

DECISION AND ORDER

Decision Issue Date Friday, September 28, 2018

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

Appellant(s): TARA LEE

Applicant: STUART HATCH

Property Address/Description: 173 WALMER RD

Committee of Adjustment Case File Number: 17 251074 STE 20 MV (A1160/17TEY)

TLAB Case File Number: 18 150088 S45 20 TLAB

Hearing date: Tuesday, September 11, 2018

DECISION DELIVERED BY S. GOPIKRISHNA

BACKGROUND

Randy Rosenberg and Michelle Rothstein are the owners of 173 Walmer Road, located in Ward 20 of the Municipality of the City of Toronto. They applied to the Committee of Adjustment (COA) to build a garage on their property. The COA considered the application on 11 April, 2018, and approved the application.

On 31 May, 2018, Tara Lee, the residents of 171 Walmer Road, appealed the decision to the Toronto Local Appeal Body (TLAB). The TLAB then set 11 September, 2018, as the hearing date for the Appeal.

On 10 September, 2018, I was made aware of communication from the Appellant to withdraw the Appeal.

EVIDENCE, REASONS AND CONCLUSION

After reading the phrasing of the Appellant's email to the TLAB about the withdrawal of the Appeal, I wasn't sure if the Appellant still wanted to pursue litigation. I also wanted to ensure that the Appellant was aware of the consequence of withdrawing the Appeal.

**Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 18 150088 S45 20 TLAB**

Given the paucity of time to seek clarifications, I requested the TLAB staff to request the Parties to attend the hearing, as scheduled.

At the hearing held on 11 September, 2018, the Appellant represented herself while the Applicants were represented by Mr. Andrew Jeanrie, lawyer.

Ms. Lee stated that she had requested to withdraw the Appeal since she understood that the legal focus of her Appeal lay outside the jurisdiction of the TLAB. This statement resolved the confusion I had earlier about possible continuation of litigation notwithstanding the withdrawal of the Appeal.

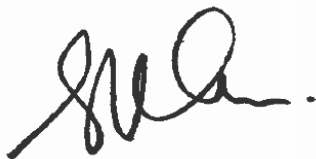
I thanked Ms. Lee, and reviewed the list of various individuals who made submissions, and asked if they had been made aware of the withdrawal of the Appeal. The question was answered in the affirmative.

I then advised Ms. Lee that her withdrawal of the Appeal meant that my decision would effectively confirm the decision of the Committee of Adjustment, to which she stated she understood my conclusion. I thanked both sides for attending the hearing.

DECISION AND ORDER

1. On the hearing held on 11 September, 2018, respecting 173 Walmer Road, the Appellant confirmed that the Appeal was being withdrawn.
2. On the basis of the foregoing discussion and evidence, the Committee of Adjustment decision respecting 173 Walmer Road, dated 11 April, 2018, is final and binding, and the file of the Toronto Local Appeal Body is closed.

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body