

DECISION AND ORDER

Decision Issue Date Tuesday, September 19, 2017

PROCEEDING COMMENCED UNDER subsection 45 (1) and 53 (19) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): LOVELY YESMIN; ZAKIR HUSSAIN

Applicant: CANTAM GROUP LTD

Counsel or Agent: M. LASKIN (Appellant); A. SURIANO (City of Toronto)

Property Address/Description: 83-85 Sandown Ave

Committee of Adjustment Case File Number: 16 267985 ESC 36 CO, 17 125188 ESC 36 MV, 17 125190 ESC 36 MV, 16 267996 ESC 36 CO, 17 125198 ESC 36 MV, 17 125202 ESC 36 MV

TLAB Case File Numbers: 17 170540 S53 36 TLAB, 17 170544 S45 36 TLAB, 17 170546 S45 36 TLAB, 17 170559 S53 36 TLAB, 17 170560 S45 36 TLAB, 17 170561 S45 36

TLAB

Hearing date: Thursday, September 21, 2017

DECISION DELIVERED BY I. LORD

INTRODUCTION

By Notice of Motion dated September 15, 2017, the Applicant/Appellant sought an adjournment of the above noted Hearing date.

The Motion was supported by affidavit and additional relief requested that the Motion be held in writing and considered on short notice.

**Decision of Toronto Local Appeal Body Panel Member: I. LORD
TLAB Case File Number: 17 170540 S53 36 TLAB and related**

The stated grounds for the Motion was the recent discovery through plans examination by the City of additional variances required to accommodate the proposal. The request of the moving party was to identify the revisions, prepare disclosure documents related thereto, and to permit time for those persons interested to respond to the new information provided.

BACKGROUND

Given the proximity of the Hearing Date, TLAB Staff contacted the City party requesting its position on the requests.

The City responded by email correspondence dated September 17, 2017. Counsel supported the adjournment on conditions as to disclosure and participation in setting a reconvened Hearing Date.

MATTERS IN ISSUE

TLAB Rules 2.1 and 2.11 provide some flexibility in responding to matters that arise at no fault of the parties, including procedural relief where warranted. In this case, in the face of new variances not earlier identified and the likely prejudice to all parties arising from an attendance to seek directions, it is appropriate to consider relief on an expedited basis.

JURISDICTION

TLAB Rules contemplate the ability to recognize and adjust for circumstances that require relief for a just and fair consideration of the appeals before it.

ANALYSIS, FINDINGS, REASONS

Given the consent of the parties, the undertaking in the motion material and correspondence to work together towards an agreed hearing date within the next 30-60 days, it is reasonable and expedient to permit the advice as to ancillary variances to enter the file stream, in a deliberative manner.

DECISION AND ORDER

Consent is given to the adjournment of the matter above scheduled for hearing on September 21, 2017. A revised Notice of Hearing will issue with a revised schedule for the filing of additional materials by parties and participants. Counsel will be contacted with available dates and on-line postings will continue to be updated. The Hearing scheduled for September 21, 2017 is cancelled. No attendance is necessary on that date.

X "Ian James Lord"

Ian Lord
Chair, Toronto Local Appeal Body
Signed by: ilord