

# DECISION AND ORDER

**Decision Issue Date**      **Wednesday, February 19, 2020**

**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): SOPHIA KAHILL**

**Applicant: EXP SERVICES INC**

**Property Address/Description: 68 CLISSOLD RD**

**Committee of Adjustment Case File: 18 204280 WET 05 MV (A0611/18EYK)**

**TLAB Case File Number: 19 115089 S45 03 TLAB**

**Hearing date: December 12, 2019**

**DECISION DELIVERED BY S. MAKUCH**

## APPEARANCES

<b>NAME</b>	<b>ROLE</b>	<b>REPRESENTATIVE</b>
<b>EXP SERVICES INC</b>	<b>Applicant</b>	
<b>MERIMA ICAGIC</b>	<b>Owner</b>	
<b>SOPHIA KAHILL</b>	<b>Appellant</b>	
<b>AMIR ICAGIC</b>	<b>Primary Owner/Party (TLAB)</b>	<b>BRUCE KETCHESON CHRISTINA KAPELOS</b>
<b>JOHN CIARDULLO</b>	<b>Participant</b>	
<b>KENT NIELSEN</b>	<b>Expert Witness</b>	

**MICHAEL HAYEK**

**Expert Witness**

**MARK PACAN**

**Party (TLAB)**

**MAX DIDA**

**Witness**

## **INTRODUCTION**

On August 2, 2019, I issued an Order granting minor variances to permit the construction of a dwelling with an attached garage, subject to certain conditions. The decision was the result of a settlement between the parties. The conditions required parties to approve the plans for the construction of the dwelling and garage.

## **BACKGROUND**

When the plans were prepared in detail based on the settlement it was discovered that the dwelling could not be constructed in accordance with the site plan and the agreed to variances. The parties, therefore, returned to me for a resolution of the problem.

## **MATTERS IN ISSUE**

The issue involved a small corner of the foundation of the dwelling, the construction of which would injure a tree. The solution was to construct the corner of the foundation on an angle.

## **EVIDENCE**

A new site plan and arborist report were prepared which addressed the issue and implement the angled foundation solution. No parties have objected to them.

## **ANALYSIS, FINDINGS, REASONS**

Based on the new site plan and arborist report I find the variances I approved in my decision of August 6, 2019 should remain approved but be subject to new conditions requiring construction to be in accordance with a site plan specifying the foundation to be angled and in accordance with the arborist report addressing this issue.

## DECISION AND ORDER

My decision of August 6, 2019 is hereby amended to add the following provision: The Site plan (S1), and elevations ( A6, A7, A8, and A9) and Arborist Report and Tree Protection Plan submitted to TLAB on December 18, 2019 meet the requirements of the Minutes of Settlement and construction shall conform with those documents.

X 

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S. Makuch  
Panel Chair, Toronto Local Appeal