

Court File No. CV-23-00704623-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

B E T W E E N:

VECTOR FINANCIAL SERVICES LIMITED

Applicant

- and -

33 HAWARDEN CRESCENT INC. and 35 HAWARDEN CRESCENT INC.

Respondents

**AFFIDAVIT OF JEFFREY GOTTESMAN
(SWORN March 12, 2024)**

I, Jeffrey Gottesman, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am one of the directors of Gott Upper Canada Inc. (the “**Purchaser**”). As such, I have knowledge of the matters to which I depose in this Affidavit. Where matters to which I depose are stated to be based on information, I have identified the source of the information and verily believe the same to be true.
2. I am providing this affidavit in response to the Affidavit sworn by Jason Allen John (“**Mr. John**”) sworn March 11, 2024 (“**John’s Affidavit**”).
3. The Purchaser offered to purchase the Properties pursuant to an Agreement of Purchase and Sale executed February 6, 2024 (the “**Offer**”).
4. I deny the entirety of the allegations made by Mr. John in paragraphs 5, 6, 7, 9, 12, 13 and parts of paragraph 8 of John’s Affidavit. I have no knowledge of the allegations made in paragraphs 14 – 29.
5. Neither I nor any other one of my family members have invested or are business partners of the Applicant. We have never had discussions and in fact, were never interested in investing in the mortgage loan to the Companies or the Properties. I deny Mr. John’s

- 2 -

allegation that I advised him that my family and I are investors in the Applicant's mortgage business.

6. My first interaction with Michael Staltari (“**Mr. Staltari**”) was on or around August 15, 2022, when I noticed a stranger walking the premises of the Properties and taking pictures. I approached him and was advised he was representing a lender for the Properties. Mr. Staltari provided me with his business card and I had followed up with Mr. Staltari at some point after his attendance at the Properties to find out what was transpiring with the Properties. During this discussion, I authorized Mr. Staltari to forward my telephone number to Mr. John, who I was advised was trying to connect with me.
7. On or about March 27, 2023, Mr. John and I met to see the plans for the Properties. I agreed to meet with him as I was curious about Mr. John's proposal for the lots neighbouring my property.
8. While I admit that Mr. John and I had several discussions about the project, I deny Mr. John's allegation that I had any intention in partnering up with the Companies in the project. I simply wanted to be kept apprised of the plans for the Properties as it personally affects me and my family.
9. On or about May 25, 2023, Mr. John approached me about purchasing the Properties. He was looking for a premium on the Properties and given the state of the market, I advised him that I would not pay anything over “seventy cents on the dollar” (approximately between \$7.5M and \$8.5M) for the two Properties in their entirety. Mr. John advised that while he would be willing to entertain such an offer, his partners would not be inclined to agree and he advised that he owed more and was not willing to take a loss.
10. With respect to paragraph 10 of John's Affidavit, I confirm that I advised Mr. John that I cannot support the project and he was aware of my intentions to object.
11. I acknowledge that a notice of objection was provided through our lawyers within the timeframe required by law along with numerous other notices of objections submitted by other neighbours in the area. Attached hereto and marked as **Exhibit “A”** are copies of the notices of objections submitted by 8 other neighbours.
12. To the best of my knowledge, the Committee of Adjustment deferred this matter due to the fact that the Companies failed to consult with neighbouring owners and it was recommended by the Office of Josh Matlow and the manager of engineers that this matter be deferred. Attached hereto and marked as **Exhibit “B”** and **“C”** respectively, are the letters submitted to the Committee of Adjustment by the Planning Advisor for Councillor Matlow and manager Scanga, Engineering and Construction Services.
13. I deny the allegation made by Mr. John in paragraph 12 of John's Affidavit. The objection made by us as well as the other neighbours was solely based on the fact that we do not support the proposed development of the Properties. The fact is that the Offer is much higher than the price I was willing to pay for the Properties.

- 14. I further deny the allegations made by Mr. John in paragraph 13 of John’s Affidavit that the Applicant or the Receiver divulged confidential information related to the Receiver’s activities or the other offers, including any information about the purchase prices. The only information that I had at my disposal was the information relayed to my agent through the other agent, namely, that there were other offers and that the other offers were as strong as my offer. I kept increasing the purchase price in my offer in the hopes that the price I was offering was higher than the other offers on the table for consideration.

- 15. I make this Affidavit in response to John’s Affidavit in good faith and for no other improper purpose.

SWORN remotely by video conference)
 by Jeffrey Gottesman at the City)
 of Toronto, in the Province of Ontario,)
 before me at the City of Toronto, on this)
 12th day of March, 2024, in accordance with O. Reg)
 431/20, administering Oath or Declaration .)
 Remotely)

DocuSigned by:
Savit kind
 959FA7209841434...

