

# MEDIATION SUMMARY

**Mediation Summary Date:** Wednesday, April 17, 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): NELSON GONCALVES

Applicant: RUSSELL D CHEESEMAN

Property Address/Description: 19 RAVENAL ST

Committee of Adjustment Case File Number: 18 221792 WET 11 MV

**TLAB Case File Number(s): 18 260979 S45 11 TLAB**

**Mediation Date: Tuesday, March 19, 2019**

**MEDIATION SUMMARY DELIVERED BY STANLEY MAKUCH**

## APPEARANCES

Name	Role	Representative
Russell Cheeseman	Applicant/Appellant's Legal Rep	
Nelson Goncalves	Appellant/Owner	
Maria Rodrigues	Party	
Walter Cordeiro	Party	
David Coulter	Party	
Marla Powers	Party	
Vera Gallagher	Party	
John Kikiantonis	Party	
Joseph Vella	Party	
Frank Kirk	Party	
Kelly MacDougall	Party	

**Mediation Summary of Toronto Local Appeal Body Member: Dino Lombardi  
TLAB Case File Number: 18 260979 S45 11 TLAB**

Name	Role	Representative
Karen Jensen	Party	
Brenda Walker	Party	
TJ Cieciora	Expert Witness	
Kevin Hoecke	Participant	
Virginia Presseault	Participant	
Emmanuel Kikiantonis	Participant	

## **INTRODUCTION**

This was a mediation about an appeal of a condition imposed as a result of granting variances for the maintenance of an existing driveway which is too wide and has an abutting walkway which makes it in fact wider.

The condition was as follows:

The site plan must be revised to reduce the width of the driveway portion within the municipal right-of-way, as well as the curb cut on Ravenal Street to align with the integral garage width. Any walkway with a maximum width of 1.5 metres that extend from the dwelling unit to the municipal sidewalk adjacent to the driveway must be clearly delineated and denoted as a walkway. All revisions must be completed to the site plan to the satisfaction of Traffic Planning / Right of Way Management.

## **BACKGROUND**

The appellant's solicitor sought the mediation without the consent or understanding of the parties or participants and the opposing parties and participants attended the Mediation Hearing in good faith in spite of not clearly understanding the purpose and nature of the hearing.

## **CONFIDENTIALITY**

There was no formal request for or an agreement respecting confidentiality.

## **STATUS OF MATTERS DURING THE MEDIATION**

The appellant's position was that the condition imposed should not be imposed for the following reasons:

1. The Condition imposed by the Committee of Adjustment is not reasonable and relevant to the Minor Variances that were being sought for width of driveway and relief from soft landscaping.
2. The Condition imposed relates to lands owned by the City of Toronto and are not part of the lot for which relief from the zoning by-law was sought.

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3. The width of the curb cut referred to in the Condition is totally within the control of the City of Toronto. Mr. Goncalves never altered the curb cut, nor is he in any way preventing the City of Toronto to do any work in the boulevard on City-owned lands that the City wishes to pursue.

The purpose of the conditions is to narrow the driveway as it affects the width of a space for parking a car on the street. It was clear at the mediation that the parties and participants had legitimate concerns regarding the conduct of the appellant. The illegal driveway width is too wide to create a space for a car to be legally parked on the street in front of his house.

In a neighbourhood where parking is in short supply, Mr. Goncalves complains to parking enforcement to have cars which are owned by people other than him, or those visiting him, ticketed/towed as they are partially blocking his driveway (although not preventing access or egress). He does not complain when he or his guests are using the street parking space. He thus turns the deficient street parking space into his own private space by having an extra-wide driveway and curb cut with an abutting walkway. This pattern of conduct was described by all persons attending the hearing in opposition. In my view it is not appropriate to engage in such conduct and the condition is an attempt to stop it.

In light of the appellant's conduct, which affects the neighbourhood that includes disabled and elderly residents who are also affected by his conduct, no settlement was reached.

X 

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S. Makuch

Panel Chair, Toronto Local Appeal