

## DECISION AND ORDER

**Decision Issue Date**      Friday, March 23, 2018

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

Appellant(s): 1930211 ONTARIO INC

Appellant's Legal Representative: RUSSELL CHEESEMAN

Applicant: AMBIENT DESIGNS LTD

Property Address/Description: 70 THIRTY SIXTH ST

Committee of Adjustment Case File Number:

17 178263 WET 06 CO (B0053/17EYK), 17 178271 WET 06 MV (A0530/17EYK), 17 178270 WET 06 MV (A0529/17EYK)

TLAB Case File Number:

17 278198 S53 06 TLAB, 17 278202 S45 06 TLAB, 17 278201 S45 06 TLAB

**Scheduled Hearing date: Monday, June 04, 2018**

### DECISION DELIVERED BY G. BURTON

Parties

1930211 Ontario Inc.

City of Toronto

Counsel and Representatives

Russell Cheeseman

Sara Amini

Participants

David Black, Sophia Javed, Ben Puzic, Long Branch Neighbourhood Association, Amit Joglekar, Donna Donald, Kathy Puzic, Robert Davis, Barry Kemp, Pauline Kemp, Alexander Donald

## **INTRODUCTION**

This is a Motion to be determined in written form prior to the hearing of an appeal. Decisions of the Committee of Adjustment (COA) on December 7, 2017 had refused a consent and minor variances for 70 Thirty Sixth Street, in the Long Branch area of the City of Toronto. The owner has appealed from these decisions to the Toronto Local Appeal Body (TLAB). Because the principal witness for the owner cannot be present on the date scheduled for the hearing, June 4, 2018, the owner seeks an adjournment of the hearing date.

## **BACKGROUND**

By Notice of Motion in the TLAB's Form 7, Mr. Russell Cheeseman, solicitor for the owner 1930211 Ontario Inc., requested that the hearing of this appeal be adjourned. His planning witness, Mr. T. J. Cieciora (who has extensive experience with the file) was scheduled to appear in another hearing on that date. He suggested June 27<sup>th</sup> as a new hearing date.

As provided in the TLAB Rules, Ms. Sara Amini, solicitor for the City of Toronto, a party to this appeal, responded to the motion in Form 8 consenting to the adjournment. However, she objected to the date of June 27<sup>th</sup> due to unavailability. She suggested alternate times, the week of July 16, and July 25 to August 3<sup>rd</sup>.

The Motion was considered in written form on the date provided, March 20, 2018. This is permitted by TLAB's Practice Direction No. 2. This provides, in part:

“ In the case of a Hearing Date adjournment request, the TLAB shall supply alternative hearing dates and the parties shall indicate their availability for those dates, in the event that the Motion is granted.”

This was done for this Motion, and the date chosen by the owner/appellant was June 27<sup>th</sup>, as the only available date for counsel and planner.

## **MATTERS IN ISSUE**

As this date of June 27<sup>th</sup> is not possible, an alternative must be selected that is acceptable to the parties.

## **ANALYSIS, FINDINGS, REASONS**

The TLAB finds that the only realistic alternative is to direct the Parties, the appellant and the City, to consult with one another and to provide a date on which all are free to attend. If this date is acceptable to the TLAB, a new Notice of Hearing will be issued.

The previous Notice of February 5, 2018 had provided the following dates for required filings for the existing parties and participants:

- “**Witness Statement** as per Rule 16.4 (Form 12) **DUE** no later than March 22, 2018
- **Participant Statement** as per Rule 16.5 (Form 13) **DUE** no later than March 22, 2018
- **Expert Witness Statement** as per Rule 16.6 (Form 14) **DUE** no later than March 22, 2018
- **Notice of Motion** as per Rule 17 (Form 7) **DUE** no later than April 20, 2018.”

This panel notes that while certain of these materials have been filed in a timely manner, others have not. I will alter the filing dates for Witness and Participant Statements and Expert Witness Statements as set out in the Notice by two months, until May 22, 2018. I will extend the filing date of April 20, 2018 for Notices of Motion until June 22, 2018.

## **DECISION AND ORDER**

1. The Parties are directed to consult with one another and to provide a date or dates on which all are free to attend. If these are acceptable to the TLAB, a new Notice of Hearing will be issued.

2. No other Parties or Participants will be added to those already identified.

3. Revised filing dates are:

**Witness Statement** as per Rule 16.4 (Form 12) **DUE** no later than May 22, 2018

**Participant Statement** as per Rule 16.5 (Form 13) **DUE** no later than May 22, 2018

**Expert Witness Statement** as per Rule 16.6 (Form 14) **DUE** no later than May 22, 2018

**Notice of Motion** as per Rule 17 (Form 7) **DUE** no later than June 22, 2018.

X 

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G. Burton

Panel Chair, Toronto Local Appeal Body