

DECISION AND ORDER

Decision Issue Date Thursday, February 01, 2018

PROCEEDING COMMENCED UNDER subsection 45(12) and subsection 53(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): DAVID DRUTZ

Applicant: STANLEY MARCOVICI

Property Address/Description: 1755-1757 BAYVIEW AVE

Committee of Adjustment Case File Number: 17 120049 NNY 26 CO
17 120053 NNY 26 MV
17 120055 NNY 26 MV

TLAB Case File Number: **17 221749 S53 26 TLAB**
17 221752 S45 26 TLAB
17 221753 S45 26 TLAB

Hearing date: Wednesday, February 07, 2018

DECISION DELIVERED BY L. McPherson

INTRODUCTION AND BACKGROUND

On Wednesday January 10, 2018, in response to a motion by the City to be granted Party status in this hearing, the TLAB allowed the Motion to allow the City to be a Party and identified January 15, 2018 as the date for document disclosure. The Appellant would be required to deliver reply document disclosure no later than January 29, 2018. The City has responded with an additional Motion, requesting the hearing scheduled for February 7, 2018, be adjourned, on consent, and that the TLAB canvas the other Parties and Participants for available dates. The City provided the required documents and without prejudice discussions with the Applicant have taken place. The Applicant submitted a without prejudice revised proposal on a confidential basis.

On January 20, 2018, a special meeting of the Toronto Preservation Board recommended Council include the property at 1755 Bayview Avenue on the City of Toronto's Heritage Register and stated its intention to designate the property under Part IV, Section 29 of the Ontario Heritage Act. This item will be considered by City Council during its meeting of January 31, February 1 and February 2, 2018.

Based on these recent actions, the City requests the additional time to explore with all Parties settlement options and potentially resolve or narrow the issues before the TLAB.

The City requests that this Motion be dealt with in writing and as soon as possible as the hearing is scheduled for February 7, 2018.

JURISDICTION

Under Rule 2.10, the TLAB may grant all necessary exceptions to the Rules, or grant other relief as it considers appropriate, to enable it to effectively and completely adjudicate matters in a just, expeditious and cost-effective manner. In addition, under Rule 4.4, the TLAB may extend or reduce the time limits provided by the Rules.

EVIDENCE

In addition to the Affidavit by City staff, the Motion included confirmation from the other two Parties, the Leaside Property Owners Association and Ms. K. Michelson, indicating that both Parties consent to an adjournment until late April to mid-May.

ANALYSIS, FINDINGS, REASONS

The Notice of Motion has been filed on the consent of the Applicant and the other Parties. As there is an opportunity to settle or narrow the issues before the TLAB, I agree that an adjournment is warranted.

DECISION AND ORDER

The Motion for Adjournment is granted. The TLAB staff is requested to canvas the Parties on three dates as to their availability for a rescheduled hearing date, from late April to mid-May, failing which the TLAB may set a date. If a Party intends to serve a Notice of Motion, it shall be no later than 15 days from the new hearing date with responses to the Notice of Motion no later than 7 days before the new hearing date.

The hearing scheduled for February 7, 2018 is cancelled and no appearances or attendances are required. A new Notice of Hearing will follow determination of the new Hearing date.

The undersigned member is not seized for the hearing in order to facilitate rescheduling.

X 

L. McPherson

Panel Chair, Toronto Local Appeal Body