

# DECISION AND ORDER

**Decision Issue Date** Monday, July 30, 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 (the "Act")

Appellant(s): 1930211 ONTARIO INC

Applicant: AMBIENT DESIGNS LTD

Property Address/Description: 70 THIRTY SIXTH ST

Committee of Adjustment Case File Number: 17 178263 WET 06 CO, 17 178270 WET 06 MV, 17 178271 WET 06 MV

TLAB Case File Number: **17 278198 S53 06 TLAB, 17 278201 S45 06 TLAB, 17 278202 S45 06 TLAB**

**Hearing date:** Thursday, July 26, 2018

**DECISION DELIVERED BY T. Yao**

## APPEARANCES

Name	Role	Representative
1930211 Ontario Inc (Lori Li, Andrew Bilicki)	Owner	Russell Cheeseman
T.J. Cieciura	Expert Witness	
City of Toronto	Party	Sarah Amini
Max Dida	Expert Witness	
David Godley, 401 Lake Promenade	Participant	
Ben Puzic	Participant	
Long Branch Neighbourhood	Participant	Christine Mercado, Judy

Association

Whitmer-Gibson

Donna Donald, 34 Thirty-Sixth St	Participant
Alexander Donald, 65 Thirty-Sixth St	Participant
Kathy Puzic, 75 Thirty-Sixth St	Participant
Barry Kemp, 65 Thirty-Sixth St	Participant
Sheila Carmichael, 72 Thirty-Sixth St	Participant
Fraser Carmichael, 72 Thirty-Sixth St	Participant

## **DECISION AND ORDER**

These are short reasons for my Order allowing Long Branch Neighbourhood Association to cross-examine other witnesses, even though it has elected to be a participant and not a party. Rule 13.8 does not allow a participant to “cross-examine witnesses”. Rule 2.10 allows the Local Appeal Body to “grant all necessary exceptions to a Rule as it considers appropriate to enable it to effectively and completely adjudicate matters before it in a just expeditious and cost effective manner.”

On the hearing date, in the course of discussing the order of proceeding, Mr. Cheeseman (lawyer for the owner) made a number of allegations (not by way of written motion) that some participant disclosure was not timely and that that some material was irrelevant. Upon investigation, there appeared to be good reasons for late filing of at least some participant disclosure, such as an apparently relevant decision of the Committee of Adjustment not being issued until after the deadline for filing. I leave it to Mr. Cheeseman to point out (in the manner he sees fit) any other filings he deems irrelevant.

Asking question is a meaningful tool to assist the decision maker in the truth searching process. It was my judgment that with the number of participants, and the short time allotted for a complex hearing, that it was desirable that the Long Branch Neighbourhood Association act as a clearing house for common concerns and that an exception be made for it, but not for other participants, to question other witnesses.

Mr. Cheeseman asked for written reasons for this Order. These are the reasons.

X

*Ted Yao*

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Ted Yao  
Panel Chair, Toronto Local Appeal Body  
Signed by: Ted Yao