

DECISION AND ORDER

Decision Issue Date. November 29, 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): TATIANA ATKINSON

Applicant: OBP CONSULTANTS INC

Property Address/Description: 32 MARKHAM RD

Committee of Adjustment Case File: 18 156069 ESC 36 MV

TLAB Case File Number: **18 206166 S45 36 TLAB**

Hearing date: Wednesday, November 28, 2018

DECISION DELIVERED BY S. MAKUCH

APPEARANCES

| NAME | ROLE | REPRESENTATIVE |
|---------------------|---------------|----------------|
| LIHUA PANG | Owner | |
| XIAOZHI CHANG | Primary Owner | |
| OBP CONSULTANTS INC | Applicant | |
| TATIANA ATKINSON | Appellant | |

INTRODUCTION

This is a decision adjourning this matter

BACKGROUND

At the hearing of this matter the applicant, Xiaozhi Chang, appeared with his daughter who was his translator and representative. The applicant and his daughter had filed little evidence and were unaware of the process before TLAB. The evidence was insufficient to enable me to understand the proposal, the nature of the variances and the impact of the variances on the neighbourhood and/or the neighbours in attendance at

the hearing. One of those neighbours was the appellant. As no Zoning Notice had been obtained it was not clear that the variances were appropriate.

MATTERS IN ISSUE

The only matter in issue was whether the appeal should be allowed or an an adjournment granted to enable the applicant to obtain professional help.

JURISDICTION

TLAB has authority to grant adjournments under its Rules of Practice and Procedure.

EVIDENCE

There was no formal evidence presented or admitted. The parties and participants agreed that the matter should be adjourned to enable the applicant to obtain professional help.

ANALYSIS, FINDINGS, REASONS

The hearing could not proceed as there was insufficient evidence and disclosure and no witness who understood the requirements to be met. Rather than allowing the appeal and requiring the applicant to recommence the application it was appropriate to adjourn the hearing to allow the applicant to obtain the help of a professional to represent him. The appellants and participants did not object. The applicant's daughter stated the applicant would seek the services of a planner.

DECISION

This matter is adjourned until April 9, 2019 to enable the applicant to obtain professional help to present his case. The applicant will file witness statements and document disclosure on or before March 11, 2019 and the appellant ant participants on or before March25, 2019.

X 

S. Makuch
Panel Chair, Toronto Local Appeal