A Commissioner for Taking Affidavits

DocuSigned by:
Jeffrey Gottesman
 EBF1A9F2AA63411...

Jeffrey Gottesman

VECTOR FINANCIAL SERVICES LIMITED

and

Court File No. CV-23-00704623-00CL
33 HAWARDEN CRESCENT INC. et al

Applicant

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceeding commenced at **Toronto**

AFFIDAVIT OF JEFFREY GOTTESMAN

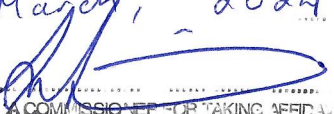
Sarit Kind (LSO #49346D)

Tel: (416) 703-1877

Fax: (416) 504-9216

Email: saritk@westdaleproperties.com

Lawyers for the Purchaser Gott Upper Canada Inc.

"A"
This is Exhibit referred to in the
affidavit for Jeffrey Gottesman
sworn before me this 12th
day of March, 2024

A COMMISSIONER FOR TAKING AFFIDAVITS

Sarit Kind



Meretsky Law Firm Barristers & Solicitors
121 King Street West, Suite 2150, Toronto, Ontario, Canada M5H 3T9
Tel: (416) 943-0808 Fax: (416) 943-0811 www.meretsky.com

November 21, 2023

Public Hearing Notice Minor Variance
Permission File Number: AO766/23TEY

Attention: Kyle Knock, Director, Zoning and Secretary-Treasurer
Sabrina Salatino, Manager and Deputy-Treasurer
Gol Shirzad Margavi, Application Technician

Re: Application for New Multiplex at 33 and 35 Hawarden Crescent

My wife and I are the homeowners of 43 Hawarden Crescent and have lived there for almost 15 years with our family. Our property is 4 lots away from 33 and 35 Hawarden (the “**Subject Properties**”).

We are in receipt of **seven requests** for minor variances requested under Section 45 of the *Planning Act* (Ontario) which include, *inter alia*, for the partition of 35 Hawarden into two lots, the substantial partition of 33 Hawarden into at least five development lots, the densification of development along Spadina Road caused by a 3+ story building and various related egress rights (the “**Application**”).

We strongly object to all aspects of these proposed variances and respectfully requests the City of Toronto fully reject this Application.

Our view is that these requests are inconsistent with the intention of the *Planning Act* (Ontario) and violate the integrity of the existing developed neighbourhood on Hawarden Crescent, Burton Road, Spadina Road and related areas and present considerable environmental and traffic issues that have not been addressed or, to our knowledge, even considered at this stage.

1. **This Application is not “minor”** – The intention of the applicant is to re-characterize the area for development purposes into multiple high-residential lots for development purposes and should not be regarded as minor in nature. In our view, this is an attempt to re-write the zoning to multiple residential and to drastically change the characterization of the area. Each of the homes on Hawarden on the side of the street are consistent in lot size and consist of single-family dwellings. Introducing multiple residential on a quiet street results in a decrease in land values and ultimately tax property revenues for the City. On what basis does the City intend to proceed without fully addressing the change to the character of the neighbourhood? Certainly, an impact study is warranted for this type of material change.
2. **Intensification of Traffic Flow**- To what extent has traffic flow been considered or egress/ingress rights been addressed given Hawarden is a small cul-de-sac consisting of single dwelling homes with traffic flow being directed to Spadina Road on the east side or Ardmore Road on the north side. Where does this developer intend to provide for car parking access from the proposed 5-plex? Will it be on Spadina Road, which is already a very busy street or on Hawarden Road, which consists today of single-family homes? How can the Planning Committee consider drastic

amendments to the zoning (not minor variances) without fully contemplating the impact of traffic and access? As presumably you are aware, the Subject Properties are directly across the street from Forest Hill Public School. There is already considerable traffic during drop-off/pick-up times and the development of multi-residential properties presents heightened risk to the community and the younger children accessing the school. The removal of sidewalks along Spadina Road for extended periods of time to develop this multi-residential site would significantly impact access to Forest Hill Public School as well as frequently-used Toronto Transit Commission bus stops in the immediate vicinity.

3. **Requirement to Address Environmental Conditions** – We understand that the backyard areas of 33 Hawarden and 35 Hawarden were historically a large gully that had been filled-in such that the depth of the soil is considerable. In the context of the development of our neighbour's house at 41 Hawarden (Hamar family), both our property (at 43 Hawarden) and our neighbours' property at 39 Hawarden (Goodman family) experienced considerable soil erosion from excavation which resulted in considerable damage to our foundation. This occurred notwithstanding shoring and had to be addressed by structural engineers with 10+ helical piles drilled to depths of 25+ feet or more on the southern portion of our property. We were advised that this was due to the land consisted of over 5+ meters of soil until bedrock is reached. What type of environmental studies has the developer undertaken and provided to the City of Toronto before it has made this Application?
4. **Reduction of Foliage** – From experience, the City has significant regulations with regard to the removal of trees and the preservation of greenery. Clear-cutting a 50' x 240' lot at 33 Hawarden to accommodate a 5-multiplex would certainly be in contravention of the City's stated objective of preserving the foliage and greenery.

