

## DECISION AND ORDER

**Decision Issue Date**      Monday, November 06, 2017

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

Appellant(s): ABDUL REHMAN SHARIF

Applicant: ABDUL REHMAN SHARIF

Property Address/Description: 16 MOSQUE CRES

Committee of Adjustment Case File Number: 17 133819 WET 01 MV

TLAB Case File Number: 17 232191 S45 01 TLAB

**Hearing date:**      Wednesday, November 01, 2017

**DECISION DELIVERED BY:** Ian James Lord, Chair

### INTRODUCTION

This is a motion to extend the time for the filing of Applicants Disclosure materials due October 12, 2017. The timing of the Applicants Disclosure filing is governed by Rule 11 of the Toronto Local Appeal Body's ('TLAB') Rules of Practice and Procedure.

### BACKGROUND

The Applicant/Appellant filed a Notice of Motion and supporting affidavit signed on October 16 and 14<sup>th</sup>, 2017, respectively. Document Disclosure is intended to be timely and identify for the Parties and Participants 'any intended revisions or modifications to the application' that was before the Committee of Adjustment.

This disclosure and its public posting is an obligatory courtesy to interested persons and is intended to avert and avoid 'trial by ambush' with proposed changes at the late stage of a Hearing commencement. The Rule is mandatory.

No other filings on the Motion have been received.

## **MATTERS IN ISSUE**

The affidavit as filed states that the Applicants architect had fallen ill and was unable to complete plan revisions by the disclosure date. On October 14, 2017, the affidavit suggests an additional 2-3 weeks was requested to permit the obligation to be fulfilled. That time period has now elapsed.

## **JURISDICTION**

On a Motion, TLAB is empowered to grant appropriate relief under Rule 2 that is both consistent with fixed and definitive Hearing Dates and is in order to accomplish a 'just, most expeditious and cost-effective determination' of the matters before it.

## **EVIDENCE**

The request supported by the affidavit is unchallenged. TLAB has set a Hearing Date for the determination of this appeal on January 18, 2018.

## **ANALYSIS, FINDINGS, REASONS**

In the absence of any advice to the contrary, it appears there is no prejudice to extending the time to permit the Applicant/Appellant to fulfill the disclosure obligations defined in Rule 11. The fact that the affiant attests to an interruption in the ability of the architect to produce plans, due to illness, also attests to the fact that plan revisions are expected. It is in the interest of all that these revisions be disclosed in a timely way, sufficient for those with an interest to take their respective positions, including in engaging in discussions to settle any matters capable of resolution. This is an obligation on all Parties and Participants.

Sufficient time has elapsed to prepare the plans for disclosure, submission and posting. It would not be appropriate to extend this opportunity significantly longer than

that involved in the request. As such, it is appropriate to alter certain of the submission deadlines set out in the Notice of hearing, without altering the Hearing Date of January 18, 2018.

The Applicants Disclosure date as set out in the Decision and Order, below, is peremptory: no further revisions are expected or allowed thereafter, absent TLAB's consent.

## **DECISION AND ORDER**

Submission dates in respect of this matter are altered and amended as follows:

**Applicants Disclosure** (Rule 11, Form 3): **DUE** no later than November 8, 2017.

**Notice of Intention to be a Party or Participant** (Rule 12, 13, Form 4): **DUE** no later than November 14, 2017.

**Document Disclosure** (Rule 16): **DUE** no later than November 24, 2018.

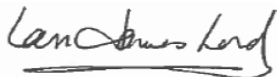
**Witness and Participants Statement** (Rule 16.4, 16.5, Forms 12, 13): **DUE** no later than December 5, 2017.

**Expert Witness Statement** (Rule 16.6, Form 14): **DUE** no later than December 5, 2017.

**Notice of Motion** (Rule 17, Form 7): **DUE** no later than December 12, 2017.

In all other respects the Notice of Hearing remains the same.

X



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Ian Lord  
Chair, Toronto Local Appeal Body  
Signed by: Ian Lord