

DECISION AND ORDER

Decision Issue Date: Wednesday, June 5, 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): Hamed Ismailzadeh

Applicant: Rubinoff Design Group

Property Address/Description: 80 Thirty Ninth St

Committee of Adjustment Case File Number: 17 228728 WET 06 CO (B0079/17EYK), 17 228734 WET 06 MV (A0789/17EYK), 17 228731 WET 06 MV (A0790/17EYK)

TLAB Case File Number: 18 152342 S53 06 TLAB, 18 152353 S45 06 TLAB, 18 152350 S45 06 TLAB

Teleconference Hearing date: Friday, May 24, 2019

DECISION DELIVERED BY S. Makuch

REGISTERED PARTIES AND PARTICIPANTS

Applicant	Glenn Rubinoff Design Group
Appellant	Hamed Ismailzadeh
Appellant's Legal Rep.	Ron Kanter
Party	City of Toronto
Party's Legal Rep.	Matthew Longo
Party's Legal Rep.	Adrienne deBacker
Participant	John Dennis Marshall
Participant	Alexander Donald

Participant	Ester Gomez
Participant	John MacDonald
Participant	Donna Donald
Participant	Dottie Irvine
Participant	Judy Gibson
Participant	Sandre Young MacDonald
Participant	Jacquelyn Wells
Participant	Raymond Wells
Expert Witness	Franco Romano
Expert Witness	Max Dida
Expert Witness	Ian Graham

INTRODUCTION

This is a motion by The Long Branch Neighbourhood Association (the Association), a Party in this proceeding, for an adjournment of the Hearing, scheduled to recommence on July 4, 2019, to a date in September or October 2019.

BACKGROUND

This Motion was heard at the same time as a Motion by the Applicant for permission to introduce new evidence respecting revised plans and variances. Notice of those revised plans and variances has been served and filed.

MATTERS IN ISSUE

The only matter in issue on this motion is whether the adjournment should be granted.

JURISDICTION

The Toronto Local Appeal Body (TLAB) has jurisdiction to grant adjournments and to determine the conduct of hearings before it.

EVIDENCE

The adjournment was requested by the Association because a witness for the Association was unavailable for cross examination on July 4, 2019. The Applicant opposed the adjournment because of delay. However, the Applicant's own motion to allow reply evidence, if granted, would cause similar delay, and the Applicant stated, that such delay could be accommodated as the construction, which would be permitted by the variances, could be delayed.

ANALYSIS, FINDINGS, REASONS

There would be no prejudice to any Party or the Participant present if the Motion were granted. Moreover, the adjournment would accommodate the hearing of reply evidence and evidence responding to that reply evidence. The adjournment would also ensure that the hearing could be heard on days which were close together, which all Parties agreed is desirable.

DECISION AND ORDER

The Hearing date of July 4, 2019 is hereby vacated. The Hearing is adjourned, to be continued on October 15, 18, 24, and, if necessary, October 25, 2019.

The Hearing will continue with the cross examination of the Association's witness. Upon completion of the evidence in opposition, the Applicant may present reply evidence it has served, respecting the revised plans and revised variances.

Following that evidence, the other Parties and Participants may present evidence in response to the reply evidence.

The other Parties and Participants shall file witness statements respecting the evidence to be presented by them in response to the revised plans and variances, on or before September 1, 2019.

X 

S. Makuch
Panel Chair, Toronto Local Appeal