

# DECISION AND ORDER

**Decision Issue Date** Tuesday, July 27, 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): ROBERT LEVY

Applicant(s): PAUL COUILLARD

Property Address/Description: 9 LYNDHURST CRT

Committee of Adjustment File

Number(s): 20 214297 STE 12 MV

**TLAB Case File Number(s): 21 139431 S45 12 TLAB**

**Hearing date: July 26, 2021**

DECISION DELIVERED BY S. KARMALI

## REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
Paul Couillard	Applicant	
Margaret Stuart	Owner	
Dougal Clark	Primary Owner	
Robert Levy	Appellant	

## BACKGROUND

On October 30, 2020, Ms. Stuart and Mr. Clark signed a Committee of Adjustment (COA) Application to alter their existing two-storey detached dwelling by constructing a front vestibule and covered porch. This alteration required a variance to the minimum front yard setback under Zoning By-Law 569-2013. On March 31, 2021, the COA approved their Application subject to an urban forestry condition. On April 12, 2021, Mr. Levy, an adjacent neighbour, appealed this decision to the Toronto Local Appeal Body (TLAB). On April 23, 2021, the TLAB issued a Notice of Hearing to the Registered Parties.

## JURISDICTION

### *TLAB Rules*

#### *Matters Not Dealt with by the Rules*

2.6 Where procedures are not provided for in these Rules the TLAB may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate matters before it in a just, expeditious and cost-effective manner.

## ON HEARING DAY

The expectation is that the Registered Parties, including Interested Parties, appear for the scheduled TLAB hearing and on time.

Mr. Levy, the Appellant, appeared and requested that the Appeal be allowed, and the COA decision be cancelled.

The onus is on the Applicant to prove their case. However, no one appeared to take up this responsibility.

I learned, from the Appellant, that Mr. Couillard, the Applicant, had sent an email to the TLAB on May 12, 2021, which had indicated Ms. Stuart and Mr. Clark would like to close their Application as they no longer wished to proceed with *their* proposed alteration.

## DECISION AND ORDER

Accordingly, the Appeal is allowed, and the Committee of Adjustment decision is cancelled.

**X**

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Sean Karmali  
Panel Chair, Toronto Local Appeal Body