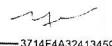
What is most striking about these Applications is the **complete lack of consultation** by the property owner and its consultants, Dales Consulting, with any of the neighbours. At no point in time have we, or we understand any of our neighbours, received any communication from the land owner for purposes of explaining their intended use of the property and addressing any development concerns. The first and only communication we have received is the Applications, which were only received by the undersigned about a week ago.

In our view, this is purely an exercise by the developing to obtaining variance approvals for purposes of selling this land. Moreover, this is a slippery slope given that the ultimate developer will, in our view, reapproach the City for additional variances as they seek further densification and perhaps seek more than 3-storey development and 5 residential units.

Given the lack of consideration to the environmental impact, traffic flow and the non-minor nature of this Application, we respectfully request the Committee **vote against each and every proposal on this Application**. In the alternative, we request that the Committee defer this matter and require the owner of the Subject Properties to commission an environmental study, traffic flow study, community impact study and engage in further dialogue with its neighbours.

The undersigned intends to be present in person at the Hearing and would be pleased to address any concerns directly.

Yours truly,
MERETSKY LAW FIRM

DocuSigned by:

3714F4A32413459...

Jason D. Meretsky

RECEIVED

By Committee of Adjustment at 8:01 am, Nov 13, 2023

14 Burton Road
Toronto, ON
M5P 1T7

November 10, 2023

Kyle Knock, Director, Zoning and Secretary-Treasurer
Sabrina Salatino, Manager and Deputy-Treasurer
Gol Shirzad Margavi, Application Technician

Re: Application for New Multiplex at 33 and 35 Hawarden Crescent

We live on the portion of Burton Road which backs on to the properties on the south side of Hawarden Crescent. Our family has lived here for 75 years. The backyards on our stretch of Burton and the south side of Hawarden come together to form an enclosed ravine filled with spectacular old growth trees that trap the carbon, oxygenate the air and provide a beautiful natural environment for residents and visitors. If you looked out our back window, you would appreciate why the original village was named Forest Hill.

We are writing to express our concern regarding the confusing collection of information we received in several envelopes from you this week with respect to what appears to be a shocking development proposal for 33 and 35 Hawarden Crescent. We are surprised the City would consider the virtually indecipherable pile of miniaturized plans and cryptic, jargon-laden descriptions to be sufficient public notice. We shouldn't have to hire planners and legal counsel to help us understand the basics of the proposal the Committee of Adjustment will be entertaining.

It appears from what we can decipher that a developer is proposing to take two large, green lots in a beautiful old residential area, and transform them into a dense, seven home multiplex. As we understand it, the new complex would consist of two detached dwellings facing Hawarden and five additional infill-townhomes fronting on Spadina, in the process eating up virtually all of the existing beautiful green space.

There is nothing minor about that proposal, and nothing about it that is consistent with the nature and character of the neighbourhood. This is not "gentle densification" relative to the status quo, and any suggestion to the contrary is trying to fit a square peg into a round hole. We were not even aware that townhomes were permitted in our neighbourhood and would like to understand why, if we are right, a multiplex application is even being considered.

Ours is one of the last neighbourhoods in the City with large leafy front and back yards and houses that do not overwhelm the lots they sit on. We have managed to maintain that fundamental feature despite developers' efforts to squeeze more square footage (and more profit) out of each new build. Approval of a multiplex like this would spark a wave of similar development, and spell the beginning of the end for the Forest Hill that has been part of our local fabric for 100 years. Hopefully the Committee will have the foresight to say no.

Zoe and Dennis Mahony

cc. Josh Matlow, Councillor, Toronto-St. Paul's

RECEIVED

By Committee of Adjustment at 10:41 am, Nov 22, 2021

RE: **Development at 33 and 35 Hawarden Crescent**

File Numbers: **B0049/23TEY, B0050/22TEY, A0766/23TEY, A0767/23TEY, A0768/23TEY, A0769/23TEY, A0770/23TEY, A0774/23TEY, A0776/23TEY**

To the Committee of Adjustment,

We received 7 separate envelopes in the mail regarding the development proposals at 33-35 Hawarden Cres. The way the minor variance notices and consent notice were submitted was very confusing and hard to follow. It seems that the proposal is to take 2 residential lots, 33-35 Hawarden Cres., and cut them up into 7 lots. We live backyard adjacent to these lots and we have been in our house for more than 40 years. We moved and have chosen to stay in Forrest Hill because it was one of the only places in Toronto that doesn't have houses on top of each other. This proposal would change the 90-year-old fabric of Forest Hill and the destruction of 100-year-old trees.

