

DECISION AND ORDER

Decision Issue Date Monday, August 20, 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): CITY OF TORONTO

Applicant: ANDREW FERANCIK

Property Address/Description: 324 RICHMOND ST W

Committee of Adjustment Case File Number: 17 244333 STE 20 MV

TLAB Case File Number: **18 145156 S45 20 TLAB**

Hearing date: Wednesday, August 15, 2018

DECISION DELIVERED BY D. LOMBARDI

APPEARANCES

Name	Role	Representative
Andrew Ferancik	Applicant/Expert Witness	
City of Toronto	Appellant	Adrenne DeBacker Sara Amini
Petaluma Building Corp.	Party	Tom Halinski
Mladen Kukic	Expert Witness	

INTRODUCTION AND BACKGROUND

On August 15, 2018, the Toronto Local Appeal Body (TLAB) heard the appeal of TLAB Case File No. 18 145156 S 45 20 (Committee of Adjustment File No. 17 244333 STE 20 MV (A1081/17TEY) for 324 Richmond Street West.

**Decision of Toronto Local Appeal Body Panel Member: D. Lombardi
TLAB Case File Number: 18 145156 S45 20 TLAB**

The following Parties attended the hearing:

- **Appellant** – *City of Toronto* – Represented by Adrienne deBaker and Sara Amini. Also, Mr. Mladen Kukic was in attendance as the City's Expert Planning Witness;
- **Applicant** – Andrew Ferancik, of the planning firm Walker, Nott, Dragicevic Associates Limited, in addition to the Owner of the subject property and a Party in the proceedings, Petaluma Building Corp. represented by Joe Di Giuseppe, and the Party's legal representative, Tom Halinski, of the law firm, Aird & Berlis LLP.

The hearing was scheduled for one day. At the end of that day, it became clear to me that the hearing could not be completed in its entirety, as still outstanding were closing arguments by Parties, in order of evidence, including reply arguments.

I canvassed the Parties to determine the time required to complete closing arguments, including reply arguments, and I quickly concluded that it was not in the best interest of all Parties and the TLAB to attempt to complete the hearing on August 15th. The simple and least deleterious option appeared to be to secure from TLAB staff additional hearing date to allow closing arguments in this matter.

This turned out to be an extremely frustrating exercise as the TLAB is now scheduling hearing dates into October and November 2018. When advised of the difficulty in securing an earlier date in order to conclude this matter, and considering the great reluctance of the Parties to reconvene on another day, the Parties suggested to me the option of providing written closing arguments as a consensus approach to what I considered an impending dilemma.

In giving this proposed solution due consideration, I agreed that it was a reasonable and fair compromise that was acceptable to, and supported by all Parties in attendance at the hearing. At this junction, I would note that we had had a full hearing and I do not require input from anyone other than those persons who attended the hearing and heard the evidence.

In considering possible options, including conducting a telephone conference call with the Parties, I found that the option of permitting a written final argument submission to be the just, most expeditious and cost-effective approach to effectively and completely adjudicate the matter before this body. This approach is taken with consideration for Rules 2.1, 2.2, 2.3, 2.5 and 2.10 of the TLAB Rules of Practice and Procedure

As a result, I will receive written final argument submissions from the City of Toronto (Ms. deBaker) and the Applicant's legal representative, Mr. Halinski, by ***no later than Monday, August 27, 2018***. I direct that these documents be provided to all Parties by this date.

**Decision of Toronto Local Appeal Body Panel Member: D. Lombardi
TLAB Case File Number: 18 145156 S45 20 TLAB**

Further, and in response to the submission of final arguments in written form, I direct that written reply arguments be submitted to the TLAB by ***no later than Tuesday, September 4, 2018.***

DECISION AND ORDER

This hearing is concluded, and I will issue a written decision in accordance with the procedure outlined above.

If any difficulty arises in the interpretation or application of this decision and order, the TLAB may be spoken to.

X 

Dino Lombardi
Panel Chair, Toronto Local Appeal Body