

## DECISION AND ORDER

**Decision Issue Date:** Monday, April 9, 2018

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

Appellant(s): DANYLO JOSYF KLUFAS, CITY OF TORONTO

Applicant: THOMAS TURBAK

Property Address/Description: 12 SHAVER CRT

Committee of Adjustment Case File Number: 17 128090 WET 03 MV

TLAB Case File Number: **17 262905 S45 03 TLAB**

**Motion Hearing date:** Tuesday, April 03, 2018

**DECISION DELIVERED BY S. MAKUCH**

### INTRODUCTION

This matter relates to an appeal by the City and a neighbour of a decision of the Committee of Adjustment approving minor variances for the construction of a new dwelling. The neighbour is out of the country and brought a motion to adjourn the hearing to be held on April 20, 2018, or in the alternative to participate in the hearing by telephone conference. The motion was heard by telephone conference and the owner /applicant (Mr. Turback), the City Solicitor (Ms. Debacker) and the neighbour (Mr. Klufas) participated in the hearing of the conference.

### BACKGROUND

The City and the owner consented to motion requesting that Mr. Klufas participate in the April 20, 2018 hearing by telephone conference. The City pointed out that the owner had not filed a witness statement and, therefore, could not call expert opinion evidence of a planner at the hearing. The owner stated that he was prepared to proceed with the hearing without a planning witness and would only present the plans on file as evidence. He was opposed to any adjournment.

## MATTERS IN ISSUE

There are no matters in issue as all parties consented to the neighbour participating by telephone conference. The owner has been made aware of the risk of participating in the hearing without presenting any evidence - other than the plans - and stated that he wished proceed with the hearing on April 20, 2018.

## JURISDICTION

Under the TLAB Rules of Practice and Procedure, I have the authority to authorize participation in a hearing by telephone.

## DECISION AND ORDER

The hearing will proceed on April 20, 2018, as scheduled and Mr. Klufas may participate by telephone conference.

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S. Makuch  
Panel Chair, Toronto Local Appeal