



Resident gets green light to build on lot backing a Rosedale ravine

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Neighbours who took it to Supreme Court will continue to fight it

By [Kris Scheuer](#)

Derek Russell spent a decade getting approval to build on an empty ravine lot in Rosedale, but it is not a done deal yet. If residents have anything to do with it, he will not be building at 119R Glen Rd. next summer as planned.

"It is safe to say that neighbours in the area and the North Rosedale Ratepayers Association are of the collective view that the fight is far from over and that the lot should not be built on," Patrick Howe, president of the NRRA said on Dec. 3.

This went to the Ontario Municipal Board, which supported the city's refusal, said Howe. Then it went to the Ontario Divisional Court, Ontario Supreme Court, which backed Russell. Finally it went to the Supreme Court of Canada, which refused to hear the case, effectively upholding the lower court's ruling for the go ahead.

Then on Nov. 14, the Toronto & Region Conservation Authority (TRCA) granted Russell a permit to build on the site, which Howe said, shocked everyone. "TRCA's mandate is to preserve and enhance green space and natural ecology," he said. The ratepayers and neighbours are talking to lawyers, said Howe.

However, this is not deterring Russell.

"My plans are to build," he told the Town Crier on Dec 2. "When I first bought it (lot) 10 years ago I had four children living at home. The youngest finishes high school this year."

The lot in question backs onto a ravine, however there are protections against building so close to a watershed. There was also a ravine impact boundary bylaw passed six years ago.

Last year, a new citywide ravine protection bylaw was passed, however the property's owner said he bought the land prior to all of that and should be exempt.

"This land would never have been available to the public as it is surrounded totally by private land with no public access . . . It is impossible for anyone else to use," said the landowner.

However, that's not the way Howe sees it. "The ravine is home to a lot of wildlife and is part of Toronto's heritage and Toronto's green space. We (are) not adding green space we are losing green space (instead)," he said.

Here is why the lot should not be built on, according to Howe.

"It is an unconventional area for a house to be built on. It's a ravine property that is below other houses. In North Rosedale there are ravines on three sides," said Howe. "There is a small laneway that leads to the property and it is difficult to get to in a fire. If there was a fire a lot of natural ecology would catch fire and possibly the homes around it, as well."

The next step for residents is to request a judicial review of the TRCA's decision and get it overturned. Even if that does not happen, said Howe, it still has to go through city hall and the planning process.

Residents were planning to meet on the weekend of Dec. 6 to discuss further action. They have already contacted their local representative Toronto Centre-Rosedale Councillor Kyle Rae (Ward 27) and MPP George Smitherman regarding this.

However, for Russell it is pretty straightforward. "I've put in my building permit (application) 10 years ago, so that is still alive. I have provided updates . . . I am hoping to build next summer."

His advice for those who are in his position? "I can't be deemed an expert because it took me 10 years. If I was an expert it would have taken me 10 months."

To read the TRCA staff report recommending refusal, the TRCA (board) hearing decision for approval and the ratepayer's letter requesting refusal go to <http://www.north-roosedale.org> and click on "Controversy on Glen Road."

This article also found in:

[Leaside Rosedale](#)

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