which deals with Late Filings.

[29] I exercised my power under the *Rules* to enable me to adjudicate this matter in a just expeditious and cost-effective manner and allowed the Appellant to rely on the Revised Plans served on February 4, 2026.

[30] I also exercised my discretion under S. 45 (18.1.1) of the *Planning Act* and find that the amendment to the application before the C of A is minor as I find the changes to reduce the number, to some degree the scope, of the single remaining variance.

[31] Consequently, I proceeded to hear the appeal on the planning merits of the Proposal on February 11, 2026.

SUMMARY OF EVIDENCE

A – The Appellant

[32] Mr. Nemanic called Mr. Blair Scorgie as a witness. Mr. Scorgie described his education as an architect specializing in urban design, and as a land use planner, He outlined his experience in directing and managing projects for public and private sector clients, and his focus on residential intensification, including laneway suites ("LS").

[33] I qualified Mr. Scorgie as an expert witness, able to give opinion evidence in the fields of land use planning and urban design.

[34] Mr. Scorgie described the Site and the proposal. The Site is designated *Neighbourhoods* in the Official Plan. It contains a residential building fronting on St. Clarens which has recently been expanded to contain four residential units.

[35] The Appellant is proposing to build a LS at the rear of the Site. Both the residential building and the LS would have pedestrian access to a public lane running east of Lansdowne north of Shirley (the "Lane").

[36] Mr. Scorgie supervised a Neighbourhood Study including numerous photos. The photos showed numerous auxiliary buildings along the Lane. Some were located right up against the Lane, while others were staggered at various distances from the Lane.

[37] The photos included LS constructed recently at the rear of 52 and 58 St. Clarens. 58R St. Clarens is set back from the Lane, and the photo shows one car parked between the suite and the Lane, perpendicular to the Lane. There also appears to be some shrubbery and landscape lighting north of the southerly lot line (Appellant Document Disclosure, Part III Visual Evidence, Tab 5 page 79). I will designate the photo of 58R St. Clarens as Exhibit 2.

[38] By contrast, 52R St. Clarens is located on or close to the rear lot line adjacent to the Lane. The photo shows a car parked on the Lane parallel to the rear lot line (Document Disclosure, Part III, Tab 5 page 80). I will designate the photo of 52R St. Clarens as Exhibit 3.

[39] Similar patterns of auxiliary buildings were present on two other lanes in the geographic neighbourhood: a lane west of Brock south of Dundas; and a lane east of Norfolk north of Shirley.

[40] Mr. Scorgie provided a Table showing Building Lengths and Separation Distances for 71 properties in the geographic neighbourhood (Appellant Disclosure, Part III Visual Evidence page 64-65). Auxiliary building lengths ranged from 2.33 to 14.06 m. Mr. Scorgie provided bands showing that 27% of the auxiliary buildings in all 3 lanes exceeded 10 m in length, and 50% of the auxiliary buildings in the Lane adjacent to the Site exceeded 10 m.

[41] Mr. Scorgie reviewed the planning documents that regulate a LS.

[42] Section 4.1.5 of the Official Plan ("OP") directs development in established neighbourhoods to respect and reinforce existing physical character, with particular regard to prevailing building scale and massing. Where neighbourhoods contain a mix of building types, development which is materially consistent and exists in substantial numbers is permitted.

[43] Mr. Scorgie referred to Section 4.1.9 of the OP. He submitted that it emphasizes proportionality, requiring the massing and scale of the Proposal should be respectful of nearby residential properties, rather than respect and reinforce neighbourhood character.

[44] Site and Area Specific Policy ("SASP") 546 states that Laneway Suites are permitted in *Neighbourhoods* and are defined as:

"a self-contained residential unit, subordinate to a primary dwelling, providing a kitchen and bathroom and located within an ancillary building adjacent to a public lane."

[45] SASP 546 contains performance-based criteria, including the following:
- direct and safe access for fire and emergency vehicles
- limit privacy and overlook issues on adjacent properties
- not required to provide parking

[46] Mr. Scorgie opined that it was important to note that SASP 546 contemplates applications for a minor variance where a LS does not conform to applicable zoning standards, directing that such applications be assessed for general consistency for providing the applications are generally consistent with one or more identified objectives.

[47] He referred to 2023 amendments to Zoning by-law 569-2013 (the "ZBL"), which now permit a LS in any Residential Zone (ZBL Section 150.8.2).

[48] A length of 10 m is permitted but may be exceeded in an existing auxiliary building (ZBL Section 150.8.60.30(5). In Scorgie's opinion, the maximum building length functions as a linear massing control, intended to manage visual scale and presence; building length is not intended to operate as a rigid ceiling where performance objectives are otherwise met.

[49] Mr. Scorgie provided his opinion that the Proposal maintains the general intent and purpose of the Official Plan. Laneway-oriented buildings, including laneway suites, form part of the established rear-yard and laneway character. It respects and reinforces the existing physical character and is materially consistent with the intent of OP Policy 4.1.9.

[50] Mr. Scorgie opined that the Proposal meets the definition and performance standards of SASP 546. It requires a minor variance related to building length; however, this variance is very minor with respect to the ground floor, and minor with respect to the second floor. The minor variance is required due to the narrow and long configuration of the Site and will further objectives of SASP 546 such as safe access and is consistent with other City planning objectives by providing 2 sizeable bedrooms, suitable for family housing.

[51] The Appellant's planner noted that the additional building length is modest – just over 1 m for the second storey. The requested variance responds to the specific limitations of a long narrow lot and does not establish a precedent for other laneway suites on other Sites.

[52] He opined that the requested variance is minor, since it does not result in any undue adverse impacts on the Site or surrounding lands.

[53] Mr. Scorgie stated that the variance is desirable, since it facilitates a well-designed laneway suite that provides additional family housing while maintaining neighbourhood character.

[54] Mr. Cook cross examined Mt. Scorgie with respect to the distance that the Laneway Suite was set back from the laneway. Mr. Scorgie replied that there was no regulation preventing a setback greater than the 1 metre required in the ZBL (Section 150.8.60.20(2).

[55] Mr. Cook asked about the setbacks on the Neighbourhood Study Figures, found in the Appellant Document Disclosure, Part III, Visual Evidence p. 61. Mr. Scorgie agreed that the majority lined the lane.

[56] I asked how Mr. Scorgie defined the phrase "adjacent to a public laneway" in SASP 546. Mr. Scorgie replied that the term allowed some flexibility with respect to setback.

[57] In response to a question from me, Mr. Scorgie agreed that the ZBL would not permit a LS if it was located far from a lane.

B – Mr. Strizic

[58] Mr. Cook stated he would call Mr. Michael Strizic as a witness. He stated that Strizic made submissions concerning the Application before the C of A and TLAB. Mr. Cook emphasized the challenges faced by Mr. Strizic in responding to changing plans resulting in different variances, including the Revised Plans filed with the TLAB less than one week prior to the hearing.

[59] Strizic was affirmed as a lay witness, to provide evidence based on his knowledge and experience as a neighbour immediately north of the Site.

