

INTERIM DECISION AND ORDER

Decision Issue Date Monday, May 30, 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): SCOTT STEVENS, CITY OF TORONTO

Applicant(s): ALI SHAKERI

Property Address/Description: 232 SNOWDON AVE

Committee of Adjustment File

Number(s): 21 212981 NNY 15 MV (A0647/21NY)

TLAB Case File Number(s): 21 241764 S45 15 TLAB

Hearing date: May 13, 2022

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY TLAB Panel Member S. Gopikrishna

REGISTERED PARTIES AND PARTICIPANT

Applicant	ALI SHAKERI
Appellant (CITY)	CITY OF TORONTO
Appellant's Legal Rep.	DERIN ABIMBOLA - CITY OF TORONTO
Appellant	SCOTT STEVENS
Owner/Party (TLAB)	ALIREZA AGHAEI BARADARAN
Party's Legal Rep.	AMBER STEWART
Expert Witness	JONATHAN BENCZKOWSKI

INTRODUCTION AND BACKGROUND

Alireza Aghaei Baradaran is the owner of 232 Snowdon Avenue, located in Municipal Ward 15 (Don Valley South) of the City of Toronto. To build a new dwelling, He applied to the City of Toronto's Committee of Adjustment (COA), for the approval of two variances, to build a new dwelling at the Site. The COA heard the Application on November 4, 2021, approved one of the requested variances without any changes, approved the other variance after modifying it, and imposed conditions on the approval. On November 24, 2021, Mr. Scott Stevens, the President of the Taddington Park Residents' Association, as well as the City of Toronto, separately appealed the COA's decision to the Toronto Local Appeal Body (TLAB).

On April 6, 2022, the TLAB was notified that the Parties reached a Settlement among themselves, followed by a request for an "Expedited Hearing"- the TLAB rescheduled the Hearing, originally scheduled for June 7, 2022, into a "Settlement Hearing", to be heard on May 13, 2022.

On May 13, 2022, the Applicant was represented by Ms. Amber Stewart, a lawyer, and Mr. Jonathan Benczkowski, a land use planner, while the City, and the Taddington Park Residents' Association were represented by Mr. Colin Dougherty, a lawyer, and Mr. Scott Stevens, respectively.

Ms. Stewart spoke to the details of the Settlement reached by the Parties, and the implication of the Settlement on the dwelling to be built on the Site, if the variances were approved. Mr. Benczkowski was affirmed, and recognized as an Expert Witness in the area of land use planning.

Mr. Benczkowski provided evidence about the Plans and Elevations put forward at the Hearing. At the end of his testimony, I had a brief discussion with him regarding Section 4.1.5 of the Official Plan (O), and its emphasis on the "prevailing type", which is explicitly defined as "the most frequently occurring type". I drew his attention to how the "prevailing type" had to be identified, through a specific counting exercise, on the basis

of various variables identified in Section 4.1.5.”. After pointing out that the evidence, as well as the Expert Witness Statement, asserted that the design of the proposed house, respected the “prevailing type”, without identifying or specifying what the “prevailing type” is, I advised Mr. Benczkowski to send in a submission, which demonstrated what the “prevailing type” is, on the basis of any of the variables mentioned by the OP, in Section 4.1.5, followed by a discussion of the relationship between the proposed design, and the “prevailing type”.

I was assured that the Applicants would address my question immediately, because the “Site was not very far away”, and the Proceeding was ending early “on a sunny Friday to boot”, making it possible for the Applicants to address the question “right away”.

I am informed by the TLAB Staff that no submissions had been received by the Applicants, as of May 27, 2022 (Friday).

By way of this Interim Decision, I ask the Applicants to complete the submission they were instructed to make at the end of the Hearing completed on May 13, 2022. In the absence of any submissions, a Decision will be made on the basis of such evidence, and submissions that have already been made to the TLAB.

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- 1) The Applicants are given time till June 24, 2022, to complete the submissions that are required of them, by way of instructions issued at the end of the Hearing completed on May 13, 2022, for the Appeal respecting 28 Wilberton Avenue.

The submission has to identify the “prevailing type” in the Geographic Neighbourhood or Immediate Context of choice, based on a counting exercise, followed by a discussion of how the proposal respects the prevailing type, as discussed in Section 4.1.5 of the Official Plan.

So orders the Toronto Local Appeal Body



X

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body