

## DECISION AND ORDER

**Decision Issue Date**      Tuesday, February 19, 2019

PROCEEDING COMMENCED UNDER subsection 45 (1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): NARENDRA ARMOGAN

Applicant: VELTA MUSSELLAM

Property Address/Description: 31 MAPLE AVE

Committee of Adjustment Case File Number: 16 248550 STE 27 MV

TLAB Case File Number: 17 188180 S45 27 TLAB

**INTERIM DECISION DELIVERED BY S. Gopikrishna**

### INTRODUCTION AND BACKGROUND

The Appeal respecting 31 Maple Ave was heard on 13 and 18 September, 2018, and was scheduled to continue on 26 November, 2018, followed by hearings on 21 and 22 February, 2019. Late in the afternoon of 23 November, 2018, I was made aware that Mr. Ian Flett, Counsel for the opposition would not be attending the hearing scheduled for 26 November, 2018, because of a family emergency.

The hearing held on 26 November, 2018 was attended by the Appellants and their witnesses. It may be noted that while I was aware that both Mr. Flett and Mr. Borgal, (heritage expert witness for the opposition) would not be present at the hearing on 26 November, 2018; there were no other representatives of the opposition at the hearing, other than Mr. Labrecque.

Mr. Labrecque requested an adjournment of the hearing since Mr. Flett was not present.

While Mr. Park did not vociferously oppose the adjournment request from the opposition, he expressed his frustration with the request for the adjournment, and how this adjournment would merely stretch what the Appellants perceived to be an already prolonged timeline to prosecute the Appeal. I empathized with Mr. Flett's personal situation, and asked Mr. Labrecque to have a conversation with Mr. Flett to inquire if he could continue to represent Mr. Labrecque, when the hearings resumed in February 2019. I also requested Mr. Labrecque to explore the availability of alternate counsel, and their availability for the assigned dates in February, 2019, in the event of Mr. Flett not being able to continue to act for the opposition.

**Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna  
TLAB Case File Number: 17 188180 S45 27 TLAB**

At the end of the aforementioned hearing, I requested that a teleconference be held in early February, 2019, to ascertain responses to the aforementioned questions for the opposition. I also stated that the scheduling of an additional hearing date to complete the hearing could be canvassed at the teleconference.

The TLAB subsequently convened a teleconference at 8:30 AM on 5 February, 2019.

## **EVIDENCE**

The teleconference scheduled for 5 February, 2019 was attended by Messrs. Jason Park and Michael Cooke for the Appellant, Mr. Allan Killen, heritage expert witness for the Appellant, and Mr. Labrecque for the opposition. Mr. Labrecque stated that Mr. Flett would continue to represent him with respect to this Appeal; this fact was confirmed by Mr. Michael Cooke who said that this conclusion was consistent with his conversation with Mr. Flett

No decision could be made about an additional hearing date since counsel and witnesses for the opposition were not present at the hearing. I ended the hearing by stating that the TLAB staff would contact both sides to obtain dates when they could be present to complete the hearing, and stated that I would send out an order with a peremptory date.

## **ANALYSIS, FINDINGS, REASONS**

On 15 February, 2019, the TLAB staff gave me a list of dates on which the counsel and witnesses for both sides could be present, and space was available at the TLAB office. The **12<sup>th</sup> of July, 2019**, has been chosen as the peremptory date for the Parties to meet at the TLAB facility to complete the hearing. It may be noted that the date has been chosen keeping in mind the request from Mr. Jason Park, Counsel for the Appellants, that the hearing should be completed as soon as possible.

Given that Mr. Flett will continue to represent the opposition, the questions about counsel for the opposition are moot.

## **DECISION AND ORDER**

- 1) The Appeal respecting 31 Maple Ave. will be heard on 21 and 22 February, 2019, and 12 July, 2019, as required. These dates are peremptory, and will require in-person attendance by Counsel and witnesses.

So orders the Toronto Local Appeal Body.

X

A handwritten signature in black ink, appearing to read 'S. Gopikrishna', is written over a light gray rectangular background.

---

S. Gopikrishna  
Chair, Toronto Local Appeal Body