

# DECISION AND ORDER

**Decision Issue Date** Monday, February 28, 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): NEIL MICHAEL SELFE

Applicant: MICHAEL GOLDBERG

Property Address/Description: 21 VALLEY VIEW

Committee of Adjustment Case File Number: 20 195518 STE 11 MV (A0813/20TEY)

TLAB Case File Number: 22 108489 S45 11 TLAB

**Date of Scheduled Hearing: N/A**

**DECISION DELIVERED BY: TLAB Chair Dino Lombardi**

## INTRODUCTION AND BACKGROUND

On October 28, 2021, the Committee of Adjustment (COA) deferred the Application above referenced as Case File No. 20 195518 STE 11 MV (A0813/20TEY). The Application requested four (4) variances to permit the alteration of the existing two-storey detached dwelling by constructing a rear one-storey addition at 21 Valley View (subject property).

An appeal was submitted by David Bronskill (Goodmans LLP) on behalf of Neil and Chrisula Selfe (Owners) on November 17, 2021, by way of a letter to the Committee of Adjustment. In that letter, Mr. Bronskill asserted that in deferring the matter, the COA made a decision as defined under subsection 45(8) of the *Planning Act (Act)*.

The COA subsequently heard the deferred matter on January 12, 2022, and refused the variances sought by the Owners. On January 24, 2022, the Applicant appealed that Committee decision to the Toronto Local Appeal Body (TLAB), but the Tribunal has yet to set a Hearing date to hear the appeal.

In the instance of the first COA hearing in which the Application was deferred, Mr. Bronskill filed an email with the TLAB on behalf of the Owners/Appellants, dated

**Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI**  
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November 22, 2021, withdrawing their appeal of this matter; however, no Notice of Hearing (Form 1) was formally filed with the Tribunal.

## **DECISION AND ORDER**

On the matter of the Committee's deferral of the subject Application at its October 28, 2021, meeting, no prescribed decision was actually issued by the COA. And, although the Owners' solicitor did submit a letter to the COA informing the Committee of their client's appeal of that deferral as well as a subsequent letter to the TLAB withdrawing that appeal, the Applicant did not complete and file with the Tribunal a formal Notice of Appeal (Form 1) at that time as required by subsection 45(12) of the *Act* and Rule 7 of the TLAB's Rules of Practice and Procedure (*Rules*)

As a result, the TLAB finds that in its opinion the COA did not issue a decision as contemplated in subsection 45(8.1) of the *Act* and therefore no withdrawal decision is required from the Tribunal.

Concerning the subsequent decision issued by the Committee on January 12, 2022, the Owners have appealed that COA decision to the TLAB refusing the requested variances, and that appeal matter remains active.

Consequently, TLAB staff are directed to schedule a Hearing in that regard and issue a Notice of Hearing to hear the appeal.

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Dino Lombardi  
Panel Chair, Toronto Local Appeal Body  
Signed by: dlombar