

# DECISION AND ORDER

**Decision Issue Date**      Wednesday, April 10, 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): SOUVIK MUKHERJEE

Applicant: STAVROS THEODORAKOPOULOS

Property Address/Description: 120 HENDON AVE

Committee of Adjustment Case File Number: 18 254749 NNY 23 MV (A0776/18NY)

TLAB Case File Number: 19 113459 S45 18 TLAB

**Written Motion Date:**      Wednesday, April 10, 2019

**DECISION DELIVERED BY S. TALUKDER**

## REGISTERED PARTIES AND PARTICIPANTS

Applicant	Stavros Theodorakopoulos
Appellant/Owner	Souvik Mukherjee
Party	City of Toronto
Party's Legal Rep.	Jason Davidson
Expert Witness	Ameena Khan

## **INTRODUCTION**

1. This is a motion requesting an adjournment of the hearing and that the motion be heard in writing.
2. The hearing is scheduled for May 31, 2019.
3. This motion was made by the Party, City of Toronto (City), represented by Jason Davidson. In his motion materials, Mr. Davidson states that the City's planner, who will be a witness for the City, has a scheduling conflict on May 31, 2019 and wishes to adjourn the hearing to June 7, 2019.
4. This motion is uncontested as the only other Party, Souvik Mukherjee, provided consent to the adjournment.

## **MATTERS IN ISSUE**

5. At issue is whether an adjournment should be granted to accommodate the availability of a Party's witness who has a scheduling conflict with the scheduled hearing date.

## **JURISDICTION**

6. The TLAB Rules of Practice and Procedure provide for Motions (Rule 17) and relief in appropriate circumstances (Rule 2), including adjournments on consent (Practice Direction).

## **EVIDENCE**

7. Mr. Michael Mahoney provided an affidavit in support of the City's motion.
8. In his affidavit, Mr. Mahoney stated that the Ontario Professional Planners Institute (OPPI) requires that each of its full and candidate members complete the Continuous Professional Learning (CPL) units every year in order to be in good standing with the OPPI. The OPPI requires a mandatory training session for all City planners on May 31, 2019. As a result, the City's planner will not be able to attend the hearing on May 31, 2019 as a witness.

## **ANALYSIS, FINDINGS, REASONS**

9. The TLAB is committed to fixed Hearing Dates to encourage Parties and Participants to contemporaneously assess settlement options and to ensure a timely disposition of matters on appeal to the TLAB.

10. Adjournments are not to be assumed as a matter of course but are materially assisted when on consent and with the co-operation of the Parties.
11. In this circumstance, there is uncontested evidence on a valid scheduling conflict of the City's planner and the adjournment is uncontested by the only other Party in the appeal.

## **DECISION AND ORDER**

12. The request that the motion be in writing is granted.
13. The request for an adjournment of the hearing to June 7, 2019 is granted.
14. The TLAB will issue/post a revised or new Notice of Hearing with the date of hearing being June 7, 2019. There are to be no other changes to the Notice of Hearing.

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S. TALUKDER  
Panel Chair, Toronto Local Appeal Body