

DECISION AND ORDER

Decision Issue Date Tuesday, August 20, 2019

PROCEEDING COMMENCED UNDER and Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): NAVID RIAHIDEHKORDI

Applicant: ALI SHAKERI

Property Address/Description: 26 CAREY RD

Committee of Adjustment Case File: 18 225810 STE 22 MV

TLAB Case File Number: 19 148425 S45 12 TLAB

Motion Hearing date: Wednesday, August 14, 2019

DECISION DELIVERED BY S.GOPIKRISHNA

APPEARANCES

Name	Role	Representative
Ali Shakeri	Applicant	
Navid Riahidehkordi	Owner/Appellant	Jonathan Benczkowski
City of Toronto	Party	Jason Davidson
Eamond Fowley	Party	
Glen Leslie	Party	
Al Kivi	Party	
Gene Parker	Participant	
Ruth Krongold	Participant	
Evi Vahtra	Participant	

Name	Role	Representative
Mervyn Abramowitz	Participant	
Stephanie Cooper	Participant	
Meish Podlog	Participant	

INTRODUCTION AND BACKGROUND

Navid Riahidehkordi is the owner of 26 Carey Road, located in Ward 12, of the City of Toronto. He applied for variances to the Committee of Adjustment (COA) to construct a new two-storey detached dwelling with an integral garage. The COA heard the application on April 17, 2019, and refused the Application.

On May 2, 2019, Mr. Riahidehkordi appealed the COA's decision to the Toronto Local Appeal Body (TLAB), which scheduled a hearing on September 13, 2019. The City of Toronto, Messrs. Al Kivi, Glen Leslie and Eamond Fowley, elected to be Parties, while a number of other community members, elected to be Participants.

On July 17, 2019, Mr. Jason Davidson, a lawyer with the City of Toronto, brought forward a Motion to be heard in Writing, on the consent of all the Parties, stated above, which essentially requested relief from the Rules, for new deadlines, as recited in the Matters In Issue Section. This Motion was accompanied by an affidavit signed by Mr. Marc Hardiejowski, a lawyer with the City of Toronto.

On August 14, 2019, I requested the TLAB staff to send an email to the Parties stating that the aforementioned Motion would be approved, and that a formal Decision to this effect, would follow. On the same day, I was informed by the TLAB staff that a follow up Motion had been brought forward, requesting the relief as recited below:

1. The City of Toronto requests the following relief:

a. To adjust the Document Disclosure Witness Statement, Participant Statement and Expert Witness deadlines as set out in the Notice of Hearing issued for this matter to the dates as follows:

- Document Disclosure as per Rule 16 DUE no later than August 23, 2019
- Witness Statement as per Rule 16.4 (Form 12) DUE no later than August 23, 2019
- Response to Witness Statement as per Rule 16.5 (Form 19) DUE no later than August 30, 2019
- Reply to Response to Witness Statement as per Rule 16.5 (Form 20) DUE no later than September 4, 2019

The Motion was signed by Mr. Jason Davidson, and was accompanied by an affidavit, signed by Mr. Daniel Elmadany, both of whom are lawyers with the City of Toronto. The reasoning is identical with the earlier Motion, and is therefore not repeated

MATTERS IN ISSUE

In its Motion, the City of Toronto requested the following relief:

1. To adjust the Document Disclosure Witness Statement, Participant Statement and Expert Witness Statement exchange deadlines as set out in the Notice of Hearing issued for this matter to the dates as follows:

- Document Disclosure as per Rule 16 DUE no later than August 23, 2019
- Witness Statement as per Rule 16.4 (Form 12) DUE no later than August 23, 2019
- Response to Witness Statement as per Rule 16.5 (Form 19) DUE no later than August 30, 2019
- Reply to Response to Witness Statement as per Rule 16.5 (Form 20) DUE no later than September 4, 2019

2. The City of Toronto requests that this motion be heard in writing pursuant to Rules 17.4, 24.1, and 24.6 of the TLAB's Rules of Practice and Procedure.

The City's Motion states that the Appellant had applied for a Zoning Review after the refusal of the original application at the COA. The Motion advises that the Zoning review will allow all Parties, and the TLAB Panel adjudicating this case, to have access to accurate information, as a result of the identification of variances by the City of Toronto's Building Division. The Affidavit filed by Mr. Hardiejowski confirms the reasons for the request, as stated in the Motion

I reiterate that the Motion material states clearly that the Motion was brought forward on the consent of all Parties.

JURISDICTION

The TLAB relies on its Rules of Practice and Procedure (the "Rules") to make decisions on administrative issues.

ANALYSIS, FINDINGS, REASONS

The Motion, and the accompanying affidavit, argue that the Applicant's requesting a Zoning review, to facilitate the accurate identification of variances pertinent to the Appeal, is a sound, and valid reason for postponing the mandatory deadlines. The

Motion, brought forward on consent, suggests an alternative set of deadlines, and requests that a new Hearing Notice, be issued by the TLAB, reflecting the new deadlines.

I agree with the reasoning of the Motion, and hereby order that a new Hearing Notice with new deadlines, as recited in the "Matters in Issue" Section be issued, and accompany this Decision when the latter is served on the Parties.

While no specific reasoning is provided, the complexity of the matter brought forward is such that the Motion can be heard in Writing.

DECISION AND ORDER

1. The TLAB approves the requests stated in the City of Toronto's Motion dated July 17, 2019, and modified August 13, 2019. The Motion has been consequently heard in Writing.

2. A new Hearing Notice will be issued, with relevant deadlines updated as follows:
 - Document Disclosure as per Rule 16 DUE no later than August 23, 2019
 - Witness Statement as per Rule 16.4 (Form 12) DUE no later than August 23, 2019
 - Response to Witness Statement as per Rule 16.5 (Form 19) DUE no later than August 30, 2019
 - Reply to Response to Witness Statement as per Rule 16.5 (Form 20) DUE no later than September 4, 2019

3. The Hearing Notice, reflected the updated dates, as listed above, will accompany this Decision, when the latter is served on all the registered Parties, and Participants.

So orders the Toronto Local Appeal Body

X 

S. Gopikrishna
Panel Chair, Toronto Local Appeal Body