

# DECISION AND ORDER

**Decision Issue Date**      **Tuesday, June 22, 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): SUSAN DOWNIE

Applicant(s): GORDON PAPE

Property Address/Description: 240 ORIOLE PKWY

Committee of Adjustment File

Number(s): 20 151076 STE 12 MV (A0452/20TEY)

**TLAB Case File Number(s): 20 230441 S45 12 TLAB**

**Hearing date: June 14, 2021**

**Deadline Date for Closing Submissions/Undertakings:**

**DECISION DELIVERED BY S. MAKUCH**

## REGISTERED PARTIES AND PARTICIPANTS

Applicant	GORDON PAPE
Appellant	SUSAN DOWNIE

## INTRODUCTION

This is an appeal from a decision of the Committee of Adjustment approving variances which increased the number of dwelling units in the 11-storey apartment building on the subject property from 42 to 43 units by converting a three-bedroom unit into a one-bedroom unit and a two-bedroom unit. The variances would delete the

requirement for amenity space for the units created and permit a deficiency of one bicycle parking space.

## **BACKGROUND**

No one appeared at the hearing: neither appellant nor applicant, nor any of their representatives. This is an unusual situation, especially since the appeal was not withdrawn. I waited for over a quarter of an hour for someone to attend but no one appeared.

## **MATTERS IN ISSUE**

Since nobody appeared, no evidence was presented at the hearing. There were no disclosures by either party. There were reasons given for the appeal but no response to those reasons. They were, in any event, persuasive or relevant. It remains that on an appeal, I must determine whether the variances requested meet the requirements of provincial policy requirements and the four tests in section 45 of the *Planning Act*.

## **JURISDICTION**

### **Provincial Policy – S. 3**

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2020 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

### **1. Variance – S. 45(1)**

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

## **EVIDENCE**


There was no evidence presented to enable me to find the variances meet the four tests of section 45 of the Planning Act, or the PPS, or the Growth Plan.

## ANALYSIS, FINDINGS, REASONS

As a result of the lack of affirmative evidence, I allow the appeal and refuse the approval of the minor variances. I do so knowing, however, that there is a concern about a deficit of family housing within the boundaries of the old City Of Toronto and thus the loss of a three bed room apartment may not be appropriate for the development of this building and that it may be contrary to provincial policy which, in part, encourages a variety of housing types, including family housing of which there appears to be a deficiency.

## DECISION AND ORDER

The appeal is allowed and the variances requested are not approved.

X 

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S. Makuch  
Panel Chair, Toronto Local Appeal