

INTERIM DECISION AND ORDER

Decision Issue Date Tuesday, March 08, 2022

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): City of Toronto

Applicant: Peter Del Grosso

Property Address/Description: 3 Hartfield Rd

Committee of Adjustment Case File Number: A0338/20EYK

TLAB Case File Number: 21 137380 S45 02 TLAB

Hearing date: Wednesday, February 28, 2018

DECISION DELIVERED BY S. Makuch

REGISTERED PARTIES AND PARTICIPANT

Appellant	City of Toronto
Appellant Legal Rep	Derin Abimbola (City of Toronto)
Appellant Legal Rep	Marc Hardiejowski (City of Toronto)
Appellant Legal Rep	Gabriela Dedelli (City of Toronto)
Applicant	Peter Del Grosso
Party/Owner	Andrea Giallonardo
Party Legal Rep	Paul Demelo
Party/Primary Owner	Alessia Tonietto
Expert Witness	Laleh Farhadi (City of Toronto)
Expert Witness	Jonathan Sasso

Expert Witness	Dana Keimel
Participant	Elizabeth Zucchiatti
Participant	Norbert Knutel
Participant	Jessica Knutel

INTRODUCTION

This is an appeal by the City of Toronto from a decision the Committee of Adjustment granting a number of variances to permit the construction of a new detached dwelling with an attached garage. In addition there are number of neighbours who are participants in opposition to the variances.

BACKGROUND

The City raised the issue of improper notice of the variances being sought and the participants also raised a concern respecting notice of the nature of the variances granted and the plans to be approved.

MATTERS IN ISSUE

It was clear from the argument presented that at least one variance respecting the length of the proposed dwelling was incorrect and that a larger variance than was sought was required.

JURISDICTION

Tlab has jurisdiction under its Rules of Practice and Procedure to govern the conduct of its proceedings.

EVIDENCE

Based on the plans presented and the submissions of parties it was clear that deficient notice was given regarding one of the variances, and based on the submissions of participants that it was uncertain as to which plans were being appealed.

ANALYSIS, FINDINGS, REASONS

It is important for proper notice to be given regarding the variances sought and the plans to be approved. The deficiency in the variance regarding length was not minor

as it was approximately four metres too short. Both parties agreed the hearing should be adjourned and new notice provided.

DECISION AND ORDER

This hearing is adjourned sine die to a hearing date to be set by staff for a two day hearing. The applicant will provide new clear notice to all persons who received the original Committee of Adjustment notice. The new notice will include a list of the variances now being requested and a site plan and elevations of the proposed detached dwelling to be constructed. The notice will be delivered on or by 21 days prior to the hearing date.

X 

S. Makuch

Panel Chair, Toronto Local Appeal