[60] Strizic noted that the Appellant provided staff reports concerning Multiplex forms of development, but not LS. He referenced two City Staff Reports concerning LS.[1]

[61] Strizic described the Proposal as being in a "mid-yard" location. He stated that the Proposal did not meet the definition of a Laneway Suite, since it was not located in the rear yard of the Site adjacent to the lane. A Laneway Suite was intended to be located at the edge of the lane.

[1] Changing Lanes: City of Toronto's Review of Lanway Suites – April 16, 2018 and June 5, 2019

[62] Mr. Nemanic objected to Mr. Strizic providing opinion evidence with respect to planning documents. He submitted that Mr. Strizic, unlike Mr. Scorgie, has no expertise in planning matters, and cannot provide opinion evidence with respect to planning documents.

[63] I ruled that I would allow Strizic to refer to planning documents, since they are key to my determination in this case. I asked Mr. Strizic to focus on what he understands the documents mean, rather than his opinion about how they should be applied. I agree with Mr. Cook that I may give more weight to evidence concerning planning documents from Mr. Scorgie than Mr. Strizic.

[64] Strizic stated that the variance for increased length, in combination with the mid-site placement, resulted in an adverse impact on his home, immediately north of the Site.

[65] Strizic emphasized that he would not object to the variance for increased length if the Proposal was relocated to the west, on or close to the lane.

[66] The objecting Party referred to Policies in the OP concerning sunlight and the lack of shadow studies. The placement of the laneway suite further from the lane made the increased length more consequential.

[67] He referred to the Table showing Building Lengths introduced by Mr. Scorgie. By his calculations, the average length of auxiliary buildings was 8.65 m., and the median length was 9.05 m. Only 8/71 (11%) had lengths of 11.2 m. In other words, 89% of the auxiliary buildings in the neighbourhood were shorter than 11.2 m. The Proposal was not typical of the study area.

[68] Strizic also calculated that the average separation distance between the principal residence and auxiliary building was 9.01 m, greater than the minimum separation distance provided by the Appellant.

[69] Party Strizic stated that a 2 storey LS was longer than that allowed, and closer than that typically found in his neighbourhood. If permitted, he would experience a sense of enclosure when he looks into his backyard.

[70] Strizic also expressed concern about the intensity of use. Floor plans showing a large recreational area in the basement and 4 bathrooms in the unit led him to believe it would result in two (2) units, rather than the single unit allowed in a LS.

[71] The increased length of 11.1 m was not a minor variance. It was an increase of more than 10%, and the location greatly increased the actual physical impact.

[72] The Proposal did not maintain the general intent and purpose of the Zoning By-law. It did not comply with the building length provision, and its impact was exacerbated by its mid-lot location.

[73] The Proposal did not maintain the general intent and purpose of the OP, particularly with respect to light and shadowing on 96 St. Clarens.

[74] The Proposal was not desirable, since it resulted in an unacceptable impact which could be easily avoided by placing the Laneway Suite closer to the lane.

[75] Mr. Nemanic cross-examined Strizic. He asked if Strizic relied on artificial intelligence ("AI") to prepare his Witness Statement. Strizic replied that he used AI as a tool to assist him but edited and finalized the Statement himself.

[76] Mr. Strizic agreed he had no study showing an impact on his privacy or overlook. He agreed that no windows were proposed on the north side of the Proposal adjacent to his property. Strizic referred to a "Juliette balcony" at the rear of the LS looking eastward towards the rear of his house, which would increase overlook on his property.

[77] Mr. Strizic was asked if he preferred the LS at 58R St. Clarens (Exhibit 2) or 52R St. Clarens (Exhibit 3). He preferred Exhibit 3, showing the LS located close to the Lane, and a car parked along the Lane.

[78] Mr. Strizic agreed that City staff provided several zoning notices describing the Proposal as an ancillary building despite its location approximately 6 m from the northern boundary of the lane.

C - Other Neighbours

[79] Ms. Carley Beamish, who lives at 100 St. Clarens, spoke on behalf of four Participants who attended the hearing.

[80] Ms. Beamish agreed with Mr. Strizic that the increased length of 1.1 m had an impact. If did not have much impact, the Applicant could and should eliminate the additional length.

[81] She expressed concern that the additional development would result in too much concrete and would exacerbate drainage problems for the older houses on St. Clarens, including her house at 100 St. Clarens.

[82] She was also concerned about the 6 m distance between the laneway and the front of the Laneway Suite, which could allow a pick-up truck to be parked in front of the Suite. She preferred lawn at the front of the Suite.

[83] Ms. Bee Bertrand, who also lives at 100 St. Clarens, expressed concern that locating the Suite so far from the lane would result in difficulty due to the uneven surface of the lane.

ISSUES AND ANALYSIS

A – Does the Proposal meet the definition of a Laneway Suite?

[84] Mr. Strizic questioned whether the Proposal meets the definition of a LS, based on its location, with the front wall of the first story set back 6.1 m from the easterly edge of the lane. According to Mr. Strizic, SASP 546 requires a LS to be "adjacent" to a public lane, and "adjacent" means next to, or at least close to, a lane.

[85] Mr. Scorgie disagreed. In his opinion, the city would have used different and more prescriptive language, such as "abutting" or "immediately adjacent" if it accepted the position of Mr. Strizic.

[86] Mr. Scorgie conceded that there was some notional limitation on the distance that a LS could be located from a lane. However, it was not exceeded in this situation.

[87] I agree with Mr. Scorgie that the Proposal meets the definition of an LS with respect to a setback of 6 m from the lane in this case, for the following reasons:

[88] There is no definition of "adjacent" in the OP or ZBL.

[89] SASP refers to several criteria which are consistent with some degree of setback, such as ensuring direct and safe access by meeting fire and emergency service requirements (SASP 546 b)i)).

[90] Recent ZBL amendments referencing Ancillary Buildings When Containing a Lanway suite contain minimum - but not maximum - setback requirements between an ancillary building and the rear lot line on which it is located:

> required <u>minimum</u> (emphasis added) rear yard setback for an ancillary building containing a laneway suite if the rear lot line abuts a lane, and there are openings such as doors or windows in the rear main wall is 1.0 m (ZBL 150.8.60.20).

[91] The Appellant provided an Examiner's Notice dated December 16, 2025, referring to a proposed Laneway Suite at 94 St. Clarens with a proposed length of 11.92 m. The Examiner's Notice is accompanied by a Site plan showing an LS located 6 m from the rear lane. The Zoning Examiner does not challenge or dispute

the characterization of the ancillary building as containing a laneway suite (ADD, Part III following page 99)

[92] The Appellant identified 58R St. Clarens as the location of an LS set back at what appears to be a similar distance from the same Lane as the Proposal. The Appellant also filed a photo of 58R St. Clarens (Exhibit 2). Strizic and the Neighbours are aware of 58R St. Clarens and did not dispute its characterization as a LS by the City.

[93] Consequently, I find that the Proposal contemplates a LS, as allowed by the OP and ZBL.