In addition to the chopping up of the lots, each individual dwelling is asking for additional variances to "maximize" built volumes, patently ignoring the by-laws which are designed to protect the fabric of neighborhoods. We do not understand why the development proposals think it appropriate to deviate from the by-laws so egregiously. For example, the request to double and triple the floor space index from the by-law of .35 to .7 and as high as .935 and the request for over 14 sq/m of balcony when only 4 sq/m are permitted is evidence of this. These by-laws are not arbitrary or optional. They exist for a reason. We are private people and the addition of giant 2nd floor in some cases 3rd floor balconies in close proximity to our backyard would be a significant loss in our privacy. We imagine these considerations were also on legislators' minds when they made these by-laws, and key reasons why the rules exist in the first place.

The chopping up of 33 Hawarden into 6 units, doubling and tripling floor space index maximums, compromising front and side yard setbacks, minimum lot areas, appear to us to be very far from minor variances. We oppose these plans and beg the Committee to consider that these are not minor in nature and are not in the spirit of the neighborhood's fabric or its by-laws which were created to protect the neighborhood.

Sincerely,

Michael and Linda Halperin
6 Burton Road
M5P 1T7

39 Hawarden Crescent
Toronto, ON
M5P 1M8

November 19, 2023

Kyle Knock, Director, Zoning and Secretary-Treasurer
Sabrina Salatino, Manager and Deputy-Treasurer
Gol Shirzad Margavi, Application Technician

Re: Application for New Multiplex at 33 and 35 Hawarden Crescent

We live at 39 Hawarden Crescent and have been happy to have had the quiet enjoyment of our neighbourhood for close to a decade.

In reviewing the proposed development for 33 and 35 Hawarden Crescent, we find it necessary to express our objection to this project.

The plan would sever the property to allow for 5 multiplex homes that would face on to Spadina Road.

The lot sizes on Hawarden Crescent and Burton Road are substantive, allowing for greenery and trees to flourish. It allows us to have a home with privacy that we so keenly sought. It is our understanding that these lots were designed to preserve a greenbelt area (ravine) nestled between Hawarden Crescent and Burton, stretching from Spadina Road to Vesta Drive.

Building the town houses on Spadina will be the first construction in that Greenbelt area. We are concerned about the environmental impact of this dense development. We know that our soils are deep (more than 5 ½ metres at our house alone) and the soil has a lot of clay content. Our concern is that the buildings on Spadina will have a dramatic impact on the eco-system of our property. We want to see a scoped out environmental study to show what the impact would be on all of the properties and greenery should a development like this proceed, particularly as it applies to drainage.

This development would dramatically alter all aspects of our ability to enjoy our property. The addition of 5 multiplex homes with 3 stories (and balconies) on an already elevated section of Spadina would eliminate our ability to have quiet and private enjoyment. Furthermore, by severing the lot for 35 Hawarden, you are

destroying the integrity of the street lots and open up the possibility for future multiplex homes where we now have single dwelling homes.

In addition, the intensified traffic that will result from the construction and additional units to the area will do nothing but clog our streets.

We pay tens of thousands of dollars annually in our city taxes for our property.

We know that we have a jewel of Toronto property and continue to ensure that we maintain the upkeep of our home in every way. This development is the beginning of the slippery slope to destroy a cul-de-sac of single dwelling homes with expansive backyards in the heart of the city.

We strongly object to the severance of the property and in no way support the development of a multiplex unit in our backyard.

Harriet and Jonathan Goodman

39 Hawarden Crescent

Toronto, ON

M5P 1M8

November 21, 2023

Kyle Knoeck, Director, Zoning and Secretary-Treasurer
Sabrina Salatino, Manager and Deputy Secretary-Treasurer
Gol Shirzad Margavi, Application Technician
Committee of Adjustment
City Planning Division, Toronto

Re: Application for New Multiplex at 33-35 Hawarden Crescent (File numbers B0049/23TEY, B0050/22TEY, A0766/23TEY, A0767/23TEY, A0768/23TEY, A0769/23TEY, A0770/23TEY, A0774/23TEY, A0776/23TEY)

We live at 41 Hawarden Crescent and have been happy to have had the quiet enjoyment of our neighbourhood for close to a decade. In reviewing the proposed development for 33 and 35 Hawarden Crescent, we strongly object to this project.

