

# DECISION AND ORDER

**Decision Issue Date**      Wednesday, August 22, 2018

PROCEEDING COMMENCED UNDER section 53, subsection 53(19), 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: RUBINOFF DESIGN GROUP

Property Address/Description: 36 MCNAB BLVD

Committee of Adjustment Case File Number: 17 271221 ESC 36 CO, 17 271225 ESC 36 MV, 17 271231 ESC 36 MV, 18 168457 000 00 OA

TLAB Case File Number: **18 168454 S53 36 TLAB, 18 168497 S45 36 TLAB, 18 168501 S45 36 TLAB**

**Motion Hearing date:**      Friday, August 17, 2018

**DECISION DELIVERED BY L. McPherson**

## APPEARANCES

Name	Role	Representative
Rubinoff Design Group	Applicant	
Melissa Spencer	Party/Owner	Amber Stewart
City of Toronto	Appellant	Adrienne DeBacker
David Holland	Party	

## INTRODUCTION AND BACKGROUND

On May 10, 2018, the Committee of Adjustment (Committee) for the City of Toronto (City) approved applications for consent and minor variance to sever one lot into two lots, retain an existing single detached dwelling on one lot and construct a new single detached dwelling on the created lot. The City appealed the decision to the Toronto Local Appeal Body (TLAB). The TLAB scheduled a hearing for September 19, 2018.

On August 7, 2018, Counsel for the owner, Ms. Amber Stewart, filed a Notice of Motion requesting that the hearing be adjourned to another date, as the Applicant's expert planning witness, Mr. TJ Cieciora, is scheduled to appear before the TLAB on the same day on another Appeal. In addition, the Motion notes that the Hearing will likely require two days because of the number of expert witnesses. In addition to the City, there was one other Party to the Hearing, Mr. David Holland. Mr. Holland has since withdrawn his Appeal by email to the TLAB staff.

## **JURISDICTION**

Rule 23.4 of the TLAB's Rules of Practice and Procedure allows the TLAB to grant or deny the Motion and make any other appropriate orders.

## **ANALYSIS, FINDINGS, REASONS**

The City replied to the Notice of Motion. The City advised that, as of the date of the Notice of Response to Motion, the Applicant's expert witness statement had not been filed with the TLAB while the City's expert witness statement was filed on August 1, 2018. As a result, the City consents to the request for an adjournment on condition that the City is able to file additional materials prior to the hearing should it wish to do so. The TLAB considers this a reasonable request in this situation as the Applicant had an opportunity to review the City's case prior to filing an expert witness statement.

The adjournment, at the request of the Applicant, will not prejudice the TLAB from conducting the proceeding in a just, timely and cost effective manner. The TLAB provided alternate dates and the Applicant.

## **DECISION AND ORDER**

The Motion for Adjournment is granted. The hearing is scheduled for December 6, 2018 and December 17, 2018. The TLAB staff are requested to issue a new Notice of Hearing to the Parties with revised submission deadlines. Any filings made after the revised submission deadlines will not be admitted to the record.

The hearing scheduled for September 19, 2018 is cancelled and no appearances or attendances are required.

The undersigned Member is not seized for the hearing.

X 

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Laurie McPherson  
Panel Chair, Toronto Local Appeal Body