

DECISION AND ORDER

Decision Issue Date Monday, November 27, 2017

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

Appellant(s): Rhonda Wise

Applicant: Stephen Leblanc

Counsel or Agent: N/A

Property Address/Description: 1912 Queen St E

Committee of Adjustment Case File Number: 2017 106448 STE 32 MV (A0059/17TEY)

TLAB Case File Number: 2017 178838 S45 32 TLAB

Hearing date: Monday, December 18, 2017

DECISION DELIVERED BY (S. Gopikrishna)

INTRODUCTION AND BACKGROUND

1. On June 8, 2017, the Toronto and East York Panel of the Committee of Adjustment refused a minor variance application (the "Variance Decision") to construct a three storey rear addition, a two storey front addition and covered parking below the third unit in Committee Application AA059/17TEY respecting 1912 Queen St. East.
2. On June 13, 2017 Rhonda Wise filed a Notice of Appeal of the Variance Decision on 1912 Queen St., to the Toronto Local Appeal Body ("TLAB"). The City of Toronto elected Party Status as a result of direction from the Toronto City Council.
3. After filing the Notice of Appeal on 13 June, the Appellant Rhonda Wise did not file any other documents (e.g.: Applicant Disclosure Form, Document Disclosure, Witness Statement, Expert Witness Statement if any). The hearing date set by the Notice of Hearing was September 15, 2017.

4. On 31 August 2017, Matthew Longo of the City of Toronto's Legal Services Division requested TLAB to provide direction for a motion to dismiss the appeal or grant an adjournment until such time the disclosure obligations are met in light of the Appellant's failure to meet the disclosure obligations specified in the Rules.

5. On 13 September 2017, my written Decision responding to the City's request noted in Paragraph 4 was served on Parties. This Decision was to adjourn the Hearing *sine die* and a date to be set either on the initiative of TLAB or either of the Parties. Further, Applicant Rhonda Wise was given two weeks from the date of Decision to disclose documents.

6. Notwithstanding my Decision dated 13 September 2017, no documents were disclosed by the Appellant. As of date, the Appellant is non-compliant with TLAB's directions.

MATTERS IN ISSUE

7. The TLAB has to provide direction to Parties on how to proceed given the circumstances as noted in Paragraphs 5 and 6 above.

ANALYSIS, FINDINGS, REASONS

8 Notwithstanding the lack of compliance with the TLAB Order dated 13 September 2017, it is important to give the Appellant an opportunity to submit documents and present a case at an oral hearing. The alternative would be to commence the process of dismissal of the case. The administration of justice requires timely finality to a statutory appeal.

9. Based on discussions between TLAB and the City of Toronto, the Appellant may be given two more weeks from the date of this decision to submit documents. No prejudice nor hardship has been asserted. Should the Appellant not comply with this order for disclosure, the process of dismissing the Appeal may be commenced by the TLAB.

DECISION AND ORDER

10. The appellant is granted two weeks from the date of this decision to provide the disclosure of documents identified in paragraph 3- submission of these documents would result in compliance, after which the matter can be heard.

11. The TLAB may commence the process of dismissing the Appeal if such documents are not received by the end of the time period. The City of Toronto is given two weeks after receipt of documents from the Appellant to make any further submissions as deemed appropriate and are compliant with the Rules.

12. Should the Appellant, the Applicant or the Applicants Representative not comply with the direction afforded in paragraph 10 hereof, the TLAB may issue a Notice of Intent to Dismiss which shall be returnable on the date specified in paragraph 13.

13. An Oral Hearing date is set for 18 December 2017.

14. I am not seized for hearing this matter.

X 

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body