

## MEDIATION SUMMARY

**Mediation Summary Date:** Friday, March 29, 2019

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): KEN ZUCKERMAN

Applicant: KEN ZUCKERMAN

Property Address/Description: 121 AVENUE RD

Committee of Adjustment Case File: 18 153123 STE 27 MV

**TLAB Case File Number: 18 246813 S45 27 TLAB**

**Mediation Date: Wednesday, March 20, 2019**

**MEDIATION SUMMARY DELIVERED BY Ian James Lord**

### APPEARANCES

NAME	ROLE	REPRESENTATIVE
ALDERGREEN ESTATES INC	OWNER	
KEN ZUCKERMAN	APPLICANT/APPELLANT	CALVIN LANTZ MARY FLYNN-GUGLIETTI
ALUN LLOYD	EXPERT WITNESS	
LOUIS TINKER	EXPERT WITNESS	
ROBERT GLOVER	EXPERT WITNESS	
MICHAEL MCCLELLAND	EXPERT WITNESS	
ABC RESIDENTS ASSOC.	PARTY (TLAB)	ANDREW BIGGART
DANIEL LUBLIN	PARTY (TLAB)	ANDREW BIGGART
AARON MITCHELL	PARTY (TLAB)	ANDREW BIGGART

**Mediation Summary of Toronto Local Appeal Body Member: I. LORD  
TLAB Case File Number: 18 246813 S45 27 TLAB**

CHRISTOPHER WEIN	PARTY (TLAB)	ANDREW BIGGART
MARIE FOSS	PARTY (TLAB)	ANDREW BIGGART
RONALD FREIMAN	PARTY (TLAB)	ANDREW BIGGART
HEATHER RIDER	PARTY (TLAB)	ANDREW BIGGART
ELEANOR HIRSHFELD	PARTY (TLAB)	ANDREW BIGGART
JOHN LOHMUS	EXPERT WITNESS	
CITY OF TORONTO	PARTY (TLAB)	MARC HARDIEJOWSKI NATHAN MUSCAT
ALAN YOUNG	EXPERT WITNESS	

## **INTRODUCTION AND BACKGROUND**

This matter was convened March 20, 2019 respecting a series of minor variance permissions refused by the Toronto and East York District panel of the City of Toronto (City) Committee of Adjustment (COA). By Decision and Order issued February 25, 2019, a written Motion allowed late disclosure by the Appellant and the introduction of new variances revealed by a recent plans examination, attached thereto as **Schedule A**. The Hearing Date was not revised.

At the opening of the sitting, counsel on behalf of the Appellant (Ms. Flynn-Gugglietti), with the consent of counsel for the City (Msrs. Muscat and Hardiejowski) and counsel for the ABC Residents Association et. al., (Mr. Biggart), sought to convert the matter to a Mediation session.

While there had been no advance notice of the intention, no exchange of mediation briefs and no compliance with the Rules of the Toronto Local Appeal Body (TLAB) respecting Mediation, the TLAB encourages dispute resolution and agreed to the conversion.

I advised I had attended the site, reviewed much of the material and had available the requisite break-out room for sequential discussions, depending on the approach upon which counsel could agree. There were no Participants registered or present, but multiple Parties were also in attendance, together with their professional consultants.

I advised all present that a condition precedent to Mediation would be confidentiality both in respect of discussions and the production of documents, except as may be otherwise varied by counsel on agreement in their discussions with clients, and then only on a 'need to know' and strict confidentiality undertaking. I received concurrence from those present and participating, including consultants: there is to be no disclosure outside of the foregoing terms.

The digital audio recording was terminated until the return at the end of the day to summarize where matters stood, as set out below.

## **CONFIDENTIALITY**

A day long set of mediation sessions ensued, ending at approximated 5:30 pm.

The Parties attended and participated in earnest.

## **STATUS OF MATTERS DURING THE MEDIATION**

The Mediation did not conclude but was adjourned for the purpose of reporting back to individual client bases with a view to inter-counsel communication intended to occur on or before March 29, 2019.

In the event that the mediation fails, the TLAB is to provide counsel with three (3) contingency dates for a two (2) day Hearing. Counsel are to advise, for scheduling purposes, as to whether a new/different Member is requested to conduct any required Hearing on the merits of the Appeal.

I cannot be seized without the consent of all counsel.

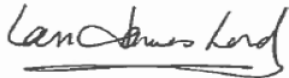
Ms. Flynn- Guglietti is to advise the TLAB of the status of the matter.

If counsel cannot agree on one of the re-scheduled dates, the TLAB shall set a date to reconvene for the Hearing of the matter.

Should the matter settle, the TLAB and this Member would be amenable to a teleconference Settlement Hearing. In attendance on the call would be the Parties, an affidavit and at least one planner to present the terms of settlement, the variances sought, and the opinions on merit, together with any current documentation and conditions.

The matter is adjourned in accordance with the foregoing.

X



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Ian J. Lord

Panel Chair, Toronto Local Appeal Body

Signed by: Ian Lord