2 – Does the Proposal meet the 4 tests for a Minor Variance?

[94] The Appellant submitted that the additional length of 1.1 m proposed for the LS meets the four tests for a minor variance as follows:

-maintains the general intent and purpose of the OP. The proposed LS is consistent and comparable to existing ancillary buildings, mainly garages, but also two LSs built recently on the same block as the Site. The OP test is qualitative as well as numerical;

- maintains the general intent and purpose of the ZBL. The ZBL was amended recently to expressly permit a LS. The variance request has been revised from 4 variances to 1, and now meets all ZBL requirements except for building length;

- is minor, both in numerical terms and impact on Strizic and other Neighbours. The Appellant cited the TLAB case of *24 Sorauren*[2] in support of its position that some impact is acceptable, as long as it does not create an undue impact on adjacent or surrounding properties; and

- is desirable, since it adds a unit with 2 bedrooms, suitable for family housing.

[95] The Appellant submitted that I should not consider the alternative proposed by Strizic, which would relocate the LS on the lane rather than set-back from it. The Appellant cited the case of *Bhattacharya v. Brampton*[3] in support of its position that I must consider the Proposal presented by the Appellant, not an alternative preferred by an objector.

[96] Counsel for Mr. Strizic submitted that the Proposal did not meet the four tests, for the following reasons:-

- does not meet the test set out in S. 4.1.5 of the OP. Garages, not LSs were the prevailing building type adjacent to the lane. The prevailing location of the

[2] 24 Sorauren, TLAB September 10, 2019

[3] *Bhattacharya v. Brampton,* OLT 22-003776

garages was immediately on, or very close to, the lane, not mid-lot. The average and median length of the garages was less than that proposed;
- does not maintain the general intent and purpose of the ZBL, since the length variance in conjunction with the mid-lot building placement exacerbated the impact on Strizic;
- the Proposal was not minor due to the impact on Strizic. Windows and a Juliette balcony to the rear of the LS would permit overlook and reduce privacy for him and immediate neighbours;
- the Proposal was not desirable due to its negative impact. The impact could be remedied easily by moving the LS closer to the lane.

[97] Counsel cited *DeGasperis v. Toronto*[4] for the proposition that I could reject the minor variance, if it fails a single test. I even have a residual discretion as to whether or not grant a variance even when the four tests are satisfied, if it results in undue hardship.

[98] I have considered the evidence and submissions of the Appellant and Strizic, and the statement of the Neighbours.

[99] I agree with the Appellant that the Proposal meets several criteria for the development of LS set out in SASP 546b), namely direct and safe access for fire and emergency requirements and the limitation of privacy and overlook issues. I note that SASP 546 requires that privacy and overlook issues must be limited, not eliminated.

[100] I also agree with the Appellant that I am restricted to consider the Proposal that the Appellant put before the TLAB, rather than a variant proposed by Strizic.

[101] I do not agree with the Appellant that the Proposal meets the criteria for special consideration of a minor variance application, since it does not meet accessible building standards, Green Standards, or location within an existing auxiliary building (SASPd)).

[102] The Proposal is not located on a property which varies from the local pattern in terms of lot size, configuration and/or orientation. Consequently, I will not assess the Proposal in accordance with the more relaxed standard of proportionality found in Section 4.1.9 of the OP.

[103] Therefore, I must consider the proposal, at least in part, in accordance with Section 4.1.5 of the OP.

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[4] *DeGasperis v. Toronto (City) Committee of Adjustment*, 2005 CarswellOnt 2913 (Div. Ct.)

[104] I agree with the Appellant that the neighbourhood contains a mix of physical characters. Consequently, I must consider whether the physical characteristics of the proposed development exist in substantial numbers and are materially consistent with the physical character of the neighbourhood.

[105] According to the Appellant, I should consider the fact that LS are a new permitted use, and I should consider the footprint of existing garages when I assess the physical characteristics of the neighbourhood.

[106] According to Strizic, the physical character of a garage, typically a one storey structure without openings to the rear, is different than the physical character of the proposed LS, which is 2 stories or 6.3 m, with windows facing the rear of his house.

[107] It is challenging to reconcile the more permissive provisions in the OP relied on by the Appellant (such as SASP 546), with the more restrictive provisions relied on by Strizic and the Neighbours (such as Section 4.1.5 of the OP).

[108] However, I find assistance in interpreting the substantive provisions of the OP considering recent amendments concerning Housing, found in the OP Chapter 3.2.1.10. The amendment states that secondary suites are to be encouraged, rather than allowed or permitted:

> "Second units will be encouraged (emphasis added) in order to increase the supply and availability of rental housing across the city and within neighbourhoods. Second units may be provided within a primary dwelling in a detached or semi-detached house or townhouse. Second units may also be provided within a building that is ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood."

[109] I further find that guidance in interpreting the OP can be found in Chapter 5.6.1:

> 'The Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. 1.1 The Plan is more than a set of individual policies. Policies in the Plan should not be read in isolation or to the exclusion of other relevant policies in the Plan. When more than one policy is relevant, all appropriate policies are to be considered in each situation. The goal of this Plan is to appropriately balance and reconcile a range of diverse objectives affecting land use planning in the City."

[110] I find that the Proposal maintains the general intent and purpose of the OP, since it encourages the provision of one additional garden suite while generally respecting the physical character of the neighbourhood.

[111] I agree with the evidence and submissions of the Appellant that the purpose of the maximum building length provision in the ZBL is to control building massing and should be considered in the context of the Site.

[112] The lot is relatively narrow (7.62 m) and quite deep (43.58 m). I find that a LS with a length of 11.1 m on the second storey, and 10.1 m on the 1st floor (approximately 25% of the length of the lot) does not result in excessive massing and maintains the general intent and purpose of the ZBL.

[113] I agree with Strizic and the other Neighbours that the Proposal will have an impact on their rear yards. However, I find that the Appellant has made reasonable efforts to limit privacy and overlook issues, by eliminating windows on both sides of the LS, and placing the cantilevered portion of the LS to the west, away from the homes fronting on St. Clarens. I find that the Proposal will not have an unacceptable adverse impact and is therefore minor.

[114] I find that the Proposal will permit one LS to be built, thus resulting in a modest increase in the amount and variety of housing to be created on a serviced lot. Consequently, I find that it is desirable for the public as a whole.

[115] I prefer the expert opinion evidence of Mr. Scorgie, to that of Strizic, concerning the impact of the Proposal. The construction of a LS 7.5 m west of the fourplex, and somewhat further from the rear of Strizic's house on the lot to the north, will impact Strizic's views, and will result in some overlook and reduction of privacy. However, I find it will not result in an undue adverse impact on Strizic or the Neighbours.

[116] I conclude that the Proposal meets the four tests and does not impose an undue hardship on Strizic or the Neighbours.

C – Should I impose a condition concerning the lands between the lane and the Laneway Suite

[117] There were considerable documentary and oral evidence concerning the configuration and use of the lands between the lane and laneway suite, 7.62 m in width and 6 m in length (the "Rear Lands").

