

DECISION AND ORDER

Decision Issue Date Thursday, August 7, 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): CITY OF TORONTO

Applicant: RUBINOFF DESIGN GROUP

Property Address/Description: 36 MCNAB BLVD

Committee of Adjustment Case File: 17 271221 ESC 36 CO, 17 271225 ESC 36 MV, 17 271231 ESC 36 MV, 18 168457 000 00 OA

TLAB Case File Number: 18 168454 S53 36 TLAB, 18 168497 S45 36 TLAB, 18 168501 S45 36 TLAB

Hearing date: Friday, July 26, 2019

DECISION DELIVERED BY STANLEY MAKUCH

APPEARANCES

Name	Role	Representative
Rubinoff Design Group	Applicant	
Melissa Spencer	Owner/Party	Amber Stewart
Andrew Spencer	Primary Owner	
City of Toronto	Appellant	Kasia Czajkowski
Catherine Spears	Expert Witness	
TJ Cieciora	Expert Witness	

INTRODUCTION

This is an appeal of the approval of a consent which would create two lots and variances which would permit the retention of an existing detached dwelling on one of the lots and the construction of a detached dwelling on the other. The City and a neighbour appealed the decision of the Committee.

BACKGROUND

After five days of hearing, time ran out to hear closing argument on the fifth day. All parties agreed that closing argument could be made in writing. After some discussion, because of the very tight schedules of the counsel for the City and the counsel for owner, a specific time table for submission of closing argument was agreed to and set. It was as follows: counsel for the owner would submit her argument on August 2, 2019; counsel for the City would submit her argument on August 12, 2019, and counsel for the owner would submit argument in reply on August 16, 2019.

MATTERS IN ISSUE

The matter in issue is what action should I take given the failure of counsel for the owner to meet the requirements of the timetable. No reason was given for the failure.

JURISDICTION

TLAB has jurisdiction to determine the conduct of hearings before it.

EVIDENCE

Counsel for the owner filed her argument on Sunday August 4, 2019, when Monday, August 5 was a holiday. It was therefore effectively filed on August 6, in spite of the significant discussion between counsel in setting the dates, given their schedules.

ANALYSIS, FINDINGS, REASONS

While the delay causes no inconvenience or difficulty for me it may well cause such for counsel for the City and the City's counsel should be given an appropriate time period to prepare and respond to the argument filed.

DECISION AND ORDER

The time for filing and serving the City's argument and owner's argument in reply may be reset if the City's counsel so requests in writing by August 12, 2019. The owner's counsel may respond to that request within two days of it being filed and served. If no request is made for a reset of the date for filing the City's argument the original dates will apply.

X 

S. Makuch

Panel Chair, Toronto Local Appeal