

## DECISION AND ORDER

**Decision Issue Date** Thursday, October 14, 2021

PROCEEDING COMMENCED UNDER section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant(s): Maria Eugenia Zuccarelli

Applicant: Sergio Galvez

Property Address/Description: 6 Belvale Ave

Committee of Adjustment Case File Number: A0226/21EYK

TLAB Case File Number: **21 183951 S45 03 TLAB**

### APPEARANCES (ON MOTION)

NAME	ROLE	REPRESENTATIVE
Sergio Galvez	Moving Party and Agent for the Owner Frank Commisso	
Maria Eugenia Zuccarelli	Responding Party and Appellant	

### DECISION DELIVERED BY T. YAO

### BACKGROUND

This is a decision disposing of a motion and dismissing the underlying appeal because the appellant Maria Zuccarelli withdrew her appeal after Sergio Galvez served his motion. Mr. Galvez is the agent for the owner Frank Commisso and obtained 4 variances at the Committee of Adjustment with respect to an application to:

To construct a new detached dwelling with an attached garage. A previous committee of adjustment application (A0337/20EYK) approved variances related to the floor space index, height, and stair width.

On July 13, 2021, Philip Passarelli and Maria Zuccarelli appealed this decision with detailed reasons for their appeal. In August 2021, the TLAB set November 15, 2021 for the hearing date for the appeal.

**Decision of Toronto Local Appeal Body Panel Member: Ted Yao**  
**TLAB Case File Number: 21 183951 S45 03 TLAB**

On October 4, 2021, Mr. Galvez filed a Notice of Motion with supporting affidavit requesting dismissal of the Passarelli/ Zuccarelli appeal. A Response to the Notice of Motion was due on October 11, 2021, on which date the appellants withdrew their appeal by email. Their email indicates that Mr. Galvez need not file anything further in response to their failure to file anything further in the motion for dismissal.

I thank Mr. Passarelli and Ms. Zuccarelli for their prompt attention to the disposing of this file.

**DECISION AND ORDER**

Mr. Galvez's motion is allowed and this appeal is dismissed, based on the email of October 11, 2021. The Committee of Adjustment decision mailed June 24, 2021 is final and binding. The hearing date of November 15, 2021 is cancelled and the TLAB file is closed.



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Ted Yao  
Panel Chair, Toronto Local Appeal Body