[118] According to the Landscaping Diagram (Drawing .A01.02) of Exhibit 1, the Rear Lands are labelled "Soft Landscaping (Mulch").[5]

[119] Mr. Scorgie provided a photo of 58R St. Clarens showing 1 car parked behind a LS on lands similar to the Rear Lands. Exhibit 2 shows some shrubbery and garden

[5] Misspelled as "Moulch" on the Landscape Diagram

features on the southerly portion of the lands between the lane and the laneway suite at 58R St. Clemons.

[120] Mr. Scorgie also provided a photo of 52R St. Clarens showing a car parked on the laneway to the rear of the laneway suite (Exhibit 3).

[121] Mr. Scorgie opined that the parking arrangement in Exhibit 2 was preferable from a planning perspective, since it allowed easier access for emergency purposes, rather than the arrangement in Exhibit 3, which would make emergency access more difficult.

[122] According to Mr. Scorgie, the Appellant was not proposing parking on the Rear Lands. He opined that over time the laneway would evolve, becoming more similar to a street, with a front yard in front of the LS.

[123] In his evidence, Strizic questioned why the Appellant was reluctant to relocate the LS further back on the Rear Lands.

[124] Strizic proposed a condition be imposed requiring a fence to be constructed on the Rear Lands to prevent the parking of any cars.

[125] I questioned the Appellant concerning the use of the Rear Lands, asking if the value of the Site would be increased if parking were allowed. Mr. Scorgie stated that the length of the Rear Lands was slightly smaller than that required for a legal parking pad.

[126] I am reluctant to prevent any parking on the Rear Lands, since that is the prevailing use of the garages which currently border on the lane. However, I am also reluctant to allow the entire Rear Lands to be used for parking, since that would limit their improvement and eventual animation of the lane.

[127] I will impose a condition requiring the Appellant to provide shrubs, plants and a fence on 50% of the Rear Lands, so that the Rear Lands cannot be used for parking by more than 1 automobile, in the event that the appropriate permit or permission is obtained from the City.

CONCLUSION

[128] I will allow the appeal, and authorize one variance, so that the length of the ancillary building will be permitted as follows:

10.11 m at grade
11.11 m on the 2nd storey

[129] I will impose the usual condition concerning building substantially in accordance with the site plan and elevation dated February 04, 2026. I will impose an additional condition requiring shrubs and garden features to be provided on at least 50% of the lands between the lane and the laneway suite.

[130] I want to thank counsel, witnesses and Neighbours for focussing their oral presentations and allowing the hearing to be completed in one extended day. I particularly appreciate how Michael Strizic pivoted from a number of variances in extensive documentation to the single variance before TLAB.

DECISION AND ORDER

[131] The appeal is allowed and one variance for building length is authorized as follows:

10.11 m at grade
11.11 m on the 2nd storey

[132] The following conditions are imposed:

(a) The new two-storey ancillary building abutting the lane shall be constructed substantially in accordance with the Site Plan, Landscape Plan and Elevations prepared by MXL Engineering & Associates Inc., dated Feb. 04, 2026.

(b) At least 50% of the lands between the Lane and the Laneway Suite shown on the Landscape Plan prepared by MXL Engineering & Associates Inc., dated Feb. 04, 2026, shall contain shrubs and garden features.

R. Kanter
Panel Member



3 KEY PLAN
SCALE: 1/2" = 1'-0"

Toronto Local Appeal Body

EXHIBIT # 1

Case File Number: 25 222650 S45 09 TLAB
Property Address: 25 222650 S45 09 TLAB
Date Marked: February 11, 2026

Toronto Local Appeal Body

Late

Date Received: February 4, 2026



1 FRONT LANEWAY SUITE
SCALE:



2 REAR LANEWAY SUITE
SCALE:

MXL ENGINEERING & ASSOCIATES INC.

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CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO & DURING COMMENCEMENT OF WORK

CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

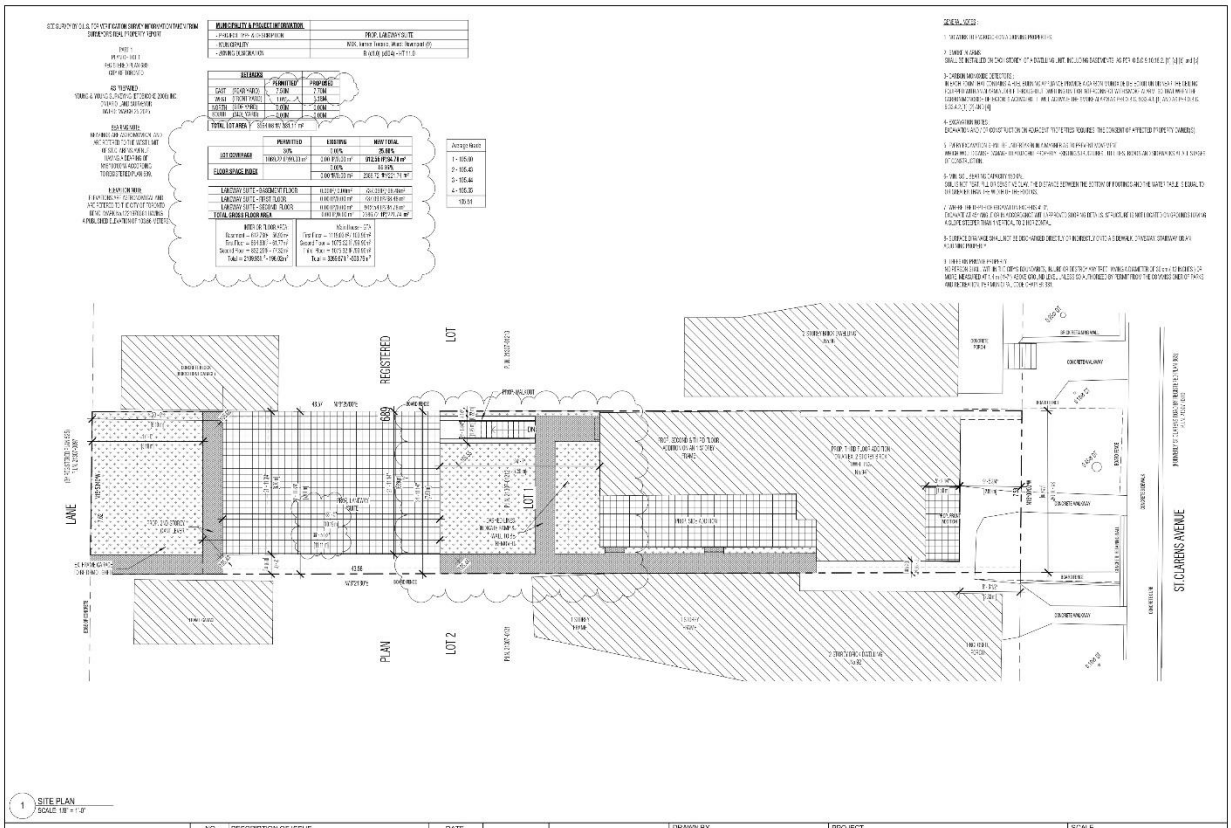
TITLE: COVER PAGE

SCALE: N\

DATE: Feb. 04, 2026

JOB No.: 76-3376

DRAWING No.: .A00.00



1 SITE PLAN
SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION OF ISSUE	DATE
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7	Issued For Zoning	Feb. 04, 2026

MXL ENGINEERING & ASSOCIATES INC.
Suite 201, 2340 Argentia Rd., Mississauga, ON
L5N 8R6
e-mail: admin@mxlengineering.ca
Website: www.mxlengineering.ca
Phone: 437.967.6999

CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO & DURING COMMENCEMENT OF WORK.

