

DECISION AND ORDER

Decision Issue Date January 25, 2108

PROCEEDING COMMENCED UNDER subsection 45(12), 53(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): LEWEI LI

Applicant: LEWEI LI

Property Address/Description: 102 BELLEFAIR AVE

Committee of Adjustment Case File Number: 17 137260 STE 32 MV

TLAB Case File Number: 17 219148 S45 32 TLAB

Hearing date: Thursday, January 18, 2018

DECISION DELIVERED BY G. Burton

APPEARANCE

Lewei Li

Alicia Grant (Student at law)

INTRODUCTION

This was a motion for adjournment of the hearing scheduled for today's date, January 18, 2018, as set out in the Notice of Hearing dated September 6, 2017. The Notice of Motion was filed on January 4, 2018.

BACKGROUND

The applicant, Mr. Lewei Li, had applied to the Committee of Adjustment (COA) for variances for the construction of a new three-storey detached dwelling, with a front parking pad. The COA allowed most of the variances on August 15, 2107 (subject to some conditions relating to the trees on site), but refused two of them relating to the

front yard landscaping and the width of the front walkway. Both of these were associated with a desired parking pad at the front of the property, and would have permitted it but for the Transportation Department's recommendation to refuse them. The refusal of these two variances were appealed to the Toronto Local Appeal Body (TLAB).

MATTERS IN ISSUE

The TLAB must meet its duty to hear appeals to it in an expeditious manner. This means that established hearing dates would not normally be delayed for the determination of other matters outside of the TLAB's jurisdiction. Therefore the issue on this motion is whether an adjournment of the January 18 hearing date should be granted in order to wait for the parking pad permit appeal to be determined.

EVIDENCE

Ms. Grant's argument was that the only variances at issue in the appeal to TLAB were those relating to the location of the desired parking pad.

The Report to the COA by the Planning Staff, dated July 31, 2017, had recommended the refusal of the parking pad variances, since any application for an off-street parking permit under Chapter 918 of the Municipal Code could not meet the criteria for such a permit. The reasons for opposition were two-fold: the existence of on-street parking on the same side of Bellefair Ave.; and the fact that front yard parking is not part of the existing physical character of the west side of Bellefair. The applicant was advised by Transportation that should he apply, he could not appeal any decision to refuse such a permit.

On October 20, 2107, Mr. Li's application to Transportation Services for front yard parking was refused, as the staff had predicted. However, by letter of November 15, 2017, the applicant was notified that Council had revised the conditions under which an appeal of a refusal could be filed. He then launched such an appeal from the refusal. He is now awaiting the results of the required formal poll of the neighbouring properties, to be conducted by Transportation Services. The next step would be for the Community Council to consider the results of the poll, and to make a decision on the application. He has been informed that this could occur at the June or July meeting of the Council.

Therefore the applicant is requesting an adjournment of this hearing until after the July hearing of Community Council, or after July 25, 2018. Ms. Grant submitted that if the permit were granted, it is highly likely that the variance appeal would succeed on the merits. No other person was involved in the application, and thus no one would be prejudiced if the adjournment were to be granted.

ANALYSIS, FINDINGS, REASONS

I granted the adjournment orally, as it seemed to be irrefutable that the permit decision was critical to the resolution of this appeal. To proceed to hear it on the date of the

Decision of Toronto Local Appeal Body Panel Member: G. Burton
TLAB Case File Number: 17 219148 S45 32 TLAB

motion would not have been useful or even possible. Therefore, resumption of the TLAB appeal should occur following notification by Mr. Li as soon as possible after July 25, 2018, or earlier if the permit application is resolved earlier. TLAB staff will provide a new Notice of Hearing (unless otherwise advised), with revised service dates.

DECISION AND ORDER

The motion is granted, and the hearing is adjourned sine die. The appellant is to notify the TLAB of his desire to proceed with his appeal, or if it is withdrawn. This should occur as soon as possible after the decision is made on his application for a front parking pad.

X 

G. Burton

Panel Chair, Toronto Local Appeal Body