

## DECISION AND ORDER

**Decision Issue Date**      Tuesday, November 07, 2017

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

Appellant(s): HELEN GIONTSIS

Applicant: BRANDON KASHIN

Counsel or Agent: AMBER STEWART

Property Address/Description: 5 PINE CRES

Committee of Adjustment Case File Number: 17 107743 STE 32 MV

TLAB Case File Number: 17 183067 S45 32 TLAB

**Hearing date:**      Tuesday, October 31, 2017

**DECISION DELIVERED BY L. McPherson**

### INTRODUCTION AND BACKGROUND

A Hearing date of November 7, 2017 had been scheduled by the Toronto Local Appeal Body ("TLAB") to hear the appeal by the owner of 5 Pine Street ("the subject site") of the Committee of Adjustment's refusal of the application for minor variance.

At a Motion Hearing on October 20, 2017 to hear a motion by a Party (not the Applicant) to adjourn the hearing was partially granted. The Applicant had advised that they had recently received further correspondence from the Toronto Region Conservation Authority regarding the top-of-bank location and additional review was required.

As a result, Ms. Stewart requested that the TLAB continue to hold the November 7, 2017 date while her client undertook the necessary actions to confirm the top-of-bank with the TRCA. It was determined that a conference call would be held on October 31,

2017 at which time Ms. Stewart would advise on the status of the further work. A determination would then be made on whether or not to proceed with the November 7, 2017 date. In the event that the Hearing did not proceed on November 7, 2017, alternative dates were provided. The Moving Party agreed to this request.

On the conference call, Ms. Stewart advised that the required work would not be completed until later in December and therefore the November date could be released. She also requested that TLAB reschedule the Hearing for January 25, 2018. She further requested that a second date be identified in the event the results of the further work were contested

## **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.

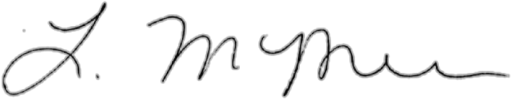
## **ANALYSIS, FINDINGS, REASONS**

In order to give the other Party adequate time to review the new document and prepare for a Hearing on January 25, 2018, Ms. Stewart must disclose any further documents to the other Party and TLAB by December 29, 2017. The other Party has until January 11, 2018 to respond and disclose any further documents as a result of their review. Mr. Lapointe, the Representative for the other Party, agreed to this timing.

## **DECISION AND ORDER**

The TLAB orders as follows:

1. The Hearing Date is scheduled for January 25, 2018.
2. The Applicant must disclose any further information to the other Party and the TLAB by December 29, 2017.
3. The other Party has until January 11, 2018 to respond and disclose any further documents related to the December 29, 2017 filing.
4. TLAB staff will canvas an additional day for the Hearing in the event a second day is required.
5. The Hearing date of November 7, 2017 is released and no attendance is required.

X 

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L. McPherson

Chair, Toronto Local Appeal Body