

DECISION AND ORDER

Decision Issue Date Friday, October 20, 2017

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

Appellant(s): City of Toronto

Applicant: Ian Robertson Design (Rivka and Abraham Israelski)

Counsel or Agent: Mark Piel (City), Annik Forristal (Rivka and Abraham Israelski)

Property Address/Description: 23 Donnalyn Drive

Committee of Adjustment Case File Number: 17 139745 NNY 23 MV

TLAB Case File Number: 17 197129 S45 23 TLAB

Hearing date: Tuesday, November 14, 2017

DECISION DELIVERED BY S. Ruddock

INTRODUCTION & BACKGROUND

The Applicants made an application to the Committee of Adjustment for a variance in order to demolish an existing dwelling and to construct a new two-storey dwelling on the property municipally known as 23 Donnalyn Drive. The Committee approved the Minor Variance Application by Notice of Decision dated June 22, 2017.

On July 12, 2017 the City of Toronto appealed the Decision to the Toronto Local Appeal Body (TLAB). A hearing date is set at TLAB for November 14, 2017.

The Applicants and the Appellant, the City of Toronto (the 'City'), were the sole parties to the Appeal. No other parties or participants were identified.

**Decision of Toronto Local Appeal Body Panel Member: S. Ruddock
TLAB Case File Number: 17 197129 S45 23 TLAB**

Following the filing of the Appeal, the Applicants and the Appellant reached a settlement prior to the scheduled TLAB hearing date. The parties agreed to settle the Appeal subject to and in accordance with the terms contained in Minutes of Settlement.

By Notice of Motion dated October 2, 2017, the Applicants requested that the matter proceed with a settlement hearing as contemplated by Rule 19 of the TLAB Rules. The Motion requested the settlement hearing proceed by way of Written Hearing. In the alternative, if proceeding by way of Written Hearing is not accepted by the TLAB, the parties requested the settlement hearing proceed by oral hearing at the earliest possible date and, in any event, no later than the scheduled hearing date of November 14, 2017.

The Motion further requested an order confirming that the date for the filing by the parties of all materials required for such proceeding be no later than five (5) days before the written or oral proceeding.

An affidavit in support of the motion was filed by the City which included a copy of the Minutes of Settlement reached by the parties.

MATTERS IN ISSUE

The issue to be determined is whether the settlement hearing requested should proceed, and if so by what means and timelines.

JURISDICTION

As stated in Rule 19, TLAB is committed to encouraging parties to settle some or all of the issues and holds settlement hearings when parties have been able to reach an agreement. TLAB hearings may be held orally, electronically or in writing pursuant to Rule 24. Factors to consider for holding a written hearing are set out in Rule 24.6 including the convenience of the parties and the extent to which facts are in dispute.

ANALYSIS, FINDINGS, REASONS

The affidavit and Minutes of Settlement filed in support of the Motion confirms that a settlement has been reached between the parties. As such, the request for a settlement hearing is appropriate in this instance. The Applicant and the City are the only parties to the proceeding. Proceeding by way of a written settlement hearing is suitable in this instance, is most convenient for the parties and does not cause prejudice. The method and timeframe for filing the requested relief is reasonable given the settlement reached.

DECISION AND ORDER

The oral hearing scheduled for November 14, 2017 is cancelled to allow for a settlement hearing to proceed on that date.

The settlement hearing will proceed as a Written Hearing on November 14, 2017. No attendance is required.

The parties shall file all materials required for such proceeding no later than five (5) days before the Written Hearing.

X



S. Ruddock
Chair, Toronto Local Appeal Body