

DECISION

Decision Issue Date Wednesday, September 04, 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): HAYES COLLIN STEINBERG

Applicant(s): CLIMANS GREEN LIANG ARCHITECTS INC

Property Address/Description: 65 TILSON RD

Committee of Adjustment Case File Number: 19 113330 NNY 15 MV (A0085/19NY)

TLAB Case File Number: 19 141090 S45 15 TLAB

Telephone conference date: Friday, August 30, 2019

DECISION DELIVERED BY T. Yao

APPEARANCES

Name	Role	Representative
Jennifer Gould, Hayes Steinberg	Appellants/Owners	David Bronskill
John Plumpton	Participant seeking party status	
Robert Brown	Self-identified informal advisor to Mr. Plumpton	

DECISION ON A TELEPHONE CONFERENCE

This call was arranged to clarify the status of Mr. Plumpton prior to the hearing that will take place in one business day.

Mr. Plumpton first elected to be a participant and did so in timely fashion. All his fellow participants and the opposing owners (Ms. Gould and Mr. Steinberg) filed their witness statements, etc., in timely fashion on July 8, 2019. Mr. Plumpton's witness statement was not filed until August 15, 2019, approximately five weeks late. As well,

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Mr. Plumpton re-filed his Form 4 Election to be a Party or Participant, electing to be a party, also filed late.

Mr. Bronskill now accepts this late-filed Plumpton Witness Statement but wishes to restrict Mr. Plumpton's right to cross examine and make final submissions considering his not following the Rules. I infer that Mr. Plumpton did not follow the Rules because he is new to the TLAB procedures and he was distracted with the task of binging a motion for adjournment of the hearing, which did result in a short adjournment from August 30 to September 3, 2019.

I accept that Mr. Bronskill is advocating on behalf of his client and this result is in no way because of a lack of skill on Mr. Bronskill's part. However, I am allowing Mr. Plumpton to have full party status for the following reasons:

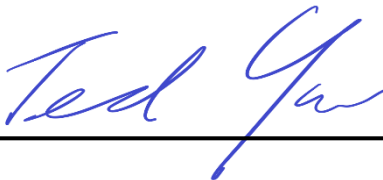
It is too complex to administer a hearing where Mr. Plumpton is neither Party nor Participant, but somewhere in between;

As the adjoining neighbour, Mr. Plumpton should be able to participate fully in the hearing, for the TLAB process to be seen to be accessible to "laypersons";

Indeed, cross examination, if done inexpertly, may end up assisting the credibility of the cross-examined witness. I do not know at this time whether this will or will not occur.

Mr. Bronskill asked whether Mr. Plumpton would be allowed to make submissions and I advised that Mr. Plumpton will be able to do so. If not permitted to make submissions, Mr. Plumpton will feel obliged to make submissions in the course of his direct evidence, which is not desirable. (Please see TLAB decision with somewhat similar facts: *70 Thirty Sixth*, December 20, 2018).

As he will be a party giving evidence and a person making submissions, I advise Mr. Plumpton that his sworn testimony will generally be confined to knowledge, information and belief **and not argument**. Final submissions are generally confined to argument, drawing on facts in evidence and is **not a time for new evidence**.



T. Yao
Panel Chair, Toronto Local Appeal Body