

# DECISION AND ORDER

**Decision Issue Date**      **Tuesday, April 30, 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): ROBERT THOMPSON

Applicant: AMBIENT DESIGN LTD

Property Address/Description: 10 LAKE PROMENADE

Committee of Adjustment Case File: 17 169514 WET 06 CO, 17 169522 WET 06 MV, 17 169523 WET 06 MV

**TLAB Case File Number: 18 120054 S53 06 TLAB, 18 120065 S45 06 TLAB, 18 120066 S45 06 TLAB**

**Motion Hearing date:**      Friday, April 26, 2019

**DECISION DELIVERED BY S. MAKUCH**

## APPEARANCES

NAME	ROLE	REPRESENTATIVE
ROBERT THOMPSON	OWNER	
AMBIENT DESIGN LTD	APPLICANT	
ROBERT THOMPSON	APPELLANT	RUSSELL CHEESEMAN
CITY OF TORONTO	PARTY (TLAB)	PERSIA ETEMADI SARA AMINI
LONG BRANCH		
NEIGHBOURHOOD ASSC.	PARTY (TLAB)	

<b>JUDY GIBSON</b>	<b>PARTICIPANT</b>
<b>SUE WILLISHER</b>	<b>PARTICIPANT</b>
<b>DAVID MATOC</b>	<b>PARTICIPANT</b>
<b>MIKE BORTOLOTTA</b>	<b>PARTICIPANT</b>
<b>DEBBIE NOLAN</b>	<b>PARTICIPANT</b>
<b>GRANT GIBSON</b>	<b>PARTICIPANT</b>
<b>ROBERT CUTMORE</b>	<b>PARTICIPANT</b>
<b>JUDITH ELLEN CUTMORE</b>	<b>PARTICIPANT</b>
<b>CHRISTINE PENN</b>	<b>PARTICIPANT</b>
<b>BRUCE PENN</b>	<b>PARTICIPANT</b>

## **INTRODUCTION**

This decision is in response to a formal motion on behalf of the appellant requesting: an abridgement of time for serving the Notice of Motion; and, for an adjournment of the hearing of the matter scheduled for April 26 and 29, 2019 to September 3, 4, and 5, 2019. It is also in response to an oral motion brought at the hearing of the formal motion for an order allowing the appellant to reopen his case so that evidence could be presented respecting the 'The Long Branch Character Guidelines' (the Guidelines) and Official Plan Amendment 320 ( the OPA).

## **BACKGROUND**

The Notice of Motion for an adjournment arises out of the inability of the member to continue the hearing on May 5, 2019 as previously scheduled. The appellant seeks to have the hearing on the three consecutive days in September. Counsel for the City of Toronto is available on those three days. The Long Branch Neighbourhood Association (LBNA) is available on September 4 and 5, 2019 but wishes to continue with the April hearing dates. After the filing of this Notice of Motion, a decision was issued on April 23, 2019, holding that evidence regarding the Guidelines and the OPA should be admitted at the Hearing of this matter and setting out the weight to be given to those documents.

## **MATTERS IN ISSUE**

As a result of the April 23, 2019 decision respecting The Guidelines and the OPA, all parties agree that the appellant should be given an opportunity to reopen their case which had been completed prior to the motion for adjournment. There is no doubt

that procedural fairness requires that the appellant be given the opportunity to address the Guidelines and the OPA.

## **JURISDICTION**

TLAB has jurisdiction under its Rules of Practice and Procedure to grant adjournments.

## **EVIDENCE**

The parties agreed to the following:

The adjournment of the hearing to the following days: September 3, 4, 5, and 12, 2019.

The appellant may reopen his case and present evidence respecting the Guidelines and the OPA at the recommencement of the hearing on September 3.

There will be no hearing on April 29, 2019.

The appellant will file any expert witness statements regarding the Guidelines and the OPA on or before July 12, 2019.

The other parties and participants will file expert witness statements in reply on or before August 6, 2019.

The appellant will have a standard right of reply and the representative of LBNA may give evidence.

## **ANALYSIS, FINDINGS, REASONS**

I find the terms agreed to by the parties as set out above are appropriate to enable a full and fair hearing of this matter.

## **DECISION AND ORDER**

The motion is granted as follows:

The hearing is adjourned to September 3, 4, 5, and 12.

The appellant may reopen his case and present evidence respecting the Guidelines and the OPA at the recommencement of the hearing on September 3.

**Decision of Toronto Local Appeal Body Panel Member: S. MAKUCH  
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120066 S45 06 TLAB**

There will be no hearing on April 29, 2019.

The appellant is to file any expert witness statements regarding the Guidelines and the OPA on or before July 12, 2019.

The other parties and participants are to file expert witness statements in reply on or before August 6, 2019.

The appellant will have a standard right of reply and the representative of LBNA may give evidence.

X 

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S. Makuch

Panel Chair, Toronto Local Appeal