

# ADDENDUM

## DECISION AND ORDER

**Decision Issue Date**      Tuesday, September 24, 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): JIMMIE VASSOS

Applicant: HOMELAND

Property Address/Description: 18 RESTWELL CRES

Committee of Adjustment Case File: 19 107179 NNY 17 MV

**TLAB Case File Number: 19 137049 S45 17 TLAB**

**Hearing date:**      Wednesday, August 07, 2019

**DECISION DELIVERED BY Ian James LORD**

### APPEARANCES

Name	Role	Representative
HOMELAND	Applicant	
JIMMIE VASSOS	Appellant	ALAN HEISEY
CHRISTIAN CHAN	Expert Witness	
MINA ZARKOOB MANESH	Party (TLAB)	MARTIN MAZIERSKI
JIM KOTSOPOULOS	Expert Witness	

## **INTRODUCTION**

In my decision issued August 12, 2019, provision was made for the revision of drawings intended and attached as **Appendix C** to the Decision and Order dated August 12, 2019.

An Exhibit 5 was reserved for the receipt of these revised drawings.

On August 14, 2019, revised drawings were received in the form of an Exhibit 5, from counsel for the Applicant.

## **BACKGROUND**

The specific Condition in **Appendix B** provided as follows:

“3) On the said second-storey rear platform, a vertical finned-styled guard rail of no less than 1.2m metres height from the base of the platform, with individual rail guards of no less than 5 cm in width, and spaced at no more than the required minimum spacing (approximately 10.1cm) between rails or as may be required by the Ontario Building Code shall be constructed as the northerly rail guards on the proposed second storey rear platform as seen on the Applicant's North Elevation Drawing No. 08, Attachment C (and any revised drawings requested, submitted within ten (10) days from the date hereof and subsequently added to the said attachment by the TLAB). “

The August 14, 2019 submission from counsel, in supplying Exhibit 5 stated:

“These drawings are meant to provide the additional detail relating to Condition 3 of Attachment B to the Decision and Order from August 12, 2019 (the 1st page of EXHIBIT 5 also reconciles Drawing 08 of Attachment C, the North Elevation drawing from March 22, 2019, with the settlement, in that it reflects Condition 3 of Attachment B by showing the revised 2nd storey rear platform railing on the rear/North Elevation).”

## **MATTERS IN ISSUE**

Whether the revision plans in Exhibit 5 satisfactorily complete the filings and can be added to or substituted for the prior plans to which they relate, found in **Appendix C** to the Decision and Order dated August 12, 2019.

## JURISDICTION

The *Rules of Practice and Procedure* of the Toronto Local Appeal Body permit the making of minor revisions provided for in an issued decision and order.

## EVIDENCE

Exhibit 5, attached hereto as an **Appendix** is submitted in fulfillment of Condition 3 and in response to the undertaking to provided supplemental clarity.

## ANALYSIS, FINDINGS, REASONS

The completion of the undertaking is appropriate and the Decision and Order dated August 12, 2019 is properly the subject of revision in order to substitute and add the drawings provided in the **Appendix** hereto for those found in **Attachment C** to the Decision and Order.

## DECISION AND ORDER

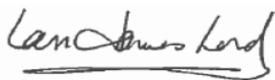
The plans attached to the Decision and Order dated August 12, 2019 are hereby labeled as '**Attachment C**'.

The plans in the **Appendix** hereto are hereby incorporated in the said **Attachment C** as replacement or supplementary drawings for those as previously identified and numbered.

The Decision and Order of August 12, 2019 is amended to the extent necessary to give effect to the Plans attached in the **Appendix**.

In all other respects, the Decision and Order of August 12, 2019 remains unaltered.