The plan would sever the property to allow for 5 multiplex homes that would face onto Spadina Road. In addition, it would dramatically reduce the size of the lot for 35 Hawarden in the now proposed 2 single dwelling homes.

The lot sizes on Hawarden Crescent and Burton Road are substantive, allowing for greenery and trees to flourish. It allows us to have a home with privacy that we so keenly sought. It is our understanding that these lots were designed to preserve a greenbelt area (ravine) nestled between Hawarden Crescent and Burton, stretching from Spadina Road to Vesta Drive.

We would like to emphasize to the Committee of Adjustment that there is a elementary/middle school at the northeast corner of Spadina and Hawarden Crescent. A large number of students from the school almost daily use the sidewalk on the west side of Spadina Road to walk back and forth towards St. Clair. We feel that multiple driveways with many cars going in and out of driveways on Spadina will be a threat to the safety of the students.

Moreover, building the town houses on Spadina will be the first construction in that Greenbelt area. The proposed building area is full of mature trees that will need to be cut to make room. We are concerned about the environmental impact of this dense development. We know that our soils are deep (more than 5 ½ metres at our house alone) and the soil has a lot of clay content. Our concern is that the buildings on Spadina will have a dramatic impact on the eco-system of our property. We want to see a scoped out environmental study to show what the impact would be on all of the properties and greenery particularly as it applies to drainage.

This development would dramatically alter all aspects of our ability to enjoy our property. The addition of 5 multiplex homes with 3 stories (and balconies) on an already elevated section of Spadina would eliminate our ability to have quiet and private enjoyment. Furthermore, by severing the lot for 35 Hawarden, you are destroying the integrity of the

street lots and open up the possibility for future multiplex homes where we now have single dwelling homes.

In addition, the intensified traffic that will result from the construction and additional units to the area will do nothing but clog our streets.

We pay tens of thousands of dollars annually in our city taxes for our property. This development is the beginning of the slippery slope to destroy a cul-de-sac of single dwelling homes with expansive backyards in the heart of the city.

We strongly object to the severance of the property and in no way support the development of this multiplex unit.

Dr. Deepali Humar
Dr. Atul Humar
41 Hawarden Crescent
Toronto, ON M5P 1M8

Gol Shirzad

From: coa.tey
Sent: November 27, 2023 11:28 AM
To: Gol Shirzad Margavi
Subject: FW: [External Sender] Application for New Multiplex at 33 and 35 Hawarden Crescent

From: Sheryl Ederman <sherylederman@gmail.com>
Sent: November 24, 2023 9:40 PM
To: coa.tey <coa.tey@toronto.ca>
Subject: [External Sender] Application for New Multiplex at 33 and 35 Hawarden Crescent

File Number: A0766/23TEY

We are the homeowners of 6 Ardmore Road and have lived here for 35 years with our family. Hawarden Crescent ends at Ardmore and currently people cut through Hawarden driving more traffic to Ardmore Road. We are not far from 33 and 35 Hawarden Cres.

We have reviewed the requests for 'minor' variances requested under Section 45 of the Planning Act (Ontario). We believe that these requests are inconsistent with the intention of the Planning Act (Ontario) and violate the integrity of the existing developed neighbourhood on Hawarden Crescent, Burton road Ardmore Road and Spadina Road and related areas.

We are concerned about the traffic issues that have not been addressed and we are concerned with the significant environmental issues.

NOTE:

1. This application is confusing, significant and not MINOR.
2. To built a multi-residential development in this community will change the entire character of the neighbourhood.
3. The tree canopy that needs to be cleared to accommodate a 5 multiplex unit is significant.
4. The intensification of traffic flow will be significant. Currently with the school at Ardmore/Hawarden and Spadina the traffic is often backed up and the risk to the school children is already enhanced , let alone the impact of adding more housing/traffic. Has this been studied? One only needs to sit outside our home early morning or talk to the crossing guard to get a sense of the line ups that currently occur. Our driveway is often blocked several times a day with line ups to Hawarden Crescent. And traffic on Spadina north and south of the crosswalk , (which is at Ardmore) is often backed up several blocks.
5. Have environmental studies been done about the gully that is behind the backyards of 33 and 35 Hawarden? We did not see any on file.

Our home and the other ARDMORE neighbours have not been consulted, or advised or communicated with addressing the development concerns. This request is significant and communications explaining their intended use of the property should have occurred.

We are aware that our property is just out of the radius to receive a copy of the Application, but one would have thought a developer would have taken some initiative to communicate with the neighbours.

We respectfully request the Committee vote against each and every proposal on this application. We would like the traffic flow, community impact and environmental impact to be studied and communicated with its neighbours prior to any approval. Further dialogue is required.

We strongly object to all aspects of these proposed variances and respectfully request the City of Toronto fully reject this Application.