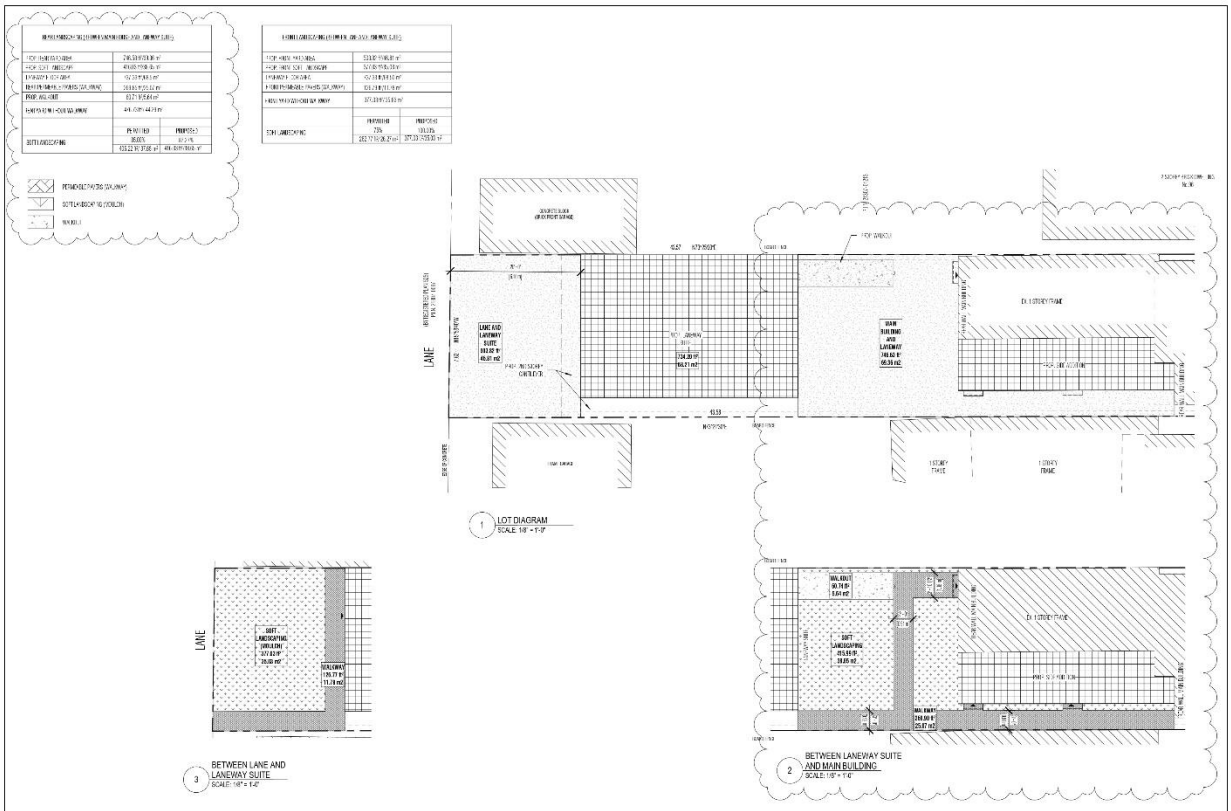
CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Site Plan - Laneway Suite

SCALE: As Indicated
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A01.01



MXL engineering

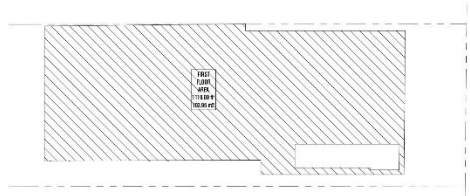
MXL ENGINEERING & ASSOCIATES INC.

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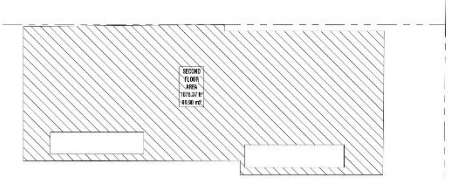
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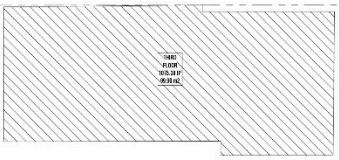
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REVIEWED BY	NC
PROJECT	94 St Clarens Ave
TITLE	Landscaping Diagram
SCALE	As Indicated
DATE	Feb. 04, 2026
JOB No.	76-3376
DRAWING No.	.A01.02



1 FIRST FLOOR PLAN - EX
SCALE: 1/8" = 1'-0"



2 SECOND FLOOR PLAN - EX
SCALE: 1/8" = 1'-0"



3 THIRD FLOOR PLAN - EX
SCALE: 1/8" = 1'-0"

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1220 27 Ave NE Calgary AB T2E 8V5 CA
(403) 250-
e-Mail: [illegible]@mxlengineering.ca
Permit to Practice #[illegible]
Phone: 403 [illegible]

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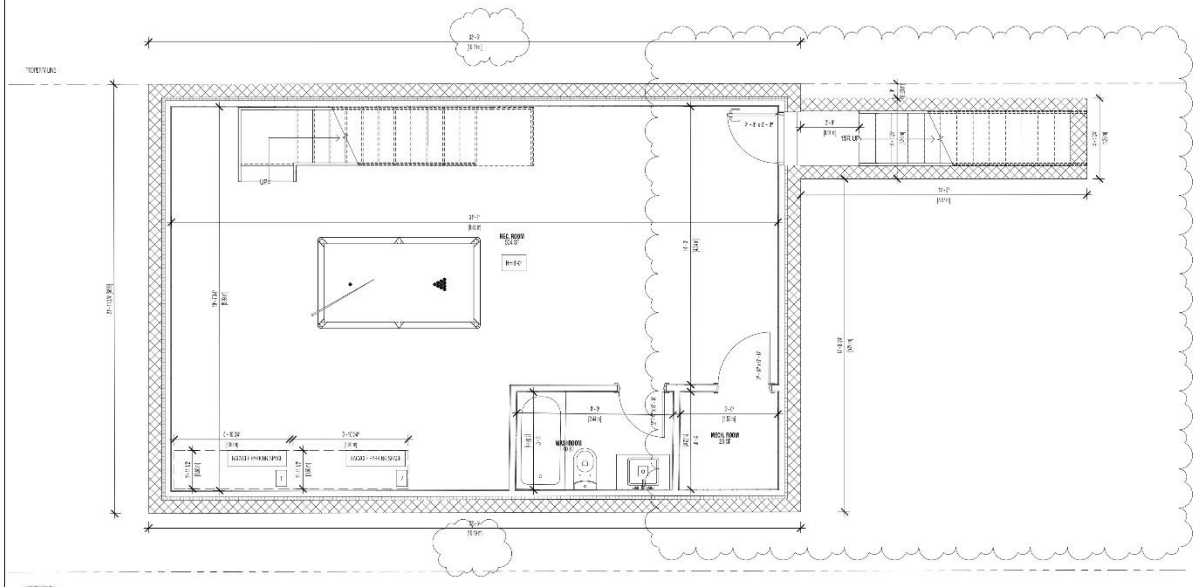
CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Main House Diagram

