

# AMENDING DECISION AND ORDER

**Decision Issue Date**      Friday, April 05, 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): REECACOB

Applicant: SAL APRILE

Property Address/Description: 33 BRUMWELL ST

Committee of Adjustment Case File Number: 15 250686 000 44 MV

TLAB Case File Number: **18 139589 S45 44 TLAB**

**Hearing date:**      Thursday, September 06, 2018

**DECISION DELIVERED BY Ian James Lord**

## APPEARANCES

Name	Role	Representative
Sal Aprile	Applicant/Party	Bruce Ketcheson
Marco Aprile	Owner	
Reeca Cobb	Appellant	Phil Pothen
Martin Rendl	Expert Witness	
Michael Manett	Expert Witness	
Kathryn Rowe	Participant	

## **INTRODUCTION AND BACKGROUND**

As a result of a hearing held September 6, 2018, the Toronto Local Appeal Body (TLAB) issued an Interim Decision and Order dated September 12, 2018 (Interim Decision).

That Interim Decision allowed revised variances to severances and a lot addition previously approved by the Committee of Adjustment, not appealed and shown in a Draft Reference Plan attached as **Attachment 1** to the Interim Decision.

The Interim Decision was conditional upon receipt within a specified time frame a revised Site Plan and revised Elevation Plans consistent with identified language modifications and **Attachments 2 and 3** to the Interim Decision.

The Applicant fulfilled the requirements of the Interim Decision.

On November 27, 2018 the TLAB issued a Decision and Order (Decision) intended to be the final disposition of the matter consistent with the terms of the Interim Decision. Regrettably, the Decision simply repeated verbatim much of the text and content of the Interim Decision. It did change the Title Block and it added the requisite **Attachment 4** (Revised Site Plan Part 2 House A) and **Attachment 5** (Revised Site Plan Part 1 House B).

However, the Decision left the conditional aspect of the required plans, paragraph 'Condition' 4, in place.

## **MATTERS IN ISSUE**

The City of Toronto (City) Buildings Department has requested of the Applicant that a confirmation letter be issued by the TLAB stating that the conditions of the Decision have been met and that the Decision is final and binding.

## **JURISDICTION**

The TLAB has jurisdiction under its Rules to make technical and minor corrections to its decisions and orders as may be just, expedient and effective to provide the relief intended and where appropriate.

## EVIDENCE

A request is made to amend the Decision to better reflect its intent and purpose through the deletion of language suggesting that terms and conditions remain outstanding or unfulfilled.

The TLAB is content on the receipt of the requisite materials as evidence in the Decision that the Decision is to be considered final and binding.

## ANALYSIS, FINDINGS, REASONS

The Decision, through inadvertence, failed to delete paragraph 'Condition' 4, which reads as follows:

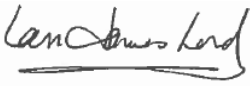
"4. This Decision and Order shall not become final and binding until the replacement Site Plan and replacement Elevation Plans, signified as satisfactory by Mr. Potham, have been received by the TLAB and until such are attached as Attachment 4 (north parcel, Parts 2 and 3 on Attachment 1) and Attachment 5 (south parcel, Part 4 on Attachment 1) hereto and the same is issued by the TLAB."

The conditions having been met and satisfactorily fulfilled as of the date of the Decision, the condition is to be deleted and the Decision is final and binding.

## DECISION AND ORDER

The Decision is amended by the deletion therefrom of paragraph 'Condition' 4.

In all other respects, the Decision remains unchanged.

X 

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Ian Lord  
Panel Chair, Toronto Local Appeal Body  
Signed by: ilord