

DECISION AND ORDER

Decision Issue Date Thursday, July 12, 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): 2589060 ONTARIO INC

Applicant: LEMCAD CONSULTANTS

Property Address/Description: 502 & 504 MORTIMER AVE

Committee of Adjustment Case File Number: 17 249026 STE 29 CO, 17 249029 STE 29 MV, 17 249030 STE 29 MV, 17 249031 STE 29 MV

TLAB Case File Number: **18 122849 S53 29 TLAB, 18 122853 S45 29 TLAB, 18 122858 S45 29 TLAB, 18 122858 S45 29 TLAB**

Motion Hearing date: Thursday, July 12, 2018

DECISION DELIVERED BY Ian James Lord

APPEARANCES

Name	Role	Representative
Lemcad Consultants	Applicant	
2589060 Ontario Inc	Appellant/Owner	Javad Ameen
City of Toronto	Party	Laura Bisset
Alan Young	Expert Witness	
Deepak Bhatt	Expert Witness	
Andrew Pickett	Expert Witness	

Decision of Toronto Local Appeal Body Panel Member: I. Lord

TLAB Case File Number: 18 122849 S53 29 TLAB, 18 122853 S45 29 TLAB, 18 122858 S45 29 TLAB, 18 122858 S45 29 TLAB

Name	Role	Representative
Davide Carnevale	Expert Witness	
James Baker	Participant	
Valerie Deacon	Participant	
Rodney Morrison	Participant	
Tiiu Bradley	Participant	
Valerie Lopes	Participant	

INTRODUCTION

This matter involves severance and minor variance appeals in respect of 502 and 504 Mortimer Avenue (subject property) from refusals by the Toronto and East York Panel of the City of Toronto (City) Committee of Adjustment (COA).

BACKGROUND

The matters came on for a public hearing as scheduled on July 12, 2018. The Parties initially requested time for consultation. On assembling for the Hearing, counsel advised of the possibility of a settlement position but that more time was required. Counsel had only begun meaningful discussions a day earlier because of the late retainer of counsel for the Appellant. While the Participants had not been informed of the progress of talks and had attended in numbers on the expectation that the matter would be addressed, there was general consensus on a rescheduled date. Submissions were made as to the desirability of better communications between those persons of interest in respect of the matters on appeal.

MATTERS IN ISSUE

Whether an adjournment is appropriate in the circumstances.

JURISDICTION

Application of Rule 2 of the Rules of Practice and Procedure of the Toronto Local Appeal Body (TLAB).

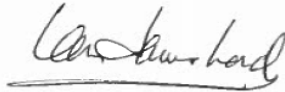
DECISION AND ORDER

At the joint, oral request of counsel and on the consent of the Parties, the Hearing scheduled for July 12, 2018, is adjourned.

August 23, 2018 at 9:30 am is set as a reconvened date.

1. The Parties shall carry the obligation to:
 - a) apprise the Participants and expert witnesses of the progress of discussions;
 - b) disclose a settlement and its broad, not confidential, terms;
 - c) advise if there is no settlement or if more than one day might be required;
2. Participants, whether or not able to attend on the rescheduled date, may communicate in writing their position on any settlement to the TLAB and the Parties; such communications are open to challenge as to admissibility on reconvening.
3. Evidence will be required as to the statutory tests on the consent and variance file requests.
4. Participants are encouraged to appoint a spokesperson to limit repetition.

X



Ian Lord
Panel Chair, Toronto Local Appeal Body
Signed by: ilord