

INTERIM DECISION AND ORDER

Decision Issue Date Friday, October 21, 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): RANI ADVANI

Applicant(s): RICHARD WENGLE ARCHITECT INC

Property Address/Description: 91 GLEN EDYTH DR

Committee of Adjustment File

Number(s): 21 149774 STE 12 MV (A0578/21TEY)

TLAB Case File Number(s): 21 227414 S45 12 TLAB

Hearing date: September 22, 2022

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY TLAB Panel Member S. Gopikrishna

REGISTERED PARTIES AND PARTICIPANTS

Appellant	RANI ADVANI
Appellant's Legal Rep	MATTHEW HELFAND
Applicant	RICHARD WENGLE ARCHITECT INC
Party (TLAB)	GLEN EDYTH PROPERTY HOLDINGS LTD.
Party's Legal Rep.	GOODMANS LLP (IAN ANDRES)
Participant	DIANE WALKER
Participant	MICHAEL STERN
Participant	DAVID BEATON

Participant	STELA AKMAN
Participant	MELVYN HIMEL
Participant	ROBERT DOUGLAS
Expert Witness	CHRISTIAN CHAN
Expert Witness	JANE MCFARLANE

INTRODUCTION AND CONTEXT

The Proceeding respecting 91 Glen Edyth Drive, was completed on September 22, 2022.

At the very end of the Proceeding, during Oral Argument, I directed the Applicants to make a submission, consisting of:

- A recitation of the requested variances, with recommended conditions, to be submitted as a Word Document
- A PDF version, restricted to the Plans and Elevations of the proposed building, as a separate document.

I clearly explained to the Parties the reasons for my asking the Applicants to make such a submission, including that this was a standard submission asked of all Applicants in Appeals adjudicated by myself- in the event that the Application is approved, the easiest methodology to ensure that the variances were recited accurately, including numerical information, is to cut and paste the variances from a Word document.

The direction to the Applicants to provide a PDF document, restricted to the final Plans and Elevations, makes it easy to append the correct Plans and Elevations to the Decision, if the Application is approved, with minimal inconvenience to the TLAB staff, who would otherwise be responsible for identifying the right set of Plans and Elevations, before sending out the Decision.

On September 30, 2022, I understand that Counsel for the Applicants submitted a PDF version of the COA Decision (with attached Plans and Elevations), as well the completed Form 3, submitted after the appeal was launched, with another set of Plans, and Elevations, with the following note

Should the TLAB see fit to dismiss the appeal and approve the application as presented, the list of approved variances and conditions should be identical to the list approved by the Committee of Adjustment, except that condition #2 should instead reference the site plan and side elevations dated November 10, 2021 (found on pages 5, 11 and 12 of the attached Applicant's Disclosure package).

I trust this is satisfactory but please let me know if any further information is required.

There seems to be confusion about what my instructions were, because I requested for the variances, and the recommended conditions to be submitted as a Word Document as opposed to a PDF document- the COA decision submitted is a PDF document.

The language recommended, including the correct references in Condition # 2 above, should have been included by the Applicants in their submission, instead of discussing where the language may be found. It is to prevent this very confusion, did I ask the Applicants to make the submissions, inclusive of all changes they deem appropriate.

With respect to the Plans and Elevations, I had asked for the Plans and Elevations to be submitted as a “separate” document in a PDF format i.e. nothing other than the Plans and Elevations need be submitted.

I now find that I have two sets of Plans and Elevations with me, as a result of the submission of September 30, 2022- the Plans and Elevations attached to the COA decision, and the Plans and Elevations included as part of the Applicant’s Disclosure Package, with no accompanying commentary, about whether they are one and the same. I am not sure if these Plans and Elevations correspond to each other, and which Plans and Elevations should be used, if there are differences.

I reiterate that it is to prevent this very confusion, did I specifically ask at the Hearing that one set of Plans and Elevations be submitted as a separate PDF document- this means that other material, including the Witness Statement, are not to be included in the submission.

As a result of the above discussion, I ask the Applicants .to submit the following to the TLAB, by the end of day on **October 31, 2022:**

- A recitation of the requested variances, and recommended conditions, as a Word Document
- The Plans and Elevations, to be submitted just by themselves, independent of any other material, including any other material that may have been submitted earlier to the TLAB. This submission needs to be made in a PDF format

The Applicants are given time till October 31, 2022, to complete the submission. I reiterate what was stated at the end of the Hearing on September 22, 2022- no inference may be drawn on the basis of this submission, because it is required of all Applicants in Appeals where I am the Adjudicator.

Attention to the specific instructions issued by way of this Decision will be sincerely appreciated.

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- 1) The Applicants are given time till the end of day on October 31,2022, to complete the following submissions:
 - A recitation of the requested variances, and recommended conditions , respecting the Appeal for 91 Glen Edyth Dr., in a Word format
 - A separate submission, in a PDF format, restricted to The Plans and Elevations of the proposed dwelling to be built if the Application were approved, without the inclusion of any other material submitted previously to the TLAB

So orders the Toronto Local Appeal Body

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body