

# DECISION AND ORDER

**Decision Issue Date**      Tuesday, July 24, 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): JEAN-MARIE BARKER

Applicant: MARCO VIEIRA

Property Address/Description: 37 FRATER AVE

Committee of Adjustment Case File Number: 17 259858 STE 31 MV (A1241/17TEY)

TLAB Case File Number: 18 160968 S45 31 TLAB

**Motion Hearing date:**      Tuesday, July 17, 2018

**DECISION DELIVERED BY S. MAKUCH**

## INTRODUCTION

This is a motion by the appellant to adjourn the hearing of the above matter, scheduled to be heard on September 12, 2018, to a date after September 21, 2018, as the appellant will be out of the country from August 24, 2018 to September 22, 2018.

## BACKGROUND

The Committee of Adjustment approved minor variances for the construction of a new detached dwelling with an integral garage. A neighbour appealed the decision supported by numerous other neighbours.

## MATTERS IN ISSUE

The only matter in issue is whether the matter should be set down for a new date for a hearing.

## JURISDICTION

TLAB under its Rules of Practice and Procedure has the authority to set a new date for a hearing.

## EVIDENCE

The appellant is seeking an adjournment because of absence from the country. The owner seeks to have the matter heard as soon as possible because he seeks to have the existing house demolished and construction commenced in this construction season if the appeal is dismissed, and because of financial and personal hardship as a result of his family living apart while awaiting a decision.

## ANALYSIS, FINDINGS, REASONS

In my opinion the concerns of both parties can be addressed by having the hearing moved to a date earlier than August 24, 2018.

## DECISION AND ORDER

The hearing of the above matter shall be held on Thursday August 23, 2018 at the TLAB offices at 9:30 a.m. The owner shall file all documents and witness statements on or before Thursday, August 16, 2018.

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S. Makuch  
Panel Chair, Toronto Local Appeal