

DECISION AND ORDER

Decision Issue Date Monday, November 16, 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): CHRISTINE LEE-JEONG KIM, ELIZABETH SQUISSATO

Applicant: LARGE MEDIUM DESIGN OFFICE INC

Property Address/Description: 2 DINGWALL AVE

Committee of Adjustment Case File Number: 19 199757 STE 14 MV (A0861/19TEY)

TLAB Case File Number: **19 263872 S45 14 TLAB**

Date of Scheduled Hearing: Thursday, November 12, 2020

DECISION DELIVERED BY D. LOMBARDI

BACKGROUND

On December 11, 2019, the Committee of Adjustment approved seven (7) variances in total, five from the new Zoning By-law 569-2013, and two corresponding variances from the former Zoning By-law 438-86, to permit the Applicant to alter a 2 ½ storey semi-detached dwelling by constructing a two-storey rear addition with a roof top deck, a second floor front addition with a front roof top deck, and a second floor front roof top green roof for the Committee File Number A0861/19TEY for 2 Dingwall Avenue (subject property).

Appeals were submitted to the Toronto Local Appeal Body (TLAB) by Jerome Kovacs, the authorized representative, on behalf of Christine Lee-Jeong Kim, a resident of the semi-detached dwelling attached to the subject dwelling, and by Elizabeth Squissato, a resident of the abutting dwelling immediately to the east.

The TLAB set an 'in-person' Hearing date for April 14, 2020. However, in the ensuing period prior to the return date, the world encountered a global pandemic in the form of COVID-19. As a result, effective as of March 16, 2020, the TLAB ordered a cessation of all Hearing events pursuant to Ontario Regulation 73/20. This interval, in effect a 'Suspension Period', reflected the widespread concern for the COVID-19 virus. Consequently, on April 1, 2020, this matter was postponed indefinitely by the TLAB and all Parties were notified of such.

That Suspension Period ended on August 14, 2020.

In addressing a backlog of previously scheduled Hearings the TLAB has attempted to identify and reschedule Hearings as 'virtual or remote' Hearing events on consent and where appropriately supported. The subject appeals were subsequently identified by the Tribunal as falling within this category and after consultation with the Parties and Participants the TLAB issued a Notice of Electronic Hearing setting a 'virtual' Hearing date of November 12, 2020 to hear this matter.

On the morning of November 12, 2020, the return date for the virtual Hearing, which was scheduled to commence at 9:30 am, the following persons attended virtually, by WEBEX: Nicholas Macos and Adam Giel, of Black/Sutherland LLP, representing Lucan Alan Way and Zareen Ahmad, the Owners of the subject property; Jerome Kovacs and Christine Lee-Jeong Kim; and Elizabeth Squissato and Dana Stewart, the latter of whom elected Participant status.

However, shortly before the commencement of the Hearing, at 9:15 am, I was forwarded an email by TLAB staff from the Owners' legal representative, Adam Giel, advising that the Parties, through their respective representatives, had reached a resolution of the matter through the execution of a Minutes of Settlement (MoS) and Agreement (Agreement). An email chain, containing correspondence amongst the Parties confirming the basis of the MoS, was included in the communication from staff as was the executed and binding Agreement.

In summary, that Agreement, dated November 11, 2020 and signed by the Parties and Participant above cited, outlines specific revisions to the alterations to the existing residential dwelling on the subject property agreed to by the Owners that address and resolve the issues and concerns raised by the Appellants.

It is important to note that the proposed modifications to the dwelling and the resulting MoS do not alter the variances previously granted by the COA which remain unvaried. Paragraph 4 in that Agreement states that in consideration of the revisions to the proposal, Ms. Kim and Ms. Squissato agree to abandon their respective appeals of the Application before the TLAB.

On inquiry of the Appellants in attendance, I asked each to confirm their understanding of the terms of the Settlement and whether, indeed, they intended to withdraw their respective appeals of this matter. In response, both Ms. Kim and Ms. Squissato acknowledged verbally their comfort with the MoS and confirmed their intent to withdraw their appeals. As a result, I directed that each memorialize this expressed desire by filing documentation with the Tribunal, served on all Parties, in this regard.

Accordingly, TLAB staff received an email from each of the Appellants, dated November 12, 2020, confirming that their appeal is hereby withdrawn.

DECISION AND ORDER

The appeals having been abandoned, the appeals are dismissed. The Committee of Adjustment decision noted above, and mailed on December 17, 2019, is final and binding, and the file of the Toronto Local Appeal Body is closed.

The Hearing scheduled for November 12, 2020 is vacated and no attendance and further submissions are required.

X 

Dino Lombardi
Panel Chair, Toronto Local Appeal Body