

DECISION AND ORDER

Decision Issue Date Wednesday, September 13, 2017

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

Appellant(s): Rhonda Wise

Applicant: Stephen Leblanc

Counsel or Agent: N/A

Property Address/Description: 1912 Queen St E

Committee of Adjustment Case File Number: 2017 106448 STE 32 MV (A0059/17TEY)

TLAB Case File Number: 2017 178838 S45 32 TLAB

Hearing date: Friday, September 15, 2017

DECISION DELIVERED BY (S. Gopikrishna)

INTRODUCTION AND BACKGROUND

1. On June 8, 2017, the Toronto and East York Panel of the Committee of Adjustment refused a minor variance application (the "Variance Decision") to construct a three storey rear addition, a two storey front addition and covered parking below the third unit in Committee Application AA059/17TEY respecting 1912 Queen St. East.
2. On June 13, 2017 Rhonda Wise filed a Notice of Appeal of the Variance Decision on 1912 Queen St., to the Toronto Local Appeal Body ("TLAB").
3. At the July meeting of the Toronto City Council meeting held between 4-7 July 2017, City Council authorized the City Solicitor to uphold the refusal of the Variance Decision and authorized the City Solicitor and appropriate City Staff to attend the TLAB hearing to uphold the refusal. This decision resulted in the City's electing Party status under TLAB's Rules of Practice and Procedure (the "Rules") with respect to the appeal of the Committee of Adjustment's decision of July 8, 2017.

4. In response to the Notice of Appeal, TLAB issued a "Notice of Hearing" dated June 29, 2017 which stipulated dates for submission per the TLAB's Rules.
5. After filing the Notice of Appeal on 13 June, Appellant Rhonda Wise did not file any other documents (e.g.: Applicant Disclosure Form, Document Disclosure, Expert Witness Statement). The hearing date set by Notice is September 15, 2017.
6. On 31 August 2017, Matthew Longo of the City of Toronto's Legal Services Division requested TLAB to provide direction for a motion to dismiss the appeal or grant an adjournment until such time the disclosure obligations are met in light of the Appellant's failure to meet the disclosure obligations specified in the rules.

MATTERS IN ISSUE

7. The motion is to have a Written Hearing to consider a request for dismissal of the appeal or direct a new deadline for the appellant to provide disclosure.

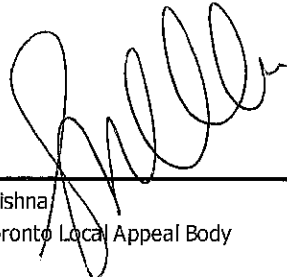
ANALYSIS, FINDINGS, REASONS

8. By the 14th of July, the Applicant Disclosure was not filed as specified in Section 11 of TLAB's Rules. Likewise, the Applicant did not comply with the deadline of 31 July to disclose documents or the deadline of August 14 for Witness or Expert Witness Statements as specified in the Notice and in Section 16 of the Rules. None of the documents referred to in this paragraph have been filed by the appellant as of the date this decision is issued.
9. On the strength of the Affidavit served and filed by the City of Toronto on 31 August 2017 to support the request for a dismissal or an adjournment of the case, it would be appropriate to grant an adjournment as a courtesy. No prejudice nor hardship has been asserted.

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10. The Hearing is adjourned *sine die* and may be set down on the request of any party or on the initiative of TLAB based on appropriate deadlines and available hearing dates. The appellant is granted two weeks from the date of this decision to provide the disclosure of documents, failing which the matter may be further considered as above directed.

X



S. Gopikrishna
Chair, Toronto Local Appeal Body