

INTERIM DECISION AND ORDER

Decision Issue Date Wednesday, March 24, 2021

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): DEEPAK KHULLAR

Applicant(s): DEEPAK KHULLAR

Property Address/Description: 156 GORE VALE AVE

Committee of Adjustment File

Number(s): 20 118849 STE 10 MV (A0244/20TEY)

TLAB Case File Number(s): 20 173225 S45 10 TLAB

Hearing date: March 22, 2021

DECISION DELIVERED BY S. KARMALI

REGISTERED PARTIES AND PARTICIPANTS

Applicant/Appellant DEEPAK KHULLAR

Participant CRAIG SMALL

Participant DAVID OSTRY

Participant TIM MAILE

BACKGROUND SUMMARY

This summarily covers the period from February 18, 2020, to March 22, 2021.

On February 18, 2020, a City of Toronto (City) Examiner, at the building stage, identified two variances to Zoning By-Law 569-2013 for the Appellant's proposed development:

Variance 1.

(A) A lot with a residential building, other than an apartment building, must have a minimum of 50 percent of the rear yard for soft landscaping: 37.11 square metres, if the lot frontage is greater than 6.0 metres. The proposed rearyard landscaping area is 12.81 percent; 9.51 square metres.

[10.5.50.10.(3) Rear Yard Soft Landscaping for Residential Buildings Other Than an Apartment Building]

Variance 2.

(A) The minimum required parking space must have minimum required dimensions of (i) 5.8 metres in width (ii) 5.6 metres in length and 2.0 metres in vertical clearance.

(A) (i)The minimum required parking space must have a minimum width of 5.8 metres. The proposed parking space (s) will have a width of 5.64 metres in width.

[200.5.1.10.(2) Parking Space Dimensions - Minimum]

On July 8, 2020, the Toronto and East York Committee of Adjustment (COA) refused the Appellant's application to construct a first-floor deck and a detached garage to the rear of his existing property.

On July 24, 2020, the Appellant submitted a Notice of Appeal to the Toronto Local Appeal Body (TLAB), appealing the COA refusal.

On October 27, 2020, the TLAB issued a Notice of Hearing, which stipulated a hearing date of Monday, Mar 22, 2021 9:30 am | 7 hours as well as the address of the subject property.

With less than ten days before the scheduled hearing date, the Appellant and the (elected) Participants were prompted to and finally decided to their submit filings.

In one filing, the Appellant seemed to have revised his original application. He stated in an email dated March 16, 2021:

When I originally applied to the Committee of Adjustment I applied for a back deck and a wider garage.

As a result in my original COA application the proposed rear yard landscaping area for my application was 12.81 percent; 9.51 square metres when a minimum of 50 percent of the rear yard is required for soft landscaping: 37.11 square metres.

Given 12.81% soft landscape may not be a minor variance from the 50% requirement I would like to remove the deck portion of my application and request to only have a detached wider parking with up to 40% or 29.79 square metres of soft landscape when the minimum requirement is 50% or 37.11 square meters

In another filing, with less than seven days before the hearing, the Appellant informally indicated that he is requesting mediation at the TLAB. To be sure, anyone seeking mediation should first contact the other involved parties **and agree** to mediation before requesting it from the TLAB [my emphasis].

HEARING DATE BACKGROUND SUMMARY

This background summarily captures what transpired on March 22, 2021. There was no evidence heard or taken. This was not a mediation hearing.

The Appellant appeared with his wife, Ms. Khullar. The registered participants appeared. Mr. Tim Maile appeared with Ms. Lane. Neither Ms. Khullar nor Ms. Lane is a registered party or participant in this matter.

I heard no good reason why documentation was submitted beyond the submission deadlines stipulated in the Notice of Hearing. I referred the Appellant and the participants to the TLAB Public Guide, which is readily available on the TLAB website, to understand and appreciate the legal process.

Mr. Small requested that the matter be deferred to another hearing date so that he could understand and appropriately respond to the Appellant's very recent *changes* to the application. Both Mr. Ostry and Mr. Maile agreed with Mr. Small's request. Additionally, Mr. Small indicated that he was not a recipient of the TLAB Notice of Hearing. I confirmed this with the TLAB staff. Mr. Khullar wanted the hearing to continue. I ruled that the hearing would be deferred to another date.

For the benefit of everyone *being* present, I allowed Mr. Khullar the opportunity to briefly share the changes to his development application. I heard no evidence and took no evidence. Mr. Khullar focused on building permit drawings and permits. I let the participants ask questions of Mr. Khullar and allowed Mr. Khullar to respond to them. There seemed to be some helpful exchanges of information and local knowledge sharing. I hope that Mr. Khullar and his neighbours, namely those who have registered as participants, can work together cooperatively to resolve their outstanding issues.

Should the matter not be resolved entirely before the rescheduled hearing date, I reminded everyone that the Appellant's development application must satisfy the policy tests and legal tests of the TLAB's jurisdiction over variance applications, namely, Section 45(1) of the *Planning Act*.

Finally, it is unclear which of the two variances listed above have been revised and/or removed. The TLAB must know what amendments, if any, are being made to the requested variances such that the TLAB has a proper appeal before it, which it can then adjudicate. Accordingly, it is reasonable for the Appellant to provide an updated City Examiner's zoning notice to the TLAB and the participants as soon as possible.

DECISION AND ORDER

The matter is rescheduled to Monday, July 19, 2021, as consented to by the Appellant and the registered participants.

A large, bold, handwritten 'X' mark is positioned inside a rectangular box, serving as a signature.

Sean Karmali
Panel Chair, Toronto Local Appeal Body