

DECISION AND ORDER

Decision Issue Date Monday, June 04, 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

Motion Hearing date: Friday, May 25, 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 further 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 original date scheduled for the hearing, June 4, 2018, the owner sought an adjournment of the hearing date. The City has responded as to its availability, which is only on July 26, 2018.

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 27th 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 on May 14, 2018 consenting to the adjournment. However, she objected to the date of June 27th due to unavailability. She had suggested alternate times.

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.

MATTERS IN ISSUE

The alternative date of July 26th appears to be acceptable.

ANALYSIS, FINDINGS, REASONS

The TLAB finds that the hearing for this matter will be July 26, 2018.

Its previous Order on the earlier motion had revised the filing dates for Witness and Participant Statements and Expert Witness Statements by a two- month period, until May 22, 2018, and extended the filing date for Notices of Motion until June 22,

2018. These dates will still apply. Therefore all such statements should now be filed. A Motion will be required in order to file beyond these dates.

DECISION AND ORDER

1. The revised hearing date will be July 26, 2018. This Order constitutes a new Notice of Hearing.

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

3. **Notices of Motion** as per Rule 17 (Form 7) are due no later than June 22, 2018.

X 

G. Burton

Panel Chair, Toronto Local Appeal Body