

DECISION AND ORDER

Decision Issue Date **Friday, May 3, 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): JOSEPH OLIVA

Applicant: ALAN MACCRAKEN

Property Address/Description: 146 CHRISTIE ST

Committee of Adjustment Case File Number: 18 198906 STE 19 MV

TLAB Case File Number: **18 267030 S45 11 TLAB**

Hearing date: Tuesday, April 30, 2019

DECISION DELIVERED BY STANLEY MAKUCH

APPEARANCES

Name	Role
Alan MacCraken	Applicant/Appellant's Legal Rep
Maria Lomardo	Owner
Joseph Oliva	Primary Owner/Appellant

INTRODUCTION

This is an appeal of a condition imposed by the Committee upon the granting of variances to legalize and maintain a three-unit mixed use building.

BACKGROUND

The variances were to allow only one parking space when two were required, and to permit the third unit when three dwelling units are not permitted.

MATTERS IN ISSUE

The condition was to remove excess pavement and a curb cut and to restore a landscaped open space at no expense to the City.

JURISDICTION

Under section 45 the Committee of adjustments has authority to impose conditions upon the granting of a minor variance.

EVIDENCE

The agent for the owner appeared and gave evidence in the form of a letter from City Transportation Services (Exhibit 1) stating that there was no objection to the variances and not recommending the condition.

ANALYSIS, FINDINGS, REASONS

Since the variances have been approved and not appealed, I need only address the issue of the condition. Since the City no longer requires or recommends the condition it is no longer appropriate to impose it.

DECISION AND ORDER

The appeal is allowed, and the condition imposed by the Committee's decision is hereby repealed.

X 

S. Makuch
Panel Chair, Toronto Local Appeal