

## DECISION AND ORDER

**Decision Issue Date** Thursday, April 18, 2019

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): DAPHNE BROWNE

Applicant: DANIEL WONG

Property Address/Description: 23 LINNSMORE CRES

Committee of Adjustment Case File Number: 17 246926 STE 29 MV

TLAB Case File Number: **18 140459 S45 29 TLAB**

**Hearing date:** Tuesday, August 21, 2018 and Tuesday, April 9, 2019

**DECISION DELIVERED BY T. YAO**

### APPEARANCES

<b>Name</b>	<b>Role</b>	<b>Representative</b>
Tran Luu, Phat Tim Tieu <sup>1</sup>	Owners	Amber Stewart
Daphne Brown	Appellant	

### INTRODUCTION

This decision represents the conclusion of this hearing. An interim decision was issued on August 30, 2018, reflecting a settlement in which the owners needed to redraw their plans and submit them to the City's plan examiner, Greg Whitfield. Mr.

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<sup>1</sup> Mr. Luu and Ms. Tieu are the owners. References to Mr Luu as the owner in the earlier decision should be revised to indicate that Ms. Tieu is also an owner.

**Decision of Toronto Local Appeal Body Panel Member: T. Yao**  
**TLAB Case File Number: 18 140459 S45 29 TLAB**

Whitfield’s examination of February 14, 2019 shows the number of variances has decreased to three as follows:

<b>Table 1. Variances sought for 23 Linnsmore Crescent</b>			
		Required	Proposed
<b>Variances from new city-wide harmonized By-law 569-201<sup>3</sup></b>			
1	Roof eave projection	A projection of 0.9 m if at least 0.3 m from lot line	A projection of 0.32 m but only 0.18 m from lot line
2	Floor space index	0.6 times area of lot	0.63 times area of lot
<b>Under former City of Toronto By-law 439-86</b>			
3	South side yard setback (existing condition)	0.9 m	0.5 m

The August 30, 2018 decision ended with these words: “Accordingly, I find the variances for the proposal as modified satisfy the tests under the *Planning Act*. I will await Ms. Stewart’s new calculation of the variances and an order will issue when that information is received.” This information has now been received. The hearing was resumed by teleconference on April 9, 2019 and Ms. Stewart confirmed that the variances set out in Table 1 accurately reflect the settlement previously reached.

**Order**

I authorize the variances in Table 1.

X 

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Ted Yao  
 Panel Chair, Toronto Local Appeal Body  
 Signed by: Ted Yao