

DECISION AND ORDER

Decision Issue Date **Monday, January 28, 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): ANNA TAN, H N

Applicant: RESIDENTIAL DRAFTING SERVICE LTD

Property Address/Description: 331 JAYBELL GRV

Committee of Adjustment Case File: 18 159565 ESC 44 MV (A0172/18SC)

TLAB Case File Number: 18 220409 S45 44 TLAB

Hearing date: Wednesday, January 23, 2019

DECISION DELIVERED BY S. MAKUCH

APPEARANCES

Appellant	Anna Tan, H N
Applicant	Residential Drafting Service Ltd
Owner	Mathini Kaetheeswaran
Owner	Kaetheeswaran Subramaniam
Participant	Don Russell

INTRODUCTION

This is an appeal of a decision granting variances to permit the construction of a new two story detached dwelling by a neighbour, Anna Tan.

BACKGROUND

At the hearing neither the applicant nor the owner appeared. The only persons to appear were the appellant, a participant, and others in opposition.

MATTERS IN ISSUE

The matter in issue is whether I should simply dismiss the appeal in absence of any evidence that the variances met the four tests of the Planning Act and were in conformity with relevant provincial requirements.

JURISDICTION

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan of the Greater Golden Horseshoe for the subject area ('Growth Plan').

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

There was no evidence in support of the application.

ANALYSIS FINDINGS AND REASONING

In the absence of any evidence that the application meets the four tests of the Planning Act and conforms with relevant provincial requirements I cannot find that the variances should be approved.

DECISION

The appeal is allowed and the variances are not approved.

X 

S. Makuch
Panel Chair, Toronto Local Appeal