

DECISION AND ORDER

AMENDED

Decision Issue Date Tuesday, June 12, 2018

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

Appellant(s): 1513316 ONTARIO INC

Applicant: DREW LASZLO ARCHITECT INC

Property Address/Description: 569 ARLINGTON AVE

Committee of Adjustment Case File Number: 17 149921 STE 21 MV

TLAB Case File Number: **17 229638 S45 21 TLAB**

Hearing date: **Monday, January 08, 2018**

DECISION DELIVERED BY G. Burton

INTRODUCTION

On January 23, 2018, the Toronto Local Appeal Body issued a decision that approved a three storey single detached dwelling with an integral garage at 569 Arlington Avenue.

MATTERS IN ISSUE

Upon seeking a building permit, the owner's agent Mr. Tae Ryuck experienced difficulties with one of the conditions of approval. He has requested that the Order be amended to delete the procedural step addressed in the condition.

Condition 7 had stated:

"7. Prior to the issuance of a building permit, the Applicant shall apply for and obtain required permit(s) from the Right-of-Way Management Section of Transportation Services (i.e., curb cut

permits etc.) and satisfy all conditions imposed, if any, in order to construct the proposed driveway."

The problem the owner encountered was not with the condition itself, but the first phrase. The City of Toronto Building Department is ready to issue the building permit. However, it cannot do so because of the qualification, "Prior to the issuance of a building permit..." .

One of the requirements for the application and issuance of a curb cut permit is that there be an issued building permit. Therefore the owner cannot proceed, and has requested that the TLAB Decision and Order be amended to delete the offending phrase.

JURISDICTION

By section 30 of its Rules of Procedure, the TLAB may at any time correct a technical or typographic error, error in calculation or similar minor error made in a Decision or order.

DECISION AND ORDER – AS REVISED

This decision will amend the decision dated January 23, 2018. I find that the correction is indeed minor, affecting no one's interests except the owner. It is amended by deleting "Prior to the issuance of a building permit" to Condition No. 7. This Condition will now read:

"7. The Applicant shall apply for and obtain required permit(s) from the Right-of-Way Management Section of Transportation Services (i.e., curb cut permits etc.) and satisfy all conditions imposed, if any, in order to construct the proposed driveway."

In all other respects the Decision and Order of January 23, 2018 is affirmed.

X 

G. Burton

Panel Chair, Toronto Local Appeal Body