

# DECISION AND ORDER

**Decision Issue Date** Monday, June 03, 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): Songwen Mo

Applicant: Manoush Hakimi

Property Address/Description: 89 Pleasant View Dr

Committee of Adjustment Case File Number: 18 239131 NNY 17 MV (A0704/18NY)

TLAB Case File Number: 18 264564 S45 17 TLAB

**Written Motion Date:** Tuesday, May 14, 2019

**DECISION DELIVERED BY T. Yao**

## REGISTERED PARTIES AND PARTICIPANTS

Appellant	Songwen Mo
Appellant's Representative.	Haomei Liu
Party (Owner)	Christina Kontos
Party (Owner)	Nikolaos Kontos
Party Representative.	Cesare Pittelli
Expert Witness	Randal Dickie

The deadline for disclosure was February 15, 2019. Neither party filed anything until mid April. The reason is because Mr. Mo did not know and the Kontos thought that since they obtained a favourable decision at the Committee of Adjustment, the burden

**Decision of Toronto Local Appeal Body Panel Member: T. Yao**  
**TLAB Case File Number: 18 264564 S45 17 TLAB**

was on Mr. Mo to lead evidence. The first thought of the Kontos was incorrect and they now realize that they must prove all the tests under the Planning Act, namely

whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

I conducted a telephone conference on Wednesday May 15, 2019. Mr. Dickie, the planner for the Kontos, has filed an expert witness statement on April 10, 2019. Mr. Mo says he can file any documents he will need very shortly. Should there be difficulty, could the parties contact TLAB staff.

X 

T. Yao

Panel Chair, Toronto Local Appeal Body

Signed by: Ted Yao