

DECISION AND ORDER

Decision Issue Date **Thursday, February 8, 2018**

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

Appellant(s): RAHIM DAMJI

Applicant: HUY TRUONG

Property Address/Description: 5 BARRYDALE CRES

Committee of Adjustment Case File Number: 17 136478 NNY 25 MV

TLAB Case File Number: **17 255298 S45 25 TLAB**

Motion Hearing date: **Friday, February 02, 2018**

DECISION DELIVERED BY S. Makuch

INTRODUCTION

This is a decision on a Notice of Motion, heard in writing, for a three month adjournment of the above matter.

BACKGROUND

The above minor variance appeal, by the owner of 5 Barrydale Cres., was scheduled to be heard on March 9, 2018. On January 17, 2018 the City of Toronto filed a Notice Motion to be heard in writing, seeking party status to oppose the appeal. On January 25, 2018, the appellant filed a response to the City's Notice of Motion seeking an adjournment of the hearing for three months in order for the appellant's architect "to revise the current design to better suit the site and the City's vision for the neighbourhood" and, further, stating that the City solicitor agreed to an adjournment to allow the appellant to redesign the project.

MATTERS IN ISSUE

There are no matters in dispute. All parties have been properly served and the City has not responded to the Appellant's response to the motion for an adjournment under Rule 23 and having originally requested a hearing in writing under Rules 17.4, 24.1, and 24.6 of the TLAB's Rules of Procedure.

JURISDICTION

The TLAB has jurisdiction to hold hearings in writing under Rule 17.4 and the parties have met the factors under Rules 24.6 including factors: a), b), c), e) for a written hearing. Furthermore the TLAB has jurisdiction to grant adjournments under Rule 23.

ANALYSIS, FINDINGS, REASONS

The TLAB has reviewed the materials filed and concludes that it is in the interest of the parties to provide time for the Appellant to revise his current plans.

DECISION AND ORDER

1. The City of Toronto is added as a party to this matter.
2. This matter is adjourned subject to the following: before June 30, 2018, the appellant is to contact TLAB staff to arrange a new hearing date and in failing to do so, the appeal may be dismissed.

X 

S. Makuch
Panel Chair, Toronto Local Appeal