

Court Services Toronto Local Appeal Body 40 Orchard View Blvd Suite 211 Toronto, Ontario M4R 1B9

Fax: 416-696-4307
Email: tlab@toronto.ca
Website: www.toronto.ca/tlab

Telephone: 416-392-4697

DECISION AND ORDER

Decision Issue Date Wednesday, October 25, 2017

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

Appellant(s): NAVIDI MEHRSHAD

Applicant: ARCICA INC

Counsel or Agent: AMBER STEWART (Appellant)

Property Address/Description: 90 Johnston Ave

Committee of Adjustment Case File Number: 17 134874 NNY 23 CO

17 13868 NNY 23 MV 17 134858 NNY 23 MV

TLAB Case File Number: 17 221529 S53 23 TLAB

17 224531 S45 23 TLAB 17 221530 S45 23 TLAB

Hearing date: Friday, January 26, 2018

DECISION DELIVERED BY Laurie McPherson

INTRODUCTION

A hearing date of January 26, 2018 has been scheduled by the Toronto Local Appeal Body ("TLAB") to hear the appeal by the owner of 90 Johnson Avenue ("the subject site") of the Committee of Adjustment's refusal of the applications for consent and minor variance.

On Oct. 2, 2017, the City of Toronto filed a Motion to request for an Order to adjourn the hearing scheduled for January 26, 2018 as the City's Planning Witness is not available to attend on that day. The Notice of Motion was subsequently revised on November 3, 2017 to include a Motion date. The Notice of Motion is supported by an Affidavit. In response the Toronto Local Appeal Body ("TLAB") provided alternative dates for the Hearing in the event that the Motion is approved.

Decision of Toronto Local Appeal Body Panel Member: Laurie McPherson TLAB Case File Number: 17 221529 S53 23 TLAB, 17 224531 S45 23 TLAB 17 221530 S45 23 TLAB

BACKGROUND

The Responding Party (the Applicant) advised that that they consent to request that the Motion be heard in writing. Further, they consent to the request to adjourn the hearing. No other Parties or Participants have filed their intention to participate with the TLAB.

In addition, on October 11, 2017, the TLAB approved Practice Direction Number 2, which provides that Motions for adjournment will be conducted as a Written Motion.

MATTERS IN ISSUE

There are no issues raised as a result of the Motion to Adjourn as both Parties agree to the adjournment. Further the Applicant confirms that they will be available on both dates agreeable to the City.

JURISDICTION

Rule 23.4 of the TLAB's Rules of Practice and Procedure allows the TLAB to grant or deny the Motion and make any other appropriate orders. The amended Motion by the City was received after Practice Direction Number 2 was approved and therefore this Motion is being dealt with as a Written Hearing.

ANALYSIS, FINDINGS, REASONS

Based on the agreement of all the Parties, the TLAB consents to the Motion to Adjourn the January 26, 2018 date and a revised hearing date is set for March 12, 2018.

Decision of Toronto Local Appeal Body Panel Member: Laurie McPherson TLAB Case File Number: 17 221529 S53 23 TLAB, 17 224531 S45 23 TLAB 17 221530 S45 23 TLAB

DECISION AND ORDER

The Motion for Adjournment is granted. The hearing of this appeal will be heard on March 12, 2018.

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

The Parties are urged to consider the settlement of some or all of the issues; the TLAB is available to schedule mediation and Settlement Hearings.

The hearing scheduled for January 26, 2018 is cancelled and no appearances or attendances are required.

L. McPherson

Chair, Toronto Local Appeal Body