Kindly present our objection at the Hearing and note our position.

Sheryl & Michael Ederman
6 Ardmore Road
Toronto

November 22, 2023

Public Hearing Notice Minor Variance
Permission File Number: AO766/23TEY

Attention: Kyle Knock, Director, Zoning and Secretary-
Treasurer Sabrina Salatino, Manager and Deputy-
Treasurer
Gol Shirzad Margavi, Application Technician

Re: Application for New Multi-residential Development at 33 and 35 Hawarden Crescent

I am the homeowner of 34 Hawarden Crescent and have lived there for almost 8 years with my family. Our property is across the street and about 5 lots away from 33 and 35 Hawarden Cres.

I am in receipt of the 7 requests for minor variances requested under Section 45 of the *Planning Act* (Ontario) which include, the partition of 35 Hawarden into two lots, the substantial partition of 33 Hawarden into at least five development lots, the densification of development along Spadina Road caused by a 3+ story building and various related egress rights.

I strongly object to all aspects of these proposed variances and respectfully requests the City of Toronto fully reject this Application.

I believe that these requests are inconsistent with the intention of the *Planning Act* (Ontario) and violate the integrity of the existing developed neighbourhood on Hawarden Crescent, Burton Road, Spadina Road and related areas. They also present considerable environmental and traffic issues that have not been addressed or even considered at this stage.

In particular, my concerns are as follows:

1. By the sheer nature of this application, it is not minor. A multi-residential development of this nature is significant and will change the entire character of the neighbourhood.
2. There will likely be a significant intensification of traffic flow.
3. My understanding is that the backyard areas of 33 Hawarden and 35 Hawarden were historically a large gully that had been filled-in many years ago. Have any environmental studies has been undertaken and provided to the City of Toronto prior to this Application?
4. There would be a significant reduction of the tree canopy by clear-cutting a 50' x 240' lot at 33 Hawarden to accommodate a 5-multiplex.

What is most striking about these Applications is the complete lack of consultation by the property owner and its consultants, Dales Consulting, with any of the neighbours. At no point in time have I, or any of our neighbours, received any communication from the landowner for the purpose of explaining their intended use of the property and addressing any development concerns.

I understand that my property is just out of the radius to receive a copy of the Application when my other neighbours did, but one would think that a developer that wanted to embark on such a

significant undertaking that would materially impact so many homes in a small cul-de-sac would have taken some initiative to communicate with the neighbours and outline his plans.

Given the lack of consideration for the environmental impact, traffic flow and the non-minor nature of this Application, we respectfully request the Committee vote against each and every proposal on this Application.

In the alternative, we request that the Committee defer this matter and require the owner of these properties to commission an environmental study, traffic flow study, community impact study and engage in further dialogue with its neighbours.

I intend to be present in person at the Hearing and would be happy to address my concerns directly.

Regards,

Harvey Wise

34 Hawarden Crescent

RECEIVED

By Committee of Adjustment at 6:11 pm, Nov 20, 2023

Public Hearing Notice
Minor Variance/Permission
File Number:AO766/23TEY
33-35 Hawarden Cr

From
Peter Gordon McArthur
28 Hawarden Cr
Toronto Ont
M5P1M7

My name is Gordon McArthur and my wife Ann and I have lived at 28Hawarden Cr for 30 years I have to say I was somewhat concerned that we only had two weeks to respond to such a potentially significant change especially when a severance was issued July 23

I would like to address some of the points that the Committee must be satisfied with Since we have lived here there have been many changes but the character of Forest Hill has essentially remained the same:

By and large the core of Forest Hill has been single family homes. There are condos and apartments in clusters but my knowledge have they comingled with homes in the core. It has been a heavily treed area that has added that has added significant benefits to the area and the city has gone to great lengths interms of maintenance and regulations to maintain this look and feel.

There are regulations on how many and where cars can park

The changes that this proposes would be precedent setting and the feel of the community, a unique community, close to downtown well served by publi transit, excellent schools both public and private, churches and synagogues kuldip well be lost

The variances request are major, not minor

Every single dwelling is on a lot significantly smaller than required

Every single dwelling is significantly larger than allowed for the lot size

Not mentioned but must be dealt with is that there is a ravine that runs the length of Hawarden behind the houses on the south side of Hawarden Until now no building has been allowed as it is a potential drainage area

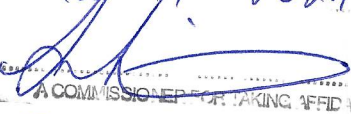
The house directly behind was denied the right to build

There are mature trees that abut the sidewalk that run from Hawarden to Burton. It is hard to believe that with 5 driveway that some of these will not be in the path of trees

It would be a shame if some these trees had to be removed

Thank you
Gordon McArthur

"B"

This is Exhibit referred to in the
affidavit of Jeffrey Gottesman
sworn before me this 12th
day of May, 2024.

