

DECISION AND ORDER

Decision Issue Date Thursday, September 29, 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): PIERRE MAYNIAL

Applicant: C2 PLANNING LAND USE PLANNERS

Property Owner: CHRISTOPHER MURRAY

Property Address/Description: 359 ½ SACKVILLE STREET

Committee of Adjustment Case File Number: 20 212888 STE 13 MV (A0995/20TEY)

TLAB Case File Number: 22 147633 S45 13 TLAB

Date of Scheduled Hearing: Monday, September 19, 2022

DECISION DELIVERED BY: TLAB Panel Member C. Wong

REGISTERED PARTIES AND PARTICIPANTS

Appellant	Pierre Maynial
Applicant	C2 Planning Land Use Planners
Party	Sundus Balata
Party	Christopher Murray
Party's Legal Rep.	Ian Flett
Expert Witness	Christian Chan

INTRODUCTION AND CONTEXT

On April 27, 2022, the Committee of Adjustment approved on condition, variances to construct a second, two-storey residential building, in the rear lot of an existing two-storey detached dwelling, at 359 ½ Sackville Street (“subject property”), requested by the property owner, Mr. Christopher Murray, according to the Committee file number set out above.

Decision of Toronto Local Appeal Body Panel Member: C. Wong
TLAB Case File Number: 22 147633 S45 13 TLAB

On May 17, 2022, Mr. Pierre Maynial, the then owner of the neighboring property at 359 Sackville Street, submitted an appeal. The Toronto Local Appeal Body (“TLAB”) scheduled a Hearing for September 19, 2022.


On July 26, 2022, the new owner of the neighbouring property, Ms. Sundus Balata, elected party status. On August 3, 2022, Ms. Balata filed a notice of motion to adjourn the scheduled Hearing, requesting more time to prepare for the appeal. Mr. Ian Flett, the legal representative of Mr. Murray, owner of the subject property, responded with a request to dismiss the motion for adjournment, and further moved to dismiss the appeal.

I wrote a decision, which was issued on August 29, 2022, to deny both the adjournment and the dismissal of the appeal. Subsequently, however, Mr. Maynial and Ms. Balata submitted no further documents in their appeal. At 8:30am on the morning of the scheduled Hearing, Mr. Maynial withdrew his appeal by email.

I attended the Hearing to hear any additional statements from the individual parties. Neither the Appellant Mr. Maynial, the Party Ms. Balata, nor anyone representing either of them, were in attendance. Mr. Murray, his lawyer Mr. Flett, and his planning expert Mr. Christian Chan did, however, attend. Mr. Flett confirmed that Mr. Murray sought the same variances that were approved by the Committee of Adjustment. Mr. Flett also indicated that he would be making a motion for costs.

DECISION AND ORDER

Having been abandoned, the appeal is dismissed. The Committee of Adjustment decision noted above is final and binding, and the file of the Toronto Local Appeal Body is closed.


X

Carissa Wong
Panel Chair, Toronto Local Appeal Body