

# DECISION AND ORDER

**Decision Issue Date**      Thursday, February 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): Wenbin Yu and Jenny Yan Li Lan

Applicant: Wenbin Yu and Jenny Yan Li Lan Property

Address/Description: 87 COVERDALE Cres

Committee of Adjustment Case File Number: 18 177243 ESC 39 MV (A0210/18SC)

TLAB Case File Number: **18 237168 S45 39 TLAB**

**Hearing date:**      Thursday, February 14, 2019

**DECISION DELIVERED BY S.GOPIKRISHNA**

## APPEARANCES

Name	Role	Representative
Wenbin Yu	Appellant	
Jenny Yan Li Lan	Appellant	
Zhengda Li	Interpreter	

## INTRODUCTION AND BACKGROUND

Wenbin Yu and Jenny Yan Li Lan are the owners of 87 Coverdale Crescent, located close to the intersection of Birchmount Road and Steeles Ave. E., in the municipality of the City of Toronto. They applied to the Committee of Adjustment for approval of variances, which would enable them to construct a two-storey front addition and to widen the existing driveway.

On 13 September, 2018, the Committee of Adjustment (COA) considered the application and refused the same. The Applicants appealed the decision to the Toronto Local Appeal Body (TLAB), which scheduled a hearing on 14 February, 2019.

## MATTERS IN ISSUE

The following variances are requested:

### **By-law No. 569-2013:**

1. The proposed front yard landscaped area is 58.4% (73.03 m<sup>2</sup>); Whereas a minimum of 60% of the front yard shall be maintained as landscaping (75.05 m<sup>2</sup>).

### **By-law No. 569-2013 & No. 16762:**

2. The proposed driveway is 8.54 m wide; Whereas the maximum permitted width of a driveway is 6 m.

## JURISDICTION AND EVIDENCE

The TLAB relies on its Rules of Practice and Procedure (The Rules) to make decisions related to administrative matters, including withdrawal of Appeals.

The hearing held on 14 February, 2019, was attended by Mr. Wenbin Yu, the Appellant, and Mr. Zhengda Li, who interpreted from Chinese to English for Mr. Yu.

Through Mr. Li, I learnt that Mr. Yu wanted to make an addition to his house in order to enable his elderly and disabled mother to move in, and live with his family. He explained that the two variances requested were the consequence of the need to widen the driveway to address his mother's mobility needs, and that the variance for the widened driveway triggered another variance to reduce front yard landscaping.

However, the Appellant had decided to withdraw the variance for the widened driveway, which meant that the variance pertaining to landscaping was moot, and no longer required. In effect, the Appellant had withdrawn the entire Appeal.

I thanked Messrs. Yu and Li for the information, and requested Mr. Li to confirm the withdrawal of the Appeal by way of an email to the TLAB. The email was received shortly after the hearing.

Given that the Appeal was withdrawn, my Order below confirms the withdrawal of the Appeal by the Appellant.

I take this opportunity to commend Mr. Zhengda Li for his patience and skill in interpreting between English and Chinese.

## DECISION AND ORDER

1. The Appeal respecting 87 Coverdale Avenue is now considered dismissed since it was withdrawn by the Appellant at the hearing held on 14 February, 2019.

**Decision of Toronto Local Appeal Body Panel Member: S. GOPIKRISHNA  
TLAB Case File Number: 18 237168 S45 39 TLAB**

2. The Committee of Adjustment decision dated 13 September, 2018, is final and binding, and the file of the Toronto Local Appeal Body is now closed.

So orders the Toronto Local Appeal Body.

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S. Gopikrishna  
Panel Chair, Toronto Local Appeal Body