

DECISION AND ORDER

Decision Issue Date Wednesday, January 23, 2019

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): NEW VENTURE GROUP INC.

Applicant: GEOMETRA DESIGN LTD

Property Address/Description: 146 GILMOUR AVE

Committee of Adjustment Case File: 18 172932 WET 13 CO, 18 172922 WET 13 MV, 18 172927 WET 13 MV

TLAB Case File Number: 18 250651 S53 13 TLAB, 18 250654 S45 13 TLAB, 18 250655 S45 13 TLAB

Motion served date: Tuesday, December 11, 2018

DECISION DELIVERED BY S. GOPIKRISHNA

APPEARANCES

Mr. Paul Mand for the Appellant

INTRODUCTION AND BACKGROUND

The Applicants, New Venture Group, applied to the Committee of Adjustment (COA) to sever the property at 146 Gilmour Ave. to create 2 undersized residential lots, accompanied by a request for approval of variances to build a residence at each of the severed lots. On 19 October, 2018, the COA considered the application and refused the application in its entirety. On 31 October, 2018, the Applicants (hence forth referred to as the Appellants) appealed to the Toronto Local Appeal Body (TLAB) for relief. The TLAB scheduled a hearing for this Appeal on 9 and 10 April, 2019.

On 11 December, 2018, Mr. Paul Mand, the solicitor for the Appellants respecting 146 Gilmour Avenue, brought forward a Motion to be heard in writing, requesting that the scheduled dates for the hearing be changed due to a stated conflict with another commitment to appear in Superior Court.

MATTERS IN ISSUE

The only issue before the TLAB is the requested change in dates to hear the Appeal respecting 146 Gilmour Ave, presently scheduled for 9 and 10 April, 2019.

JURISDICTION

Any decision of the TLAB needs to be consistent with the TLAB's Rules of Practice and Procedure ("Rules").

EVIDENCE

As stated earlier, Mr. Paul Mand, the Solicitor for the Appellants, introduced a Motion requesting that the hearings scheduled for 9 and 10 April, 2019, be postponed due to a scheduled appearance in Superior Court on these dates.

It may be noted that there are no other registered Parties in opposition to the Appeal, and no Response was therefore expected, nor received.

ANALYSIS, FINDINGS, REASONS

It is reasonable to grant an Appeal for a change in date if any Party demonstrates a legitimate reason. In this case, the Appellants have stated by way of affidavit that their Counsel is unavailable for the TLAB hearing, due to a scheduling conflict. It may be pertinent to point out that Mr. Mand, signed the affidavit accompanying the Motion, because he is one of the owners of New Venture Group, in addition to being the Agent.

Since the TLAB is committed to firm hearing dates, the TLAB staff was requested to follow up with the Party to enquire about their availability, in order to set peremptory hearing dates, and complete the hearing in a timely fashion. Counsel advised staff that he would be available for a hearing before the TLAB on the 23rd and 24th of May, 2019.

The Motion for a change of date in the hearing respecting 146 Gilmore Ave., is approved on the basis of the above evidence, with new peremptory dates of 23rd and 24th of May, 2019.

No other changes to the other deadlines pertinent to this Appeal have been requested; consequently no changes are necessary for any of the other stated deadlines, which remain unchanged from the earlier Notice of Hearing.

A new Hearing Notice may be issued with new hearing dates of 23 and 24 May, 2019, and no changes to other deadlines.

DECISION AND ORDER

1. The Motion put forward by the Appellants requesting a change of the hearing dates for the Appeal, respecting 146 Gilmore Ave, presently scheduled for 9 and 10 April, 2019 is granted. No appearances or attendance at the TLAB is required of the Parties on the 9th and 10th of April, 2019.
2. New peremptory hearing dates for the 23rd and 24th of May, 2019 are herewith put forward by way of this Decision. A new Hearing Notice may be issued with the new hearing dates. There are no changes to the other deadlines stated in the original Notice of Hearing.
3. The undersigned Panel Member is seized for the hearing.

So orders the Toronto Local Appeal Body.

X 

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body