

DECISION AND ORDER

Decision Issue Date Thursday, June 18, 2020

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): DANNY SCULAC

Applicant: WEISS ARCHITECTURE AND URBANISM LIMITED

Property Address/Description: 1 YORK RD

Committee of Adjustment Case File: 19 150752 WET 01 MV

TLAB Case File Number: 19 177237 S45 01 TLAB

Hearing date: Friday, June 12, 2020

DECISION DELIVERED BY JOHN TASSIOPOULOS

APPEARANCES

Name	Role	Representative
Weiss Architect & Urbanism Ltd.	Applicant	
Etobicoke Board of Education	Owner	
Toronto District School Board	Primary Owner/Party	
Danny Sculac	Appellant	

BACKGROUND

On June 6, 2019, the Committee of Adjustment (COA) approved the application for variance for Committee file A0256/19EYK for 1 York Road. An appeal to that decision was submitted by the Appellant, Danny Sculac. A Hearing date was originally scheduled for April 3, 2020 but was postponed due to the suspension of TLAB Hearing events. The postponed Hearing was precipitated by Covid-19 response and was in accordance with the Government of Ontario's Emergency Order (O.Reg. 73/20).

Decision of Toronto Local Appeal Body Panel Member: J. TASSIOPOULOS
TLAB Case File Number: 19 177237 S45 01 TLAB

On May 21, 2020, TLAB staff canvased the Appellant and the Applicant regarding dates to conduct a Hearing via electronic video-conferencing. The Primary Owner/Party, the Toronto District School Board (TDSB) represented by Yvonne Choi replied via email on May 21, 2020. No reply was received that the TDSB had withdrawn its variance application and would not participate in the Hearing. The Appellant did not reply to the request and had been copied on the previous correspondence by the TDSB.

On June 2, 2020, TLAB staff circulated potential Remote Hearing dates to the Appellant, Applicant and Primary Owner/Party to address the appeal. On June 3, 2020, via email, Yvonne Choi reiterated that the TDSB “...no longer requires the requested variance that was appealed by the appellant. Therefore, the Toronto District School Board does not intend to attend the Remote Hearing or provide evidence on this matter.” On June 5, 2020, the TLAB sent a Notice of Electronic Hearing to the Appellant, Applicant and Primary Owner/Party indicating the Hearing would take place for June 12, 2020. No objection or Motion, regarding the Electronic Hearing, was submitted to TLAB within the 5 days of service as per Rule 24.3 of the Toronto Local Appeal Body's Rules of Practice and Procedure.

On June 12, 2020, that Hearing date, neither the Appellant or Primary Owner / Party were present for the electronic video-conferencing call. At 9:52 a.m. TLAB staff sent an email reminder to the Appellant, Danny Sculac. At approximately 10:09 a.m., having not heard from the Appellant, the Hearing was concluded.

An appeal causes a new Hearing into the merits in respect of all of the relief sought initially before the COA. There being no evidence in support of the variance application and none in respect of opposition thereto, the TLAB has no basis to consider the application on appeal.

DECISION AND ORDER

This variance, having been abandoned by the Applicant/Owner, has failed to meet the statutory tests. The Appellant failed to provide an explanation for no further participation. The decision of the Committee of Adjustment is not supported and cannot stand. The application for variance is not approved and the file of the Toronto Local Appeal Body is closed.

X

John Tassiopoulos
Panel Chair, Toronto Local Appeal Body