

DECISION AND ORDER

Decision Issue Date Tuesday, August 08, 2017

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

Appellant(s): QING LU GUAN

Applicant: NICK HATZIANTONIOU

Property Address/Description: 70 PARK ST – MV PART 2

Committee of Adjustment Case File Number: 17 120562 ESC 36 MV (A0053/17SC)

TLAB Case File Number: **17 170192 S45 36 TLAB**

Hearing date: Thursday, September 07, 2017

DECISION DELIVERED BY I. LORD

INTRODUCTION AND BACKGROUND

The Applicant herein, through counsel, requested and was provided by the Local Appeal Body (TLAB) Staff with a Motion Date. The relief requested by Motion was two-fold: that the Motion be heard in writing and that the Hearing Date specified in the Notice of Hearing be adjourned. The Motion as served and filed contained the affidavit of the Applicants planner attesting to a conflict on the set Hearing Date, being own testimony required before the Ontario Municipal Board on the same date. The planner was described but did not attest to being a Registered Professional Planner as recognized by membership in the Ontario Professional Planners Institute.

By administrative direction, TLAB advised the parties it would convert the Motion to a Written Hearing without altering the Motion response dates, but without the necessity of an attendance on the return date of the Motion, August 8, 2017.

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TLAB also provided the Applicant with three alternative resumption dates should the Motion be granted. The TLAB direction also required advice from the parties if any of the potential dates represented a conflict, should the Hearing Date be adjourned.

THE ISSUE

The issue to be determined is whether an adjournment for the reasons requested and with their attendant support, should be granted. The request for a Written Hearing Motion was also a portion of the relief requested. This aspect was granted as an administrative determination to relieve of the inconvenience of an attendance by the parties. A Written Hearing in this circumstance is seen as being without compromise to the ability of the parties to support a position on the substantive request for a short adjournment.

ANALYSIS, FINDINGS, REASONS

By the date of filing responses to the Motion and, indeed, by the return date, no objection was filed to either the direction for a Written Hearing Motion, nor to the request for an adjournment. No party responded as to their unavailability on any of the proffered adjournment dates.

On the strength of the affidavit filed, this Member considers it appropriate as a convenience to accommodate the evidence of a party and a courtesy in this instance to grant an adjournment. No prejudice or hardship has been asserted.

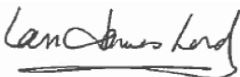
DECISION AND ORDER

The Hearing Date of this appeal set for September 7, 2017 is adjourned to be heard at 9:00 am, Tuesday, September 26, 2017, Hearing Room 1, Suite 211 (2nd Floor) - 40 Orchard View Boulevard, Toronto, ON.

The Hearing exchange dates and related matters as set out in the Notice of Hearing remain fixed and unaltered.

The sitting scheduled for September 7, 2017 is cancelled and no appearances or attendances are required.

 Recoverable Signature

X 

Ian Lord
Chair
Signed by: Ian Lord