

AMENDING DECISION AND ORDER

Decision Issue Date Thursday, March 28, 2019

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): JAVAD SHIRVANI-GHOMI

Applicant: SEYED AMIR NAGHAVI

Property Address/Description: 210 HORSHAM AVE

Committee of Adjustment Case File: 16 253439 NNY 23 CO, 16 253442 NNY 23 MV, 16 253443 NNY 23 MV

TLAB Case File Number: 17 206112 S53 23 TLAB, 17 206113 S45 23 TLAB, 17 206114 S45 23 TLAB

Hearing date: Thursday, April 26, 2018

DECISION DELIVERED BY Ian James Lord

APPEARANCES

Name	Role	Representative
Seyed Amir Naghavi	Applicant	
Javad Shirvani-Ghomi	Appellant	Amber Stewart
City of Toronto	Party	
Gabe Szobel	Party's Legal Rep	
Franco Romano	Expert Witness	
Adam Pressick	Expert Witness	
Anne McConnell	Participant	
Hing Fai Wong	Participant	

INTRODUCTION

There were no appearances on this matter.

By e-mail dated March 25, 2019 to Member (as she then was) Laurie McPherson, Mr. Hamid Behesht wrote to identify two variances that "are missing in your decision/order".

These, apparently, were identified upon the request for zoning 'certificates in order to apply for building permits'.

It does not appear that any of the other parties or participants were notified of the request.

The variances relate to the proposed first floor height of 1.64 m (Part 1) and 1.63 m (Part 2) above established grade whereas the standard under the remaining applicable North York By-law 7625 is less, at 1.5 m.

BACKGROUND

Ms. McPherson rendered her Decision and Order on June 28, 2018. There was no Request for Review pursuant to the Rules of the Toronto Local Appeal Body (TLAB).

MATTERS IN ISSUE

The only matters at issue are whether the requested revisions should be made and can that be accomplished on an *ex parte* basis.

JURISDICTION

The Rules of the TLAB, provide for the making of technical and minor revisions to a decision in circumstances that are just and convenient for the effective, cost efficient adjudication of the matter.

EVIDENCE

Apart from the above e-mail request to "add these two variances" to the Member's decision/order, there is no additional supporting material.

I have read the Member's Decision and Order and find no reference to the matter of first floor height. I have however, found in the Analysis section of the reasons, the following statement:

“While Mr. Romano testified that certain variances are no longer required. Out of completeness, this decision will include all the variances that were before the Committee.”

I have reviewed the Decision of the Committee of Adjustment and concur with the request that the Member's "missing" variances were indeed before the COA and, consequently, the TLAB on appeal.

ANALYSIS, FINDINGS, REASONS

On the strength of the Member's reasons as above recited, I am supportive of the request and the clarification required by the Zoning Examination and Building Permit clearance process.

I find this to be a circumstance of a minor technical clarification fully consistent with the tenure of the Members' disposition.

I also find it appropriate to determine the matter on an *ex parte* basis. It is not the role of the TLAB to make problems or cause additional hardship if circumstances warrant the granting of administrative relief.

DECISION AND ORDER

The Decision and Order dated June 28, 2018 is amended by the addition of the following two additional variances:

Part 1:

16. The maximum finished first floor height is 1.5m. The proposed finished first floor height is 1.64m.
[6(30)a - Maximum First Floor Height]

Part 2:

17. The maximum finished first floor height is 1.5m. The proposed finished first floor height is 1.63m.
[6(30)a - Maximum First Floor Height]

If difficulties arise in the implementation of this amending decision, the TLAB may be spoken to.



X

Ian Lord

Panel Chair, Toronto Local Appeal Body

Signed by: Ian Lord