SCALE: 1/8" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A01.03



1 Basement Floor
SCALE: 3/8" = 1'-0"

MXL ENGINEERING & ASSOCIATES INC.
1220 27 Ave NE Calgary AB T2E 8W5 CA
(403) 250-7553
www.mxlengineering.ca
Permit to Practice #
Member ASTTBC #####

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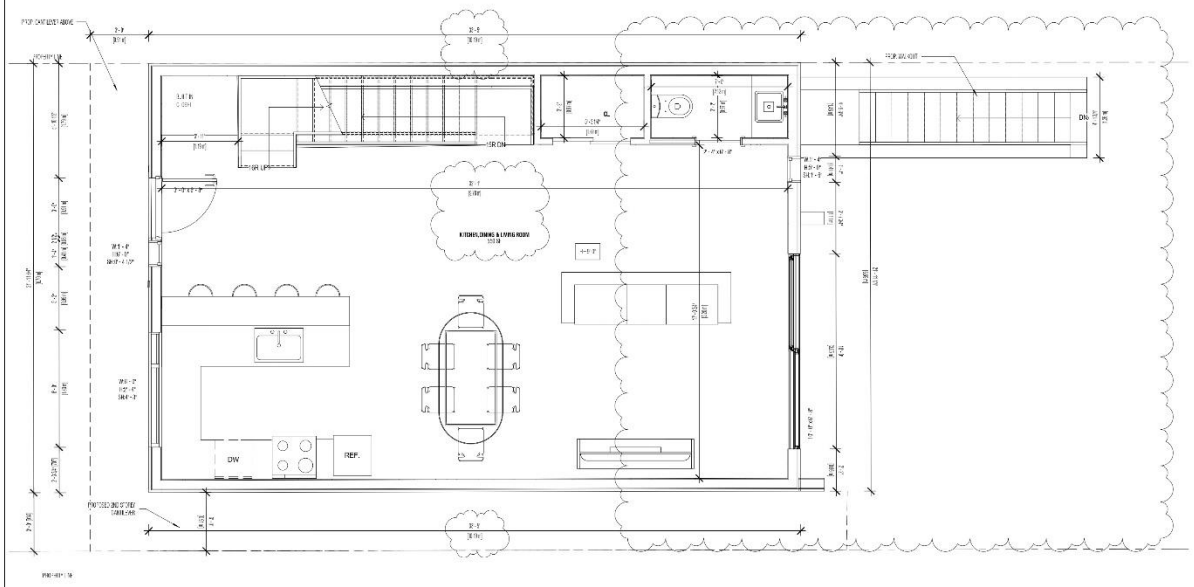
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DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Prop. Basement - Laneway Suite

SCALE: 3/8" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A02.01



1 Lan. First Floor
SCALE: 3/8" = 1'-0"

MXL ENGINEERING & ASSOCIATES INC.

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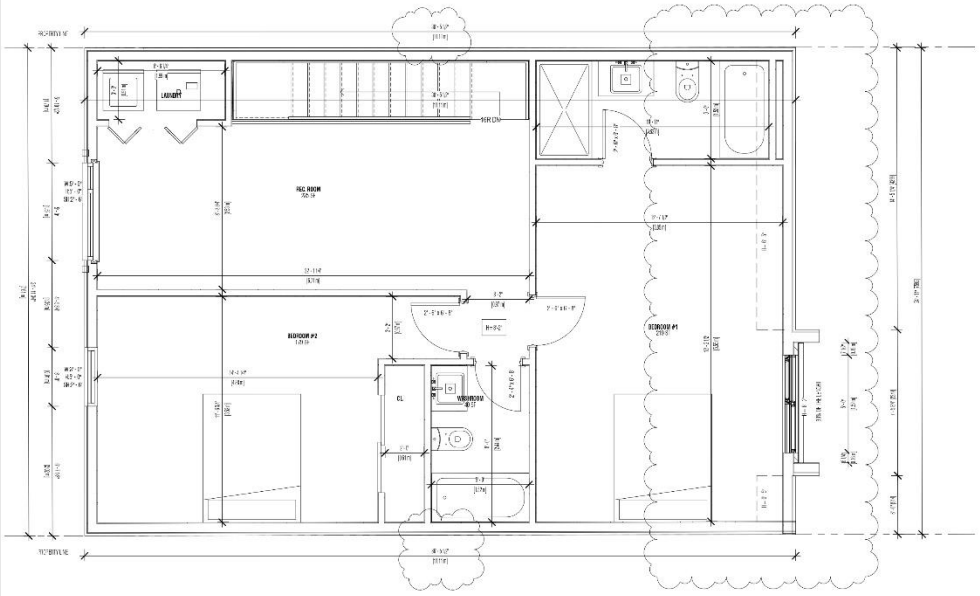
CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Prop. First Floor - Laneway Suite

SCALE: 3/8" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A02.02



1 Lan. Second Floor
SCALE: 3/8" = 1'-0"

MXL ENGINEERING & ASSOCIATES INC.

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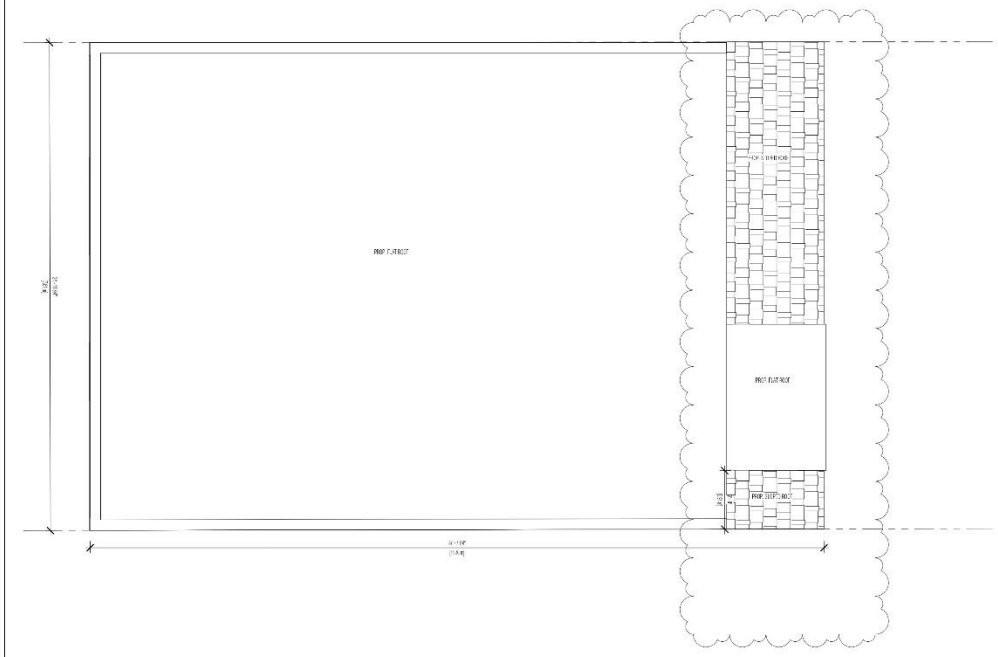
CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Prop. Second Floor - Laneway Suite

