

DECISION AND ORDER

Decision Issue Date Monday, March 18, 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): MARIE SMULA

Applicant: SHASHA WANG

Property Address/Description: 641 HURON ST

Committee of Adjustment Case File: 18 103629 STE 20 MV

TLAB Case File Number: **18 187808 S45 20 TLAB**

Motion Hearing date: Wednesday, March 06, 2019

DECISION DELIVERED BY S. GOPIKRISHNA

APPEARANCES

NAME	ROLE	REPRESENTATIVE
MARIE SMULA	APPELLANT	ANGELA MAKRIS
ROBERT GRAHAM PARTNER	PARTY (TLAB)	RAJ KEHAR
		LEE ENGLISH

INTRODUCTION AND BACKGROUND

Following the completion of the Hearing of the Appeal respecting 641 Huron Street on 1 November, 2018, I issued my Decision on 22 November, 2018, in which I dismissed the Appeal, and upheld the decision of the Committee of Adjustment. Mr. Raj Kehar, Counsel for the Applicants, brought forward a Motion for Costs on 24 December, 2018.

The Appellants requested a Review of my Decision; which was upheld through the Decision issued by the Chairperson of the TLAB, Mr. Ian James Lord, through his Decision dated 10 January 2019.

The TLAB scheduled a hearing on 7 March, 2019, for an oral hearing of the Motion for Costs.

MATTERS IN ISSUE

The only matter before the TLAB is to decide on whether costs are to be allowed against the Appellant.

JURISDICTION

The TLAB relies on its Rules of Practice and Procedures (“ Rules”) to rule on Motions related to Costs.

EVIDENCE

The Applicants submitted their Motion for Costs, accompanied by affidavits, and book of Authorities on 24 December, 2018 and 7 January, 2019, in addition to an addendum on 19 February, 2019. The Appellants submitted their Notice of Response to the Motion on 27 February, 2019.

Late on the afternoon of 6 March, 2019, I was informed by the TLAB staff about an email from Mr. Kehar indicating that the Motion for Costs was being withdrawn because the Parties had reached a Settlement. The email also indicated that Counsel would attend the oral hearing on 7 March, 2019, given the late intimation of the settlement to the TLAB

On 7 March, 2019, Mr. Lee English represented the Applicant at the hearing, where he confirmed that the Motion for Costs had been withdrawn, as a result of the aforementioned Settlement. I informed Mr. English that my order would confirm the withdrawal of the Motion, and that the TLAB file was being closed; he concurred with my conclusions, after which I thanked Mr. English for attending the hearing.

ANALYSIS, FINDINGS, REASONS

Since the Motion for Costs has been withdrawn, the TLAB file is now considered closed. The Decision and Order below confirms the withdrawal, and the closure of the TLAB file.

DECISION AND ORDER

1. The Motion for Costs respecting the Appeal for 641 Huron Street has been withdrawn by the Applicant, and the corresponding TLAB File is now

**Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
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considered closed.

So orders the Toronto Local Appeal Body

X

A handwritten signature in black ink, appearing to read 'S. Gopikrishna', written on a light-colored rectangular background.

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body