



## INTRODUCTION AND CONTEXT

This matter has been the subject of a number of adjournments and motions. It was set down to be heard on November 2, 2022. The applicant did not appear at the hearing and no evidence was heard in favour of the application. As a hearing before TLAB is a hearing de novo and no evidence was presented in support of the Committee of Adjustment decision the variances are set aside and the Committee's decision is vacated.


The appellant offered to provide evidence against the approval and I found that unnecessary. The appellant wished to present evidence to be able to argue res judicata if the application were brought again. I did not agree with his submission. The real concern I find is a matter of abuse of process and that may not have occurred if the applicant was ill.

## CONCLUSION

In the absence of any evidence, the variances should not be approved and the decision of the Committee of Adjustment should be set aside.

## DECISION AND ORDER

The decision of the Committee of Adjustment in this matter is hereby vacated and the variances are not approved.

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S. Makuch  
Panel Chair, Toronto Local Appeal