

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): Haidar Baalbaki

Applicant(s):

Property Address/Description: 47 White Abbey Pk

Committee of Adjustment File

Number(s): 20 101844 ESC 21 MV

TLAB Case File Number(s): 20 128412 S45 21 TLAB

Hearing date: January 19, 2021

Deadline Date for Closing Submissions/Undertakings: October 23, 2021.

DECISION DELIVERED BY A. Bassios

APPEARANCES

NAME	ROLE	REPRESENTATIVE
Haidar Baalbaki	Appellant	Stephen Sukiasyan
CITY OF TORONTO	PARTY	MARC HARDIEJOWSKI

INTRODUCTION AND BACKGROUND

This is an Appeal to the Toronto Local Appeal Body (TLAB) by Hairdar Baalbaki of the Decision of the Scarborough Panel of the City of Toronto Committee of Adjustment (COA) to refuse a variance to permit a widened front driveway for the newly constructed dwelling at 47 White Abbey Pk, the subject property.

The subject property is located in Scarborough.

On January 19, 2021, a Hearing was convened as an expedited Settlement Hearing. On February 23, the TLAB issued an Interim Decision authorizing a variance to approve a driveway width of 7.5m subject to the following conditions:

1. Areas 2 & 3 as identified in the revised site plan drawing, included as Attachment A, are replaced with sod and shall remain as such in perpetuity; and
2. The issuance of the TLAB's final Decision and Order be withheld, for no longer than eight months, pending confirmation by way of an email to the TLAB and all Parties from legal counsel to the City that Condition 1) (i.e., Areas 2 & 3 are replaced with sod) has been satisfied.

Confirmation has been received from legal counsel to the City the conditions have been satisfied. Therefore, a final Decision can now be issued for this matter.

REQUESTED VARIANCE:

By-law No. 569-2013

To permit a driveway width of 7.5 m, with conditions.

MATTERS IN ISSUE

The Interim Decision identified areas of the existing driveway to be removed and to be replaced with sod. A final TLAB Decision was withheld pending confirmation from legal counsel to the City that the conditions have been satisfied.

JURISDICTION

Settlement - TLAB Rule 19.4

Where no Person at the Hearing opposes the proposed settlement or where the TLAB rejects an objection, the TLAB may issue an order giving effect to the settlement and any necessary amendments.

Provincial Policy – S. 3

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

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

On July 22, 2021, legal counsel for the City confirmed that the physical alterations to the property required by the conditions of the Interim Decision have been completed.

ANALYSIS, FINDINGS, REASONS

The Interim Decision found that the variance and the associated conditions of approval proposed in the settlement were in the public interest and that the variance met the four tests under Section 45(1) of the *Planning Act*. The final Decision of the TLAB was withheld pending the completion of driveway and landscape alterations in the front yard of the subject property.

As the first condition of the Interim Decision stipulates that the re-sodded areas identified in the revised site plan drawing shall remain as such in perpetuity, this condition will carry forward into the final decision. The second condition has been satisfied.

FINAL DECISION

The variance to approve a driveway width of 7.5 m is authorized, subject to the following condition:

1. Areas 2 & 3 as identified in the revised site plan drawing, included as Attachment A, are replaced with sod and shall remain as such in perpetuity.

X 

Ana Bassios
Panel Chair, Toronto Local Appeal Body

ATTACHMENT A:

