

DECISION AND ORDER

Decision Issue Date Monday, March 26, 2018

PROCEEDING COMMENCED UNDER section 53, subsection 53(19), section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): ROBERT HISCOX

Applicant: AIRD & BERLIS LLP

Property Address/Description: 64 WOODLAWN AVE W

Committee of Adjustment Case File Number: 17 210745 STE 22 CO, 17 210753 STE 22 MV, 17 210754 STE 22 MV

TLAB Case File Number: **17 270181 S53 22 TLAB, 17 270182 S45 22 TLAB, 17 270183 S45 22 TLAB**

Hearing date: Monday, March 19, 2018

DECISION DELIVERED BY Ian James Lord

APPEARANCES

Name	Roles	Representative
Robert Hlscox	Appellant	Leo Longo
City of Toronto	Party	Daniel Elmadny/Sara Amini
Carole Ann Cowan	Party	
Michael Vaughan	Party	
Stephen Anthony Ader	Party	
Christine Mary Ader	Party	
April Solman	Party	
Lorraine Greey	Party	
Warren Shear	Party	

Decision of Toronto Local Appeal Body Panel Member: I. Lord
TLAB Case File Number: 17 270181 S53 22 TLAB
17 270182 S45 22 TLAB
17 270183 S45 22 TLAB

Name	Roles
Lynn Craig Schumacher	Party
Deborah Baptist Scott	Party
John Vanstone	Party
Deirdre Kenner Dymont	Party
David Frederick Safran	Party
Dana Williams	Party
Allan Kaplan	Party
John Hugh Macdiarmid	Party
Eric Cunningham	Party
Bruce Engell	Party's Legal Rep.
David Winterton	Expert Witness
David Huynh	Expert Witness
Michael Presuitti	Expert Witness
Carl Bray	Expert Witness
Rachael Kowaleski	Expert Witness
Lorna Beverley	Participant
David Michael Beutel	Participant
Eleanor Cook	Participant

INTRODUCTION

This is a matter scheduled for a Hearing in respect of 64 Woodlawn Avenue West (the 'subject property'). On the return date for the Hearing, the City of Toronto ('City') had fled a motion requesting an adjournment. Extensive originating and responding motion materials were filed.

On the return date, the Member scheduled to take the matter was not available. I attended in response to the 7:30 am call from the Supervisor, for an attending Member.

At the outset of the sitting, counsel, consisting of Ms. Amini and Mssrs. Longo, Engell and Elmadany requested a Chambers discussion on a matter of recusal and scheduling.

BACKGROUND

The Toronto Local Appeal Body (the 'TLAB') has seven members. On the occasion of this file, it is noted that Member McPherson had a recent previous association with a planning firm represented; as well, I had a previous association with a law firm represented, ending in September, 2016. Counsel as a courtesy agreed that in the circumstances it would be appropriate to stand the matters of the motion and the hearing down to revised dates.

Recusal normally requires submissions in the public forum. I did not require that the matter be addressed formally given the tacit consent of all counsel and my own limited knowledge of the file. An adjournment is appropriate but asceding to the request is not considered by this Member a precedent on the issue of recusal.

MATTERS IN ISSUE

The City Motion contains multiple grounds for relief and Responses to the Motion are on file. Counsel agreed one day should suffice to hear and determine the Motion.

On the substantive appeal, counsel expressed some variations on the amount of time required to hear the matter, in part determined by the outcome of the Motion. I was advised up to six professional witnesses may be called; there is also the prospect of lay citizen party and participant witnesses. Hearing time of 2-4 consecutive Hearing Days was under consideration.

JURISDICTION

Rule 2.2 of the TLAB Rules provide for relief from matters that arise in unavoidable circumstances. The unavailability of the Member who was scheduled and who had familiarized himself with the matter is one such circumstance.

EVIDENCE

The Parties were provided with a roster of suggested dates to reconvene for the Motion and the rescheduling of the Hearing Date. Mr.Longo urged that the matter be dealt with as expeditiously as possible. Counsel were diligent in consulting witness and their own calendars.

ANALYSIS, FINDINGS, REASONS

It is appropriate to provide the relief requested.

On behalf of the TLAB, I again thank the parties and the participants present for their co-operation and apologize for the inconvenience experienced in the attendance and the limited progress made.

DECISION AND ORDER


The City Motion is rescheduled on consent of the parties to be heard: Tuesday, **March 27, 2018 at 9:00 am**, Court Room W3, York Civic Centre.

The Hearing Date is rescheduled on consent of the parties to be heard: **July 10, 11 and 12, 2018 at 9:00 am** and at a location to be determined.

Despite the rescheduled Hearing Date, the dates of **June 4, 5 and 6, 2018**, are being held as a possible earlier Hearing Date. The Member sitting on the Motion on March 27, 2018 will canvass those present whether any changed circumstances exist that would permit the hearing of the matter to proceed on the earlier Hearing Date.

No change was requested and no other alterations are made to the Notice of Hearing originally issued on this matter.

A Notice advising as to the revised dates and hearing location is to be sent to counsel and posted on the TLAB website.

X 

Ian Lord

Panel Chair, Toronto Local Appeal Body

Signed by: Ian Lord