A COMMISSIONER FOR TAKING AFFIDAVITS

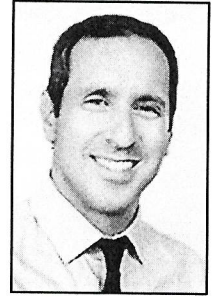
Sarit Kund



Councillor Josh Matlow

Ward 12, Toronto – St. Paul's
City Hall, 100 Queen Street West
2nd Floor, Suite A17
Toronto, Ontario M5H 2N2

Tel: 416-392-7906
Fax: 416-392-0124
councillor_matlow@toronto.ca
www.joshmatlow.ca



Attention: Sabrina Salatino
Manager and Deputy Secretary-Treasurer
coa.tey@toronto.ca
(416) 392-7565

Committee of Adjustment
City Planning Division
Toronto & East York District Office

Re: Application for New Multiplex and 33 and 35 Hawarden Crescent
Ward 12 Toronto-St. Paul's
Committee of Adjustment
File Number: B0049/23TEY

Dear Committee Members:


On behalf of Councillor Josh Matlow, I am writing to encourage the applicant to further collaborate with neighbours on the proposed variances, which, to our knowledge, has not sufficiently occurred.

Thank you,

Sebastien Gibson
Planning Advisor to Councillor Matlow

A handwritten signature in black ink, appearing to read "Josh Matlow", written over a horizontal line.

Councillor Josh Matlow
City Councillor
Toronto – St. Paul's
www.joshmatlow.ca

This is Exhibit ^{"C"} referred to in the
affidavit of Jeffrey Gottesman
sworn before me this 12th
day of March, 2024

A COMMISSIONER FOR TAKING AFFIDAVITS

Sarit Kund

RECEIVED

By Committee of Adjustment at 2:53 pm, Nov 24, 2023



Memorandum

Pat Scanga, P.Eng., FEC
 Manager, Development Engineering
 Engineering and Construction Services

Metro Hall
 55 John Street, 16th Floor
 Toronto, Ontario M5V 3C6

Tel: 416.392.8320
Fax: 416.392.4426
 Pat.Scanga@toronto.ca

Reply to: Ana Maria Luciani
 Engineering Technical Coordinator
 Tel: 416.392.3986
 AnaMaria.Luciani@toronto.ca

TO: Sabrina Salatino, Manager and Deputy Secretary-Treasurer, Committee of Adjustment, Toronto & East York Panel, 1st Floor, West Tower, City Hall
Attn: Gol Shirzad Margavi

FROM: Pat F. Scanga, P.Eng., FEC, Manager, Development Engineering
 Toronto & East York District, 16th Floor, Metro Hall
Attn: Ana Maria Luciani

DATE: November 24, 2023

SUBJECT: **Pre-Hearing – Consent to Sever No. B0049/23TEY and Minor Variance Application Nos. A0767, A0768, A0769, A0770, A0774 and A0776/TEY**
Owner: 33 Hawarden Crescent Inc.
Applicant: Dales Consulting c/o Andrew Dales
Location: 33 Hawarden Crescent
Meeting Date: To be Determined

Ward: 12

This is in reference to the above-noted applications submitted by the applicant, Andrew Dales of Dales Consulting, on behalf of the property Owner, 35 Hawarden Crescent Inc., for the following:

- **SEVER** the existing residential lot at premises No. 33 Hawarden Crescent, as shown on the submitted Draft Reference Plan into six residential lots (*Parts 2, and Parts 3 to 8*) for the purpose of lot additions for five of them (*Parts 3 to 8*);
- **VARIANCES** to the Zoning By-law related to the construction of:
 - *Part 2* – (existing lot) demolition of existing dwelling and a new two-storey detached dwelling with a front covered porch, an integral basement garage, a rear ground floor deck with stairs, a rear basement walkout and a rear second storey balcony.
 - *Parts 3 and 13* (severed lands) - new three storey townhouse dwelling with a front integral garage, a front second storey balcony and a rear third storey balcony.

- *Parts 4 and 12* (severed lands) - new three storey townhouse dwelling with a front integral garage, a front second storey balcony and a rear third storey balcony.
- *Parts 5 and 11* (severed lands) - new three storey townhouse dwelling with a front integral garage, a front second storey balcony and a rear third storey balcony.
- *Parts 6 and 10* - new three storey townhouse dwelling with a front integral garage, a front second storey balcony and a rear third storey balcony.
- *Parts 7, 8, & 9* - new three storey townhouse dwelling with a front integral garage, a front second storey balcony and a rear third storey balcony.

