

# DECISION AND ORDER

**Decision Issue Date**      Tuesday, January 14, 2020

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): TONY MARCHESANO, CITY OF TORONTO

Applicant: WESTON CONSULTING

Property Address/Description: 99 TWENTY SEVENTH ST

Committee of Adjustment Case File: 17 220932 WET 06 CO, 17 219245 WET 06 MV, 17 219251 WET 06 MV

**TLAB Case File Number: 18 192465 S53 06 TLAB, 18 192467 S45 06 TLAB, 18 192468 S45 06 TLAB**

**Hearing date:**      Wednesday, July 17 and Thursday, July 18, 2019

**DECISION DELIVERED BY TED YAO**

## APPEARANCES

<b>Name</b>	<b>Role</b>	<b>Representative</b>
Peter Voong, Castleform Homes Inc.	Owner	Isaac Tang
Weston Consulting	Applicant/Expert Witness	
Tony Marchesano	Appellant	Martin Mazierski
Nada Yetter, James Yetter	Participants	Martin Mazierski
City of Toronto	Appellant	Aderinsola Abimbola
Ian Graham	Expert Witness	
Judy Gibson	Party	

**Decision of Toronto Local Appeal Body Panel Member: T. YAO**  
**TLAB Case File Number: 18 192465 S53 06 TLAB, 18 192467 S45 06 TLAB, 18 192468 S45 06 TLAB**

Name	Role	Representative
Lori Penney	Participant	
David Godley	Participant	
Steven Vella	Participant	
Elizabeth Read	Participant	
Long Branch Neighbourhood Assoc.	Participant	

On July.11, 2018, Tony Marchesano and the City of Toronto filed separate appeals against Committee of Adjustment decisions granting a conditional consent and minor variances to Castleform Homes Inc. (that is, 3 decisions in all, favourable to Castleform). Under s. 45(16), the TLAB is obliged to hold a hearing, and by inference those Committee of Adjustment decisions are nullified since the TLAB is empowered to make any decision the Committee could have made. On January 10, 2020, I received a letter from Isaac Tang advising that his client does not intend to appear at the hearing. Mr. Tang also requested advice as to whether its witness, Kevin Bechard, the applicant's planning consultant, needs to appear at any resumption. The answer is "no"; Mr. Bechard does not need to appear. On the basis of Mr. Tang's letter, I am allowing the appeals.

**DECISION AND ORDER**

Mr. Marchesano's and the City of Toronto's appeals are allowed and the Committee of Adjustment decisions of June 18, 2018 are set aside. The hearing days of January 17, 20, and 27, 2020 are cancelled and no one need attend on those days.

  
**X**

Ted Yao  
Panel Chair, Toronto Local Appeal Body