

DECISION AND ORDER

Decision Issue Date Monday, October 29, 2018

PROCEEDING COMMENCED UNDER section 53, subsection 53(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): DARYLE MOFFATT, CITY OF TORONTO

Applicant: CUNHA DESIGN CONSULTANTS LTD

Property Address/Description: 38 THIRTY FIRST ST

Committee of Adjustment Case File Number: 17 186733 WET 06 CO, 17 186731 WET 06 MV, 17 186732 WET 06 MV

TLAB Case File Number: **18 173153 S53 06 TLAB**

Motion Hearing date: Tuesday, October 30, 2018

DECISION DELIVERED BY Ian James LORD

INTRODUCTION

This is a matter that came to the attention of Administrative Staff of the Toronto Local Appeal Body (TLAB) by virtue of advice received from the City of Toronto (City) Committee of Adjustment (COA) that related appeals had been filed in respect of variances related to 38 Thirty First Street (subject property).

At the time of that advice, the COA variance appeal files had not been prepared or forwarded to the TLAB; however, the TLAB had scheduled and sent a Notice of Hearing under its Rules in respect of the above noted severance file applicable to the subject property, with a Hearing scheduled for November 16, 2018.

Administrative Staff were directed to inquire as to the intentions of the Applicant and did so by e-mail dated October 16, 2018.

At approximately the same time, the City filed a Motion for the adjournment of the scheduled Hearing and the consolidation of the severance and two variance appeals, applicable to the proposed lots, returnable October 30, 2018.

BACKGROUND

The subject property is located in the Long Branch community of the City. Initial parallel variances were sought to accompany a severance application for the subject property; however, those variance matters were effectively abandoned while the severance decision itself was appealed. Subsequent revisions to the plans led to a second set of variances, now *en route* to the TLAB as a result of a City appeal.

The City brought a Motion, supported by the affidavit of Kristine Ko, for adjournment of the November 16, 2018 sitting and a consolidation of the three anticipated TLAB appeal files: the severance, and the two new associated variance applications.

By e-mail correspondence dated October 17, 2018, Mary L. Flynn-Guglietti, solicitor for the Applicant and owner of the subject lands, consented to both the adjournment and consolidation and as well the City request that three (3) days be set aside for the Hearing of the matters.

Agreement was also communicated by the Appellant Daryle Moffatt, but not as to the necessity for a three (3) day Hearing.

On or about October 26, 2018, the TLAB was directed by e-mail to confirm to the parties as to the substantive agreement, the cancellation of a contemplated conference call, the cancellation of the Motion Hearing and consent Hearing dates and concurrence on consolidation.

MATTERS IN ISSUE

All Parties have responsibly agreed to an adjournment and rescheduling of all related matters in a consolidated Hearing. Only the length of the rescheduled Hearing event remained in contention.

JURISDICTION

The TLAB has extensive powers under its Rules of Practice and Procedure to determine its own process.

The general provisions of the Rules, Rule 2, as well as Rule 17 on Motions and the provisions respecting consolidation, Rule 22, all offer ample opportunity to the

Parties and the TLAB to best direct a Hearing event to a “just, expeditious and cost-effective” procedure and disposition.

EVIDENCE

The Parties consent to a consolidation of appeal files applicable to the subject property and to the adjournment and rescheduling of the Hearing set for November 16, 2018.

The TLAB has undertaken to canvass the Parties on common dates to reconvene and to issue a new Notice of Hearing at the earliest available opportunity adequate to reflect the added files.

Establishing a three day Hearing event would exceed the time normally allotted for similar matters; however, the request is made. All persons with an interest in these matters are asked by the TLAB to ensure the Hearing is conducted as expeditiously and without repetition as is possible.

ANALYSIS, FINDINGS, REASONS

This matter is proceeding on the substantial consent of the Parties.

The TLAB wishes to again express its appreciation for the cooperation and the timely exchange of responses received – all of which have made this disposition as efficient as possible.

DECISION AND ORDER

The teleconference scheduled for October 26, 2018, is cancelled.


The Motion Hearing date scheduled for October 30, 2018 is cancelled and no further response or appearance is necessary.

The Hearing on the consent matter herein scheduled for November 16, 2018 is adjourned to a three (3) consecutive day reservation period to be settled on consultation with the Parties or, failing agreement, as determined by the TLAB. No appearance is necessary on November 16, 2018.

A new Notice of Hearing shall be forwarded and posted applicable to all three consolidated file matters.

Decision of Toronto Local Appeal Body Panel Member: I. Lord
TLAB Case File Number: 18 173153 S53 06 TLAB

This disposition is made without prejudice to the Parties in the use of the Rules should additional matters subsequently arise.

X 

Ian Lord

Panel Chair, Toronto Local Appeal Body

Signed by: Ian Lord