

INTERIM DECISION AND ORDER

Decision Issue Date Monday, May 30, 2022

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): BABAK IZADI

Applicant(s): C2C DESIGN BUILD LTD.

Property Address/Description: 28 WILBERTON ROAD

Committee of Adjustment File

Number(s): 20 227815 STE 12 CO; 20 227819 STE 12 MV; 20 227820 STE 12 MV
(B0092/20TEY, A1149/20TEY, A1148/20TEY)

**TLAB Case File Number(s): 21 237062 S53 12 TLAB; 21 237063 S45 12 TLAB;
21 237064 S45 12 TLAB**

Hearing date: Tuesday, May 17, 2022

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY TLAB Panel Member S. Gopikrishna

REGISTERED PARTIES AND PARTICIPANT

Appellant	Babak Izadi
Appellant's Legal Rep.	Amber Stewart
Applicant	C2C Design Build LTD.
Party (TLAB)	Peter Clark
Party's Legal Rep.	Mandy Ng
Participant	Jeff Gralek
Participant	Sheyda Assefi

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Participant Christopher Dunn
Expert Witness Michael Wolosinecky
Expert Witness Allan Ramsay

INTRODUCTION AND BACKGROUND

Mr. Babak Izadi is the owner of 28 Wilberton Avenue, located in Ward 12 (Toronto- St. Paul's) of the City of Toronto. Mr. Izadi applied to the Committee of Adjustment (COA). to sever the existing plot of land, and construct a new three-storey semi-detached dwelling with an integral garage, on each of the conveyed lands. The COA heard the Applications on November 3, 2021, and refused both the consent to sever, as well as the requested variances for the semi-detached dwellings to be built on the severed lots. The Applicant appealed the COA's decision to the Toronto Local Appeal Body (TLAB) on November 24, 2021.

Mr. Peter Clark, one of the neighbours elected to be a Party in opposition to the Appeal. A few neighbours, including Mr. Jeff Gralek, , elected to be Participants in opposition to the Appeal. The TLAB scheduled a Hearing for May 17, 2022, to enable Witnesses to provide evidence. Based on the submissions and Witness Statements, I understood that Party Clark would be represented by Ms. Mandy Ng, a lawyer, Mr. Allan Ramsay, a planner, and Mr. Michael Wolosinecky., an arborist.

At the commencement of the Hearing held on May 17, 2022, the Applicant was represented by Ms. Amber Stewart, a lawyer, Mr. Franco Romano, a planner, and Mr. Peter Wynnyczuk, an arborist. I was informed that the Appellants would not be in attendance, because they had reached a Settlement with the Applicants, shortly before the commencement of the Hearing, and that the Settlement would be presented to me at the Hearing.

One of the interesting issues canvassed at the Hearing was the design of a garage for one of the proposed semi-detached houses that would be built if the proposal were approved, as presented to the TLAB. According to the proposed design of the garage, while there are two driveways that lead to a parkway space, behind the main front wall of the dwelling, only one parking space leads to a visible garage, while the other leads to a second garage, which depicts itself as foliage, when the door to the garage is closed.

At the end of the Hearing, I asked Ms. Stewart if the specific design of this garage could be imposed as a condition, if the severance, and the requested variances were approved. After a brief discussion, Mr. Romano and Ms. Stewart agreed that the design of the garage could be imposed as a condition, if the requested variances were to be approved by the TLAB. I asked Ms. Stewart to send in the suggested language, appropriate for this condition to the TLAB, a recitation of the Consent to sever the property, the variances requested to build the semi-detached houses on each of the lots resulting from the severance, accompanied by the Plans and Elevations for the semi-

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detached houses to be built on the emergent lots. Ms. Stewart stated that she would send in the submission, after crafting the language, and “running it by Mr. Clark and Ms. Ng” (By way of explanation, Mr. Clark was the Party with whom the Applicants settled, while Ms. Mandy Ng is the lawyer, retained by Mr. Clark).

I stated that I understood the importance of the Applicants’ checking with the other Party, which was originally in opposition to the Appeal, to ensure that there were no objections. The Applicants informed me that “it wouldn’t take very long” to send in the requested language.

As of May 27, 2022, no submissions have been received from the Applicants.

By way of this Interim Decision, I give the Applicants time till June 22, 2022, to complete the requested submissions.

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1. The Applicants are given time till June 28, 2022, to complete the submissions that are required of them, by way of instructions issued at the end of the Hearing completed on May 17, 2022, for the Appeal respecting 28 Wilberton Avenue.

The submissions include a recitation of the details of the Consent to Sever, a recitation of the requested variances for each the semi-detached dwelling to be built on each of the lots resulting from the severance, and suggested language for the conditions to be imposed if the variances for the dwellings to be approved. These submissions, all of which have to be submitted by way of a Word document, should include language specific to the design of the garage.

The Plans and Elevations for the semi-detached dwellings, as well as any drawings pertaining to the severance, have to be included as a separate PDF document.

So orders the Toronto Local Appeal Body (TLAB)

X

A handwritten signature in black ink, appearing to read 'S. Gopikrishna', is written on a light gray rectangular background.

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body