SCALE: 3/8" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A02.03



1 Roof Plan - Laneway
SCALE: 3/8" = 1'-0"

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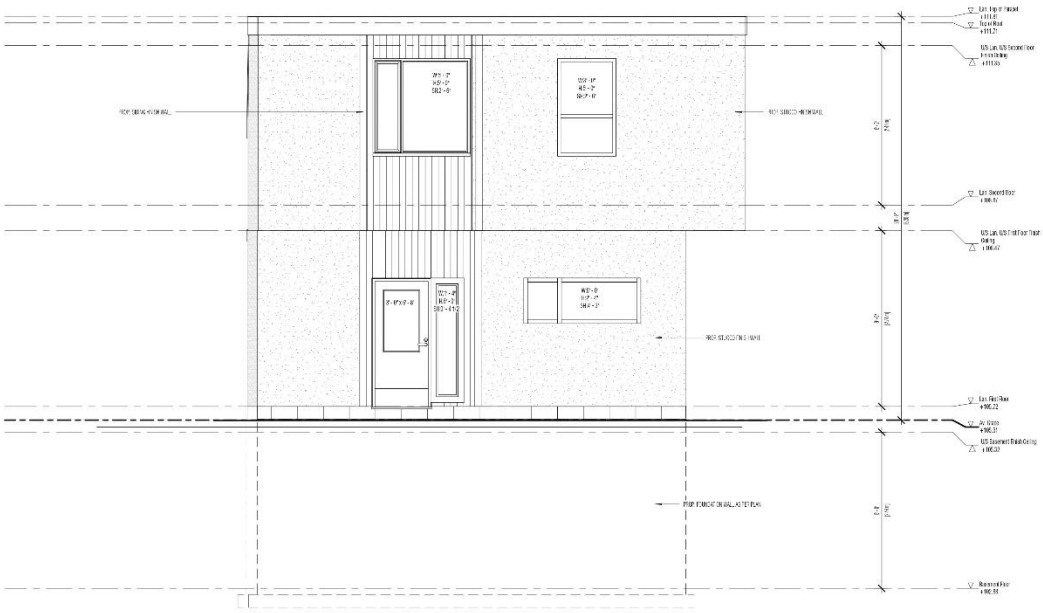
CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Prop. Roof Plan - Laneway Suite

SCALE: 3/8" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A02.04



1 Front Elevation - Laneway Suite (WEST)
SCALE 3/8" = 1'-0"

MXL ENGINEERING & ASSOCIATES INC.
1220-27 Clarke Avenue W, TORONTO ON
(416) 291-7710 mxlengineering.ca
Revision date: 2025-12-12
Planner: JEFF RICHARD

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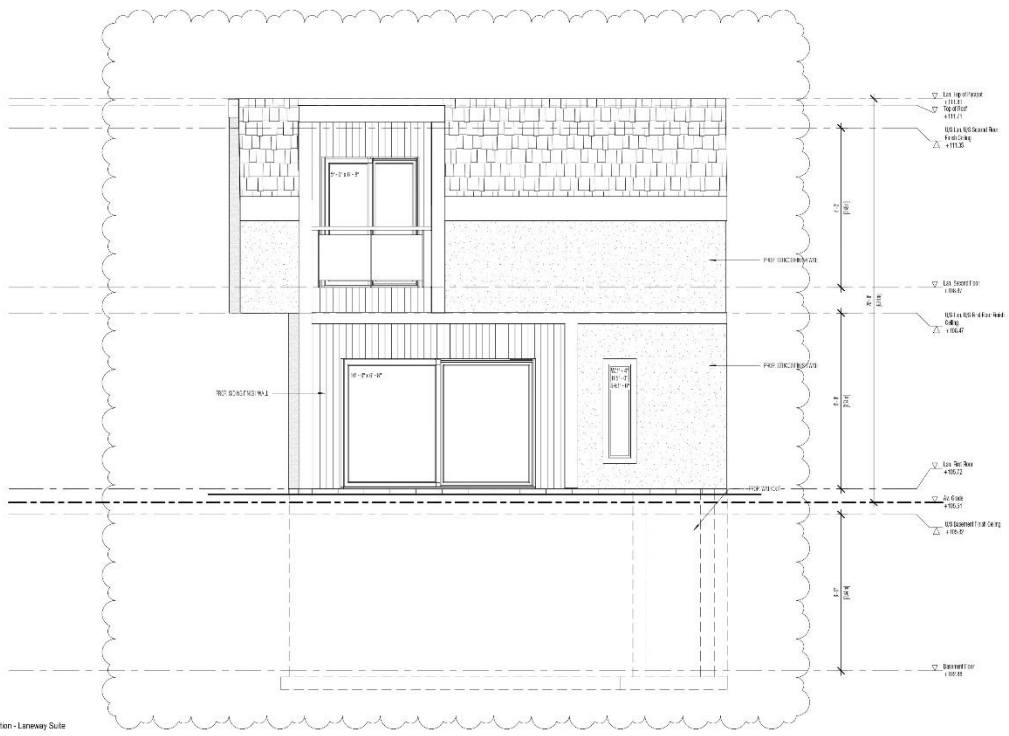
CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Front Elevation - Laneway Suite

SCALE: 3/8" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A03.01



1 Rear Elevation - Laneway Suite (EAST)
SCALE: 3/8" = 1'-0"

MXL ENGINEERING & ASSOCIATES INC.

