

DECISION AND ORDER

Decision Issue Date Monday, June 24, 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): Nadya Burton

Applicant: Tomasz Goral

Property Address/Description: 72 Coolmine Rd

Committee of Adjustment Case File Number: 18 254060 STE 18 MV (A1046/18TEY)

TLAB Case File Number: 19 113447 S45 09 TLAB

Written Motion Date: Monday, May 13, 2019

DECISION DELIVERED BY J. Tassiopoulos

REGISTERED PARTIES AND PARTICIPANTS

Appellant (Owner) Nadya Burton

Appellant's Legal Rep Tomasz Goral

INTRODUCTION

This is a decision on a Motion filed on May 13, 2019 by Tomasz Goral. Tomasz Goral is the Appellant, Nadya Burton's, representative with respect to the appeal of the Committee of Adjustment (COA) decision for 72 Coolmine Road, dated January 23, 2019. The COA refused the variances requested for the construction of a rear detached garage on the property. Tomasz Goral's Motion requests that the Appellant be allowed submit photos to the case file.

BACKGROUND

The site is located on the southwest corner of Coolmine Road and St. Annes Road. The minor variance application to the COA requested a total of 3 variances, to By-law 569-2013, to permit the construction of a detached garage.

The Appellant's representative has requested permission to add photos to the case file. A review of the file indicates that 5 (five) photos have been added.

The Motion was considered in written form on the date provided, May 13, 2019. The request was considered with respect to TLAB's Rule 16 Disclosure of the TLAB Rules of Practice and Procedure (May 6, 2019).

MATTERS IN ISSUE

As the Appellant and Applicant are one and the same and are the only registered parties for the hearing, the preliminary issue to be determined is whether the Appellant should be permitted to submit additional documents to the hearing past the deadline for disclosure of documents beyond 30 (thirty) days after the Notice of Hearing is served (Rule 16.2).

JURISDICTION

The TLAB may hear Motions by way of written submissions, in accordance with Rule 17.5 of the Rules of Practice and Procedure.

ANALYSIS, FINDINGS, REASONS

The disclosure of documents that will be relied on during the hearing, in this case 5 photos, should have been submitted within 30 days after the March 18, 2019 Notice of Hearing was served; meaning no later than April 17, 2019. The motion to add the photos to the case file was made on May 13, 2019.

Given that the Appellant is the only Party to this hearing and that the photos will be relied upon by them for their presentation, I have considered potential harm or prejudice with respect to the proceeding of the hearing and do not feel entering these photos into the case file does this.

DECISION AND ORDER

The Motion is allowed and the entering of the 5 (five) photos into the case file is permitted and the Appellant will be permitted to rely upon them as documents at the hearing.

X



J. Tassiopoulos
Panel Chair, Toronto Local Appeal Body
Signed by: John Tassiopoulos