

DECISION AND ORDER

Decision Issue Date Friday, June 29, 2018

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

Appellant(s): JESSIE TUITT

Applicant: VALDIMIR DOUNIN

Property Address/Description: 54 MARESFIELD DR

Committee of Adjustment Case File Number: 18 117404 ESC 41 MV

TLAB Case File Number: **18 141276 S45 41 TLAB**

Non-Compliance date: Friday, June 01, 2018

DECISION DELIVERED BY S. GOPIKRISHNA

INTRODUCTION AND BACKGROUND

Valdimir Dounin applied to the Committee of Adjustment (COA) to construct a front porch and entrance addition as well as a second storey addition to the existing house at 54 Maresfield Drive, located in Ward 41 of the City of Toronto. On 22 March, 2018, the COA heard the application and refused the variances.

Jessie Tuitt then appealed the decision to the Toronto Local Appeal Body on 7 April, 2018 and authorized Ken Bradburn to be the Agent. However, when the form was being processed, it was noted that the application was incomplete in the following respects:

- Appellant email address and signature were missing though required
- Appellant Signature and Representative Signature were not provided but required

The TLAB staff sent the Appellant a Notice of Non-Compliance with instructions to comply by June 12, 2018 but didn't receive a response. I was then contacted by TLAB to send out a Notice of Proposed dismissal listing the reasons, as stated above, and provide the Appellant 10 days from the date of the notice to respond and rectify the incomplete portions, failing which the Appeal would be dismissed. The Notice of Proposed Dismissal was dated 18 June, 2018.

The purpose of this decision is to issue an order reflecting the Appellant's response to the Notice of Proposed Dismissal.

MATTERS IN ISSUE

The only matter that has to be dealt with is the decision on whether the Appeal at 54 Maresfield Ave. can be processed administratively and a Notice of Hearing can be issued based on the completeness of the updated application.

JURISDICTION

8.1 The Local Appeal Body may not process an Appeal if:

- a) Form 1 is incomplete
- b) Form 1 was submitted without the required fee for commencing a Proceeding
- c) Form 1 was submitted after the prescribed time for commencing a Proceeding
- d) there is some other technical defect in the submitted Form 1

8.2 The Local Appeal Body shall give a Person who has submitted a Form 1 a Notice of Non-compliance under Rule 8.1, using Form 15, which includes:

- a) the reasons the Local Appeal Body will not process the submitted Form 1; and b) the requirements for resuming processing of Form 1, if applicable.

8.3 Except in the case of Rule 8.1(c), where requirements for resuming processing of Form 1 apply processing shall be resumed if the Person complies, within 5 Days from the date of notice, with the requirements set out in the notice given under Rule 8.2.

9.3 Where the Local Appeal Body proposes to dismiss all or part of an Appeal under Rule 9.1 or 9.2 it shall give Notice of Proposed Dismissal, using Form 16, in accordance with the Statutory Powers Procedure Act, and to such other Persons as the Local Appeal Body may direct.

9.4 A Person wishing to make written submissions on a proposed dismissal shall do so within 10 Days of receiving the Local Appeal Body's notice given under Rule 9.3.

9.5 Upon receiving written submissions, or, if no written submissions are received in accordance with Rule 9.4, the Local Appeal Body may dismiss the Appeal or make any other order.

EVIDENCE

The Appellant completed, updated and submitted the Appeal Form to TLAB on June 26, 2018. This falls within the 10 day period of receiving the Notice of Proposed Dismissal, which was dated 18 June, 2018.

**Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 18 141276 S45 41 TLAB**

TLAB Staff have forwarded the updated Appeal Form to me after a preliminary screening with the recommendation that the Appeal Form is complete, and can be processed. I have reviewed the updated Appeal Form and concur with the staff recommendation.

ANALYSIS, FINDINGS, REASONS

The updated Appeal Form is deemed to be complete, as stated earlier. Under Section 9.5 of the Rules, I order that the Toronto Local Appeal Body complete the processing of the Appeal and issue a Notice of Hearing to for 54 Maresfield Avenue.

DECISION AND ORDER

- 1) The Notice of Dismissal of the Appeal respecting 54 Maresfield Drive, dated 18 June 2018, on administrative grounds, is now set aside. The TLAB Staff may issue a Notice of Hearing respecting 54 Maresfield Dr. on the basis of the updated and completed Notice of Appeal.
- 2) It is anticipated that a fulsome compliance with the Rules will be observed.

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body