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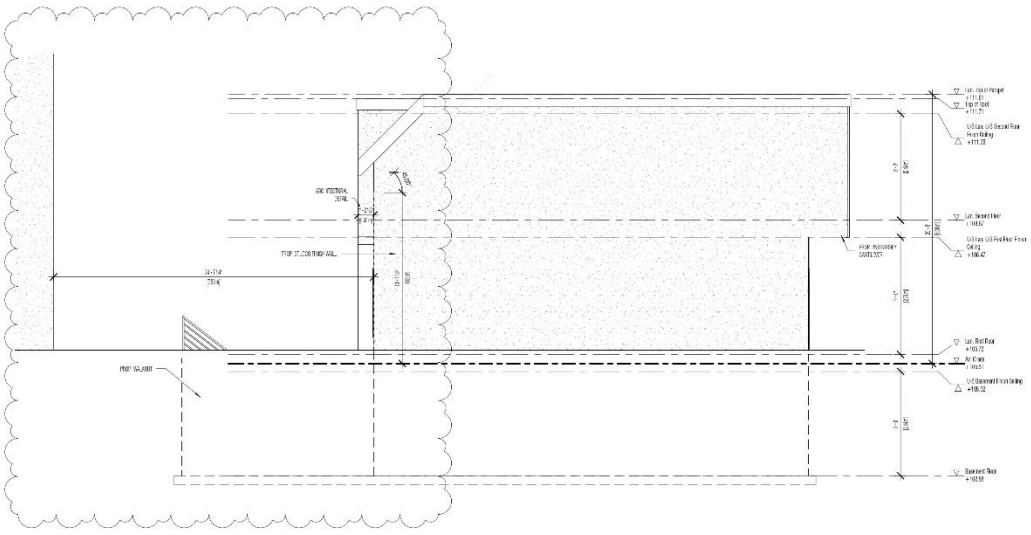
CONTRACTOR TO NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES IN A TIMELY MANNER

DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Rear Elevation - Laneway

SCALE: 3/8" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A03.02



1 Side Elevation - Laneway Suite
(NORTH)
SCALE: 1/4" = 1'-0"

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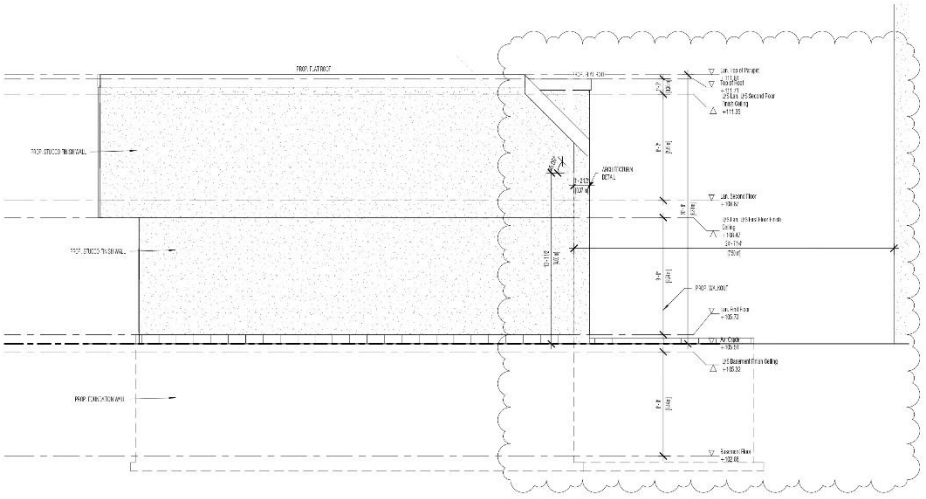
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DRAWN BY: CMC
REVIEWED BY: NC

PROJECT: 94 St Clarens Ave

TITLE: Side Elevation - Laneway

SCALE: 1/4" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A03.03



1 Side Elevation - Laneway (SOUTH)
SCALE: 1/4" = 1'-0"

MXL ENGINEERING & ASSOCIATES INC.

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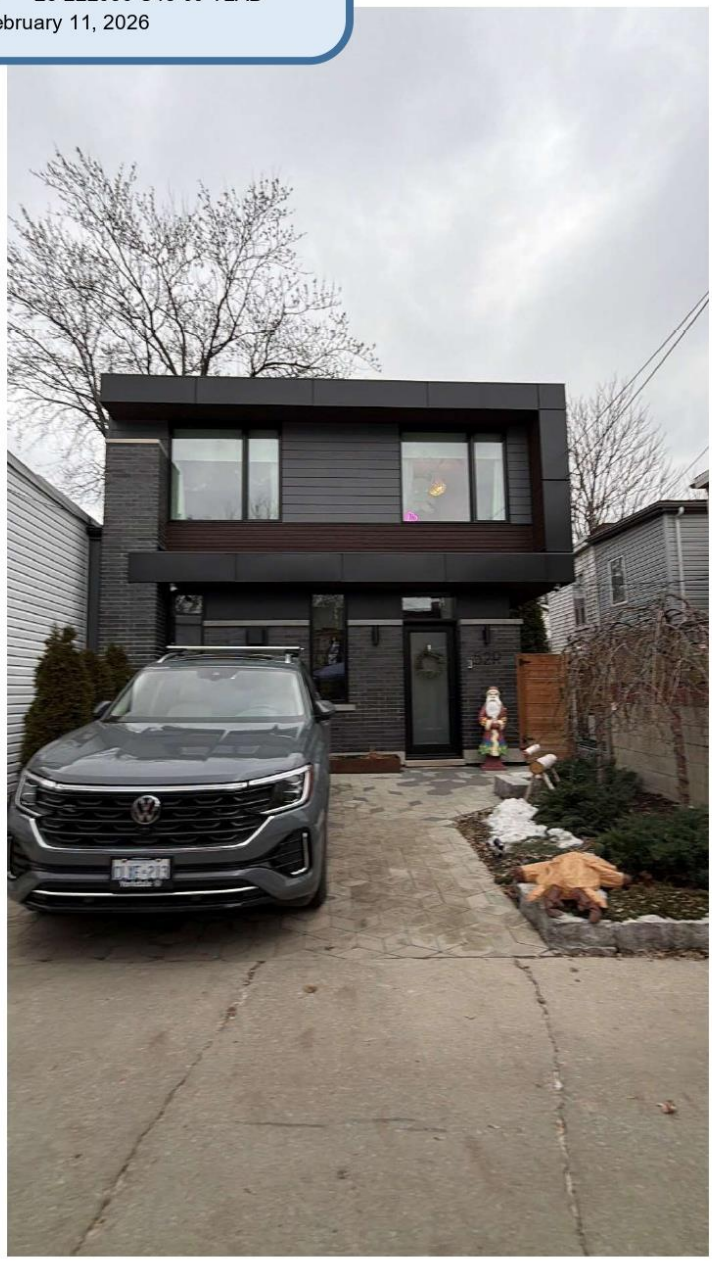
TITLE: Side Elevation - Laneway

SCALE: 1/4" = 1'-0"
DATE: Feb. 04, 2026
JOB No.: 76-3376
DRAWING No.: .A03.04

Toronto Local Appeal Body

EXHIBIT #2

Case File Number: 25 222650 S45 09 TLAB
Property Address: 25 222650 S45 09 TLAB
Date Marked: February 11, 2026



Toronto Local Appeal Body

EXHIBIT # 3

Case File Number: 25 222650 S45 09 TLAB
Property Address: 25 222650 S45 09 TLAB
Date Marked: February 11, 2026

