

DECISION AND ORDER

Decision Issue Date Monday, August 09, 2021

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19), Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): SOHAM RAJESHKUMAR PATEL

Applicant(s): ARC DESIGN GROUP

Property Address/Description: 14 PENAIRE ST

Committee of Adjustment File

Number(s): 20 171276 ESC 20 CO, 20 171284 ESC 20 MV, 20 171285 ESC 20 MV

TLAB Case File Number(s): 21 111853 S53 20 TLAB, 21 111854 S45 20 TLAB, 21 111855 S45 20 TLAB

Hearing date: August 3, 2021

DECISION DELIVERED BY TED YAO

REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
Arc Design Group	Applicant	
Soham Rajeshkumar (Jit) Patel	Owner/Appellant	
Ronak Shaileshkumar Patel	Owner	
Naisargi Rajendraprasad Desai	Owner	
City of Toronto	Party	Derin Abimbola, Gabriela Dedelli
Tyler Hughes	Expert Witness	
Travys Richards	Expert Witness	

On Friday, July 30, 2021, Jit Patel, a co-owner of 14 Penaire St, filed a notice of withdrawal of appeal in respect of his pending hearing at the TLAB.

BACKGROUND

The background to this appeal is that Arc Design Group applied for a severance and variances for 14 Penaire on behalf of the three registered owners. Their application was refused by the Committee of Adjustment on January 27, 2021. Soham Patel

Decision of Toronto Local Appeal Body Panel Member: T. YAO
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appealed this decision on February 3, 2022, and his planner, Jonathan Benczkowski filed a witness statement on June 22, 2021. The City of Toronto filed an intention to be a Party and followed with documents and witness statements. There is some indication of settlement discussions between Derin Abimbola, the lawyer for the City of Toronto, with Mr. Patel, and Ms. Abimbola noted that if Mr. Patel was to retain a lawyer, she would clarify any matter in issue with that lawyer upon being advised of the retainer.

The TLAB appointed the hearing date for Mr. Patel's appeal as August 3, 2021. On Friday, July 29, 2021, at 4:40 PM, Mr. Patel withdrew his appeal by email to the TLAB, copied to Ms. Abimbola. On Tuesday, August 3, 2021, at 7:05 AM, the TLAB advised Mr. Patel and Ms. Abimbola that they should still attend before the TLAB. At 8:30 AM, August 3, 2021, Mr. Patel indicated that he thought others in the area had obtained severances and he had expended money as a result but did not indicate an intention to appear at the TLAB hearing. He did not attend August 3, 2021; Ms. Abimbola stated on the record that she accepted at face value Mr. Patel's withdrawal of his appeal of the previous Friday.

I thank Mr. Patel for notifying the TLAB of his intention to discontinue his appeal.

DECISION AND ORDER

Since Mr. Patel's appeal has been withdrawn in writing; it is dismissed. The Decision of the Committee of Adjustment of January 27, 2021 is final and binding. The TLAB file for this matter is closed.



X

Ted Yao
Panel Chair, Toronto Local Appeal Body