

# DECISION AND ORDER

**Decision Issue Date**      Tuesday, September 11, 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): BO CHHOUR

Applicant: GARY DOWMAN

Property Address/Description: 27 HIGHBOURNE RD

Committee of Adjustment Case File Number: 17 277756 STE 22 MV (A1401/17TEY)

TLAB Case File Number: 18 175830 S45 22 TLAB

**Hearing date:**      Wednesday, September 26, 2018

**DECISION DELIVERED BY L. McPherson**

## INTRODUCTION AND BACKGROUND

On May 23, 2018, the Committee of Adjustment (Committee) for the City of Toronto (City) refused an application for minor variance for 27 Highbourne Rd to legalize and maintain the reconstructed rear detached garage with rooftop deck which commenced construction without the benefit of a building permit. The owner appealed the decision to the Toronto Local Appeal Body (TLAB). The TLAB scheduled a hearing for September 26, 2018.

On August 15, 2018, Counsel for the owner, Mr. Ian Perry, filed a Notice of Motion requesting that the hearing be adjourned to another date, as he did not receive the Notice of Hearing dated June 20, 2018, and was just recently advised of the Hearing date. Mr. Perry advised that his office was in the process of obtaining expert reports and other supporting material. He indicated it would be highly prejudicial to the Appellant to appear without the expert report and supporting materials. There are no other Parties or Participants to the Hearing. He requested that a new hearing date and filing deadlines be scheduled as set out in the Notice of Motion.

## 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 adjournment, at the request of the Appellant, will not prejudice the TLAB from conducting the proceeding in a just, timely and cost effective manner. There are no other Parties or Participants that would be affected.

## DECISION AND ORDER

The Motion for Adjournment is granted. The TLAB staff are requested to issue a new Notice of Hearing to the Party with revised submission deadlines in accordance with the Notice of Motion, modified as necessary to reflect the final Hearing date.

The Hearing scheduled for September 26, 2018 is cancelled and no appearances or attendances are required.

The undersigned Member is not seized for the hearing.

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L. McPherson  
Panel Chair, Toronto Local Appeal Body