City records appear to indicate that there is an existing 1200 mm storm sewer that traverses the rear of premises Nos. 33 and 35 Hawarden Crescent. The property survey prepared by Vladimir Dosen Surveying, O.L.S. signed June 8, 2023, that was submitted with the applicant, identifies an area at the rear of the property for 33 Hawarden Crescent, as being "subject to easement (12.19 Wide)" but provides no other detail regarding the easement.

Based on what is shown on the plans, it appears that the storm sewer traverses the southerly most lot (proposed Parts 7, 8 and 9) at the rear of premises Nos. 33 and 35 Hawarden Crescent. However, the site plan drawings submitted do not show/identify, complete with dimensions, the location of the easement and its depth in relation to what is being proposed and how the proposed construction will impact the existing storm sewer. Furthermore, the proposed dwelling structure on the southerly most lot appears to be proposed to be built over the easement lands which is not permitted.

The applicant also provided a copy of the easement agreement, Instrument No. 396436, registered on title on March 28, 1945, for "storm and sanitary sewers". Given the date of this agreement, staff are not clear whether this legal document:

- Is still in force and whether it applies to both 33 and 35 Hawarden, the property for which amalgamated on title; and,
- As to whether a new agreement needs to be entered into as a condition of the Consent to Sever Application, especially given that the properties are being severed;
- Based on City of Toronto Design Criteria for Sewers and Watermains, the minimum easement widths required for sewer and watermains infrastructure is based on the size and depth of the infrastructure. The minimum easement depth for a single sewer in excess of 3.7 m deep or larger than 750 mm diameter is 9 metre.

Staff will need to seek further consultation with the City Legal Services regarding the above. Furthermore, as the adjacent property 35 Hawarden Crescent is also subject to a Consent to Sever Application that proposes lands to be conveyed as lot additions to

premises No. 33 Hawarden Crescent, this same information is also applicable to that property.

Taking the above into consideration and that the applicant/Owner has confirmed they wish to proceed with the Committee's scheduling of the hearing on November 29, 2023, it is recommended that the Committee defer this matter to a future date. This would provide opportunity for the applicant/Owner to continue the discussions with City staff to address the above matters, however, should the Committee proceed with the hearing, approval of the Consent to Sever and Minor Variance Applications must be subject to the applicant/owner satisfying the following:

1. Submitting revised plans to show:
 - i. The location the existing 1200mm storm sewer traversing across both premises Nos. 33 and 35 Hawarden Crescent, complete with the width of the easement to the center of the storm sewer pipe and to the property lines and any of the proposed structures, and its depth below grade;
 - ii. Dimensions of the structures in relation to the storm sewer including depth of construction;
 - iii. Deleting any proposed structures over the easement lands including any proposed tree plantings, so that such lands are maintained free and clear of all encumbrances;
 - iv. On the property survey, exact location, complete with dimensions of the storm sewer that traverses both 33 and 35 Hawarden Crescent to the center of the pipe; and,
 - v. A notation that the existing '___ m' wide easement over 1200 mm storm sewer will be maintained and undisturbed;
2. A report from a professional engineering detailing the impact of construction on the existing storm sewer, which is to be signed, sealed, and dated;
3. Submitting a revised draft Reference Plan of Survey to the Chief Engineer & Executive Director, Engineering & Construction Services, for review and approval, prior to depositing in the Land Registry Office. The plan must:
 - i. Be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3° Modified Transverse Mercator Projection); and
 - ii. Show the coordinate values of the four main corners of the subject lands in a schedule on the face of the plan.
4. Granting an easement agreement, registered on title, with respect of the existing 1200 mm storm sewer should it be necessary that the existing agreement needs to

be amended and/or a new one entered into to cover the entire extent of the storm sewer that transverses both 33 and 35 Hawarden Crescent.

5. Acknowledge and agree to any other conditions necessary/required as a result of the review of the further documentation that needs to be submitted for staff's review, as may be required by the Chief Engineer and Executive Direction, Engineering and Construction Services.
6. Contacting municipal numbering Staff at municipaladdress@toronto.ca to obtain or verify new municipal address prior to the issuance of a Certificate of Official. All addressed parcels and structures must have the correct municipal address posted. For further details visit www.toronto.ca/city-government/planning-development/municipal-numbering-of-a-property/

In summary, we strongly recommend that this application be **deferred** to a later meeting, for the reason noted above.



Digitally signed by PSCANGA
Date: 2023.11.24 14:24:13
-05'00'

Pat F. Scanga, P.Eng., FEC
Manager, Development Engineering
Engineering and Construction Services

RM-AML/Hawarden Cresc 33- CS/MV – Nov 24 2023– AML

Copy to: Committee of Adjustment – (Sabrina Salatino)