

DECISION AND ORDER

Decision Issue Date Tuesday, May 14, 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 (A0682/18EYK)

TLAB Case File Number: 18 260979 S45 11 TLAB

Hearing date: Tuesday, May 21, 2019

DECISION DELIVERED BY Ian James LORD

REGISTERED PARTIES AND PARTICIPANTS

| | |
|------------------------|-------------------|
| Appellant | Nelson Goncalves |
| Appellant's Legal Rep. | Russell Cheeseman |
| Party | Maria Rodrigues |
| Party | Walter Cordeiro |
| Party | David Coulter |
| Party | Marla Powers |
| Party | Helen Nowak |
| Party | Vera Gallagher |
| Party | John Kikiantonis |
| Party | Joseph Vella |

| | |
|-------|----------------------------|
| Party | Frank Kirk |
| Party | Kelly Elizabeth MacDougall |
| Party | Karen Jensen |
| Party | Brenda Walker |

BACKGROUND

This is an appeal from a decision of the Etobicoke and York Panel of the City of Toronto (City) Committee of Adjustment (COA) mailed November 16, 2018, wherein the COA approved the Applicant's request to maintain an existing driveway, subject to a condition.

The Applicant appealed, including the condition (Condition), which reads 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.”

The Matter was scheduled for a hearing of the Toronto Local Appeal Body on May 21, 2019.

By Memorandum of Mediation dated April 17, 2019, TLAB Member S. Makuch reported that a mediation attempt had been unsuccessful.

On May 8, 2019, Counsel for the Appellant, Russell Cheeseman, advised the TLAB that his client was withdrawing the appeal including the Condition and requested that the COA be advised accordingly (Withdrawal).

Subsequently, correspondence from an objector and a City Inspector sought clarification as to the timing and identified authority responsible for the implementation of the Condition.

MATTERS IN ISSUE AND JURISDICTION

While the appeal engendered a considerable community response, the Withdrawal removes from the TLAB under the *Planning Act*, s.45 (15), any jurisdiction to further consider the matter.

EVIDENCE

The TLAB is in receipt of an unqualified withdrawal of the appeal in respect of the above noted matter dated May 8, 2019, by counsel for the Appellant.

ANALYSIS, FINDINGS, REASONS

The consequence of the Withdrawal is that the TLAB no longer has any matter before it, for disposition. I have examined the Withdrawal and find it to be clear and complete. The Withdrawal is completed by the recognized Counsel for the Appellant, is unequivocal and is timely. There appear to be no other Appellants.

DECISION AND ORDER

The appeal having been withdrawn, the decision herein of the Committee of Adjustment mailed November 16, 2018, including its condition, is final and binding. The hearing of the Toronto Local Appeal Body scheduled for May 21, 2019 is cancelled, no attendance is required or expected and the file of the Toronto Local Appeal Body is closed.

The Supervisor is to advise the Secretary Treasurer of the Etobicoke and York Panel in accordance with the foregoing.

X



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