

DECISION AND ORDER

Decision Issue Date Tuesday, October 03, 2017

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

Appellant(s): Silke Rudelbach

Applicant: Silke Rudelbach

Counsel or Agent: N/A

Property Address/Description: 76 Asquith

Committee of Adjustment Case File Number: 17 108897 STE 27 MV (AA0086/17TEY)

TLAB Case File Number: **17 181904 S45 27**

Hearing date: Friday, October 06, 2017

DECISION DELIVERED BY (S. Gopikrishna)

INTRODUCTION AND BACKGROUND

1. On May 30, 2017, the Toronto and East York Panel of the Committee of Adjustment refused a minor variance application AA0086/17TEY (the "Variance Decision") to construct a rear deck at 76 Asquith Avenue
2. On 16 June, 2017, Silke Rudelbach filed a Notice of Appeal of the Variance Decision on 76 Asquith Avenue to the Toronto Local Appeal Body ("TLAB").
3. After filing the Notice of Appeal, the Appellant did not file any other document. On 6 June 2017, Gregory Reuter submitted a letter stating his support for Ms. Rudelbach's application. Gregory Reuter elected to be a Participant through his application dated 25 June 2017.

4. The following parties have also filed for Party status with respect to the appeal at 76 Asquith Blvd: Gary Johnson , Sean Keeley, Richard Tillman, all of whom completed and signed their forms on 24 July 2017.

5. In addition, the following parties filed their election for Participant status – the names and dates of completing and signing the form are provide below:

- Andris Dzenis on 19 July, 2017
- Inese Dzenis on 25 July, 2017
- Anne Elliot on 24 July 2017
- Mara Jansons on 25 July ,2017
- Lynnne Johnson on 26 July, 2017
- Helen Keeley on 25 July 2017
- Linda Middleton on 25 July, 2017
- Catherine Tillman on 26 July,2017

6. Richard Tillman and Sean Keeley have also filed Witness Statements on or before August 21, 2017. Participant statements have been filed by Linda Middleton, Anne Elliot, Andris Dzenis, Catherine Tillman, Gary Johnson, Helen Keeley, Mara Jansons, Inese Dzenis and Lynnne Johnson on or before August 21.

7. On 22 September 2017, Silke Rudelbach filed an Affidavit requesting for a postponement of the hearing date of 6 October 2017 due to a serious illness. In this affidavit, Ms. Rudelbach also acknowledged that she had not filed any material supporting the appeal as a result of her illness.

8. On 25 September 2017, Richard Tillman filed an affidavit requesting that the hearing be held on the originally scheduled date of 6 October 2017 based on his conversations with the “neighbours”. In this affidavit, he also stated that no proof had been provided of Ms. Rudelbach’s illness.

MATTERS IN ISSUE

9. The motion is to have a Written Hearing to consider a request for postponing the hearing and direct a new deadline for the appellant to provide disclosure.

ANALYSIS, FINDINGS, REASONS

10. By July 24th, 2017, the Applicant disclosure was not filed as specified in Rule 11 of TLAB’s Rules of Practice and Procedure (the Rules). Further, no witness statements or expert witness statements were filed as specified in the Notice and in Rule 16 of the Rules..

11. By August 21, 2017, witness statements were received from Richard Tillman and Sean Keeley. However, no witness statement was received from Gary Johnson who sent in a Participant Statement despite requesting Party Status.

12. On the strength of Affidavit filed by Silke Rudelbach on 22 September 2017 requesting for a postponement of the oral hearing, it would be appropriate to grant an adjournment as a courtesy. No prejudice nor hardship has been asserted.

13. The adjournment granted herewith may also be utilized by other recognized Parties to file appropriate Witness Statements.

DECISION AND ORDER

14. The Hearing is adjourned *sine die*. The appellant is granted two weeks from the date of this decision to indicate possible dates when they would be ready for the oral hearing of their appeal supported by a letter from their doctor.

15. To expedite the appeal, the undersigned member is not seized for the hearing. Another member may hear the appeal based on their earlier availability.

X



S. Gopikrishna
Chair, Toronto Local Appeal Body