X



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Ian J. Lord

Panel Chair, Toronto Local Appeal Body

Signed by: Ian Lord

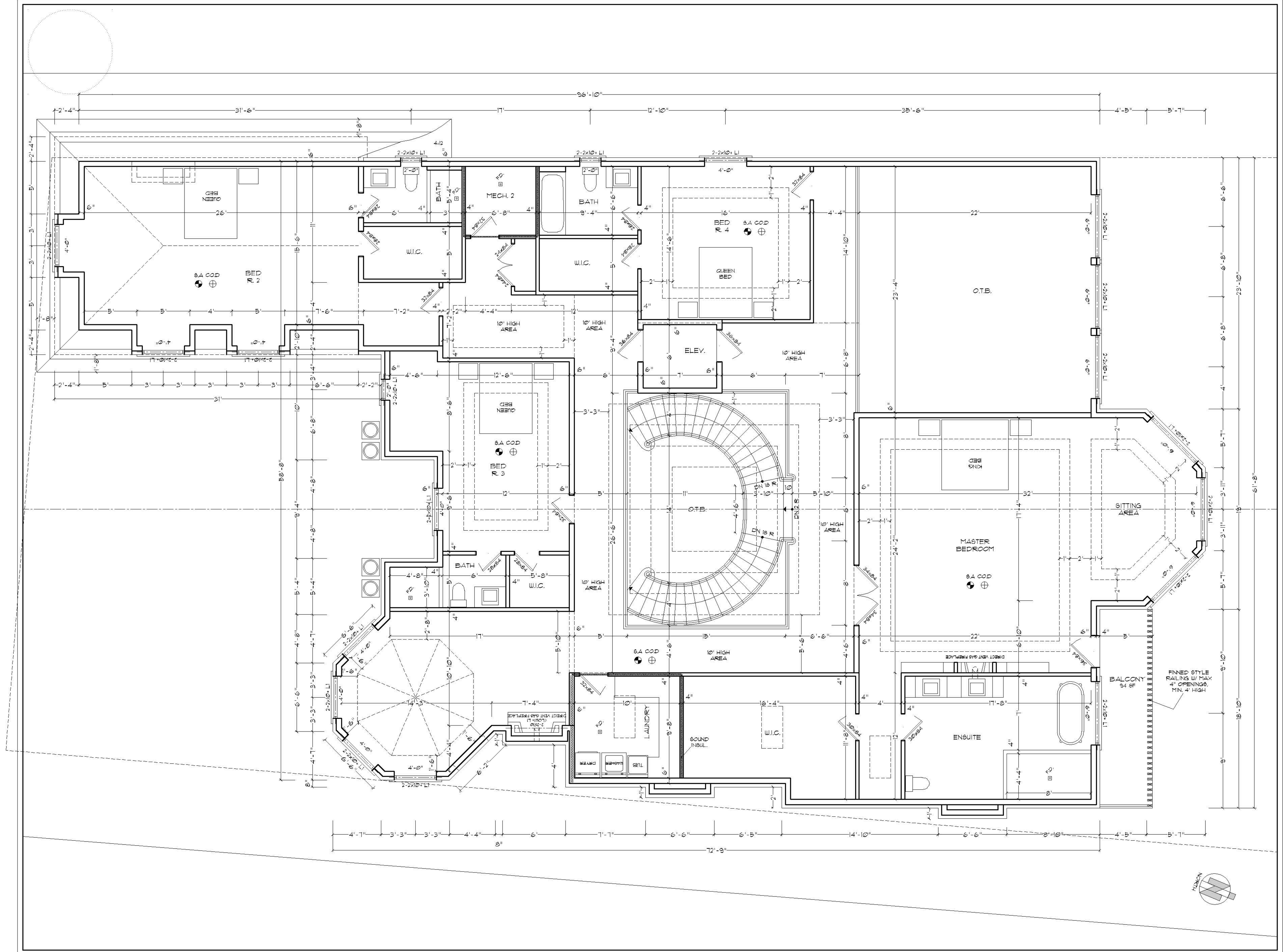
## **APPENDIX**

( Exhibit 5 plans filed August 14, 2019.)









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