

# DECISION AND ORDER

**Decision Issue Date**      **October 24, 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): ARTHUR VERWAY

Applicant: GLENN RUBINOFF

Property Address/Description: 262 ST CLAIR AVE E

Committee of Adjustment Case File Number: 18 107867 STE 27 MV

TLAB Case File Number: **18 194278 S45 27 TLAB**

**Hearing date:**      Thursday, November 15, 2018

**DECISION DELIVERED BY STANLEY MAKUCH**

## APPEARANCES

Name	Role	Representative
Glenn Rubinoff	Applicant	
Arthur Verway	Appellant/Owner	Amber Stewart
Jeremy Gawen	Party	
Franco Romano	Expert Witness	
Robert Brown	Expert Witness	
Hillary Armstrong	Witness	
Samuel Chin	Witness	
Kimberly Horvath	Participant	

## **INTRODUCTION**

At the conclusion of the hearing of this matter it was clear that revised variances were being sought. Those variances did not require new notice but did require to be accurately stated to reflect revised plans and conditions to be imposed should the appeal be allowed.

## **BACKGROUND**

Although revised plans for the proposal and conditions to be imposed were before me no accurate statement of the related required variances have been submitted.

## **MATTERS IN ISSUE**

The only issue in contention is failure to provide an accurate statement of the required variances along with the revised plans and conditions.

## **JURISDICTION**

In this case the Toronto Local Appeal Body (TLAB) cannot approve variances that are not accurately presented to it along with related plans and conditions.

## **EVIDENCE**

There is no evidence of an accurate statement of the variances required and the plans and conditions related to those variances.

## **ANALYSIS, FINDINGS, REASONS**

In the absence of an accurate statement of the variances being submitted, along with the revised plans and conditions to which they relate, TLAB should not approve the variances sought, even though they have been described orally. Moreover, matters such as this should not be left outstanding without a final resolution.

## DECISION AND ORDER

Unless the applicant seeks leave by a motion on or before November 8, 2019, to submit the exact variances being sought along with along with the related plans and conditions to be approved, this appeal will be dismissed.

X 

---

S. Makuch

Panel Chair, Toronto Local Appeal