

# DECISION AND ORDER

**Decision Issue Date**      Tuesday, August 27, 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): LIXIAO ZHU

Applicant: KHALID IBRAHIM

Property Address/Description: 18 DAWSON AVE

Committee of Adjustment Case File: 18 146761 STE 30 MV

**TLAB Case File Number: 19 170098 S45 14 TLAB**

**Motion Hearing date:**      Tuesday, August 27, 2019

**DECISION DELIVERED BY GILLIAN BURTON**

## APPEARANCES

Name	Role	Representative
Khalid Ibrahim	Applicant	
Lixiao Zhu	Owner/Appellant	Amber Stewart
Robert Price	Party	
Julia Morgan	Party	
Arlene Lott	Participant	
Patrick Fordyce	Participant	
Kim Barnes	Participant	
Chris Mason	Participant	
Daniel Simon	Participant	

## INTRODUCTION AND BACKGROUND

This is a decision on a written motion, on consent of the parties, in the appeal of the owner from a May 30, 2019 decision of the Committee of Adjustment (COA), which refused variances to construct a new 2½-storey detached dwelling with rear ground, second and third floor decks and a rear basement walkout.

The Motion seeks an extension of the deadline to file and serve Document Disclosure, Witness Statements and Expert Witness Statements from Monday, August 26, 2019 to Friday, September 6, 2019.

## JURISDICTION

A motion may be heard in writing, pursuant to Rule 17.5 of the TLAB's Rules of Practice and Procedure.

## EVIDENCE

The property owner Li Xiao Zhu, retained Amber Stewart Law as counsel on June 18, 2019. A Notice of Hearing was issued by TLAB on June 25, 2019.

The Notice required the following dates for pre-filings:

**Document Disclosure** as per Rule 16 **DUE** no later than August 26, 2019

- **Witness Statement** as per Rule 16.4 (Form 12) **DUE** no later than August 26, 2019

- **Response to Witness Statement** as per Rule 16.5 (Form 19) **DUE** no later than September 09, 2019

- **Reply to Response to Witness Statement** as per Rule 16.5 (Form 20) **DUE** no later than September 18, 2019

- **Participant Statement** as per Rule 16.5 (Form 13) **DUE** no later than August 26, 2019

- **Expert Witness Statement** as per Rule 16.6 (Form 14) **DUE** no later than August 26, 2019

- **Response to Expert Witness Statement** as per Rule 16.9 (Form 21) **DUE** no later than September 09, 2019

Certain difficulties arose with these dates, as settlement discussions were in progress. Ms. Stewart corresponded with the Parties Robert Price (8 Dawson Ave), and Julia Morgon (16 Dawson Ave) and her counsel Andrew Biggart (Ritchie Ketcheson Hart & Biggart).

The Parties have agreed that it would be preferable to extend the deadlines to serve and file Document Disclosure, Witness Statements and Expert Witness Statements

from Monday, August 26, 2019 to Friday, September 6, 2019 in order to carry out settlement discussions, possibly facilitating a full or partial resolution of this matter.

## **ANALYSIS, FINDINGS, REASONS**

The TLAB is always supportive of settlement discussions, so it is in favour of an adjustment to the required filing dates.

## **DECISION AND ORDER**

All references to August 26, 2019 in the Notice of Hearing are hereby altered to read September 6, 2019.

All references to September 9, 2019 in the Notice of Hearing are extended to September 13, 2019.



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G. Burton

Panel Chair, Toronto Local Appeal Body