

## DECISION AND ORDER

**Decision Issue Date:** Monday, November 4, 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): ROBERT ULICKI

Applicant: LEA WILJER

Property Address/Description: 459-461 SACKVILLE ST

Committee of Adjustment Case File Number: 17 253383 STE 28 MV

TLAB Case File Number: **18 150889 S45 28 TLAB**

**Hearing date:** Wednesday, October 30, 2019

**DECISION DELIVERED BY STANLEY MAKUCH**

### APPEARANCES

**Decision of Toronto Local Appeal Body Panel Member: S. MAKUCH**  
**TLAB Case File Number: 18 150889 S45 28 TLAB**

Name	Role	Representative
Lea Wiljer	Applicant	
Sherry D'Costa Correia	Owner	
Robert Ulicki	Primary Owner/Appellant	Ian Flett
City of Toronto	Party	Matthew Longo
Jane Pepino	Party's Legal Rep	
Paul Stagl	Expert Witness	
Alun Lloyd	Expert Witness	
Michael Tedesco	Expert Witness	
David Sajecki	Expert Witness	

Name	Role	Representative
Ryan Sankar	Expert Witness	
Kassel Prince	Expert Witness	
Saius Jaskus	Party	
Patricia Brubaker-Poulin	Party	
Judy Woodin	Party	
Glen Woodin	Party	
David Cole	Party	
Colette Hegarty	Party	
Gary Hill	Party	
Lillian Maniscole	Party	
Lorraine Mackenzie	Party	
Michael Butler	Party	
Patricia Milne	Party	
Shauna Macdonald	Party	

**Decision of Toronto Local Appeal Body Panel Member: S. MAKUCH**  
**TLAB Case File Number: 18 150889 S45 28 TLAB**

Robert Jerrard	Party
Nara Jung	Party
Alexandra Vandelle-Gillespie	Party
Gregory Turcot	Party
Trudy Macneill	Party
Douglas Woodall	Party
Abdurrahman Al-Hesayan	Party
Patrick Robertson	Party
Jason Van Bruggen	Party
Name	Role
Russell Goodfellow	Party
Deirdre Sadler	Party
Gabrielle Mcintire	Party
Thomas Keeling	Party
Howard Bortenstein	Party
Mark Angelis	Party
Katherine Tozer	Party
Blaine Pearson	Party
Caroline De Angelis	Party
Alastair Dadds	Party
Hasan Uran	Party
Erin Blair	Party
Jane Roffey	Party
Mark Alboino	Party
Jutta Polomski	Party
Jim McNamara	Party

Representative

**Decision of Toronto Local Appeal Body Panel Member: S. MAKUCH**  
**TLAB Case File Number: 18 150889 S45 28 TLAB**

Charles Fahlenbock	Party
Kenneth Mathieson	Participant
Beverley Jenkins	Participant
Elizabeth Reynolds	Participant
Johanne Laperriere	Participant
Louise Garfield	Participant
Brandeis Jolly	Participant
Susanne Hudson	Participant
Name	Role
Christina Best	Participant
Randy Brown	Participant
Judy Lu	Participant
Sara Josselyn	Participant
Thorben Wiedilz	Participant
Rosemary Macklem	Participant
Maggie O'Connor	Participant
Marc Cote	Participant
Catherine Steinmann	Participant
Jocelyn Richardson	Participant
Ronan Rogers	Participant
Lee Anne Rogers	Participant
Janice Williams	Participant
Douglas Wilson	Participant
Lindsay Matheson	Participant
Derek Sweeney	Participant
Allen Zhang	Participant

Representative

Christopher Wirth	Participant
Alexandra Conliffe	Participant
Linnea Obern	Participant

## **INTRODUCTION**

This is an Order setting out the guidelines for closing arguments to be heard on Friday, December 13, 2019 at the TLAB, 40 Orchard View Blvd. Suite 211

## **BACKGROUND**

The hearing of this matter has been a long and complex. It has taken 11 days to hear the evidence and motions. The evidence of three traffic experts and their reports was heard, as was the evidence of two planners and numerous parties and participants, all subject to the cross examination of three lawyers. It was important, however, that all evidence that was relevant and properly presented be heard. Similarly, everyone who wishes to present a closing argument should have the opportunity to do so, provided the argument is relevant, is based on the evidence presented, and is not repetitive.

## **MATTERS IN ISSUE**

The issue of how closing arguments should be organized was raised by legal counsel at the close of the Hearing..

## **JURISDICTION**

TLAB has the authority to determine the procedure at its hearings.

## **EVIDENCE**

Legal counsel suggested and subsequently agreed that closing arguments should be heard in an organized manner and on a limited basis. Suggestions included time limits for parties and participants who were not represented, the filing of written argument, and advance notification that written argument is to be presented.

## **ANALYSIS, FINDINGS, REASONS**

I believe that it is important for the efficient and fair presentation of written argument that certain guidelines be in place. It is appropriate that some time limit be placed on the arguments as there is only one day scheduled for hearing them. It is also

acceptable that arguments can be submitted in writing with the caveat that it not simply repeat the evidence one has presented at the Hearing. It is useful to know in advance who will be presenting written argument and for parties to have an opportunity to review that argument.

## **DECISION AND ORDER**

The hearing of closing argument on December 13, 2019, is, therefore, subject to the following guidelines:

1) All persons, not represented by legal counsel, and wishing to present oral argument must file Notice of such an intention with TLAB on or prior to December 2, 2019.

2) All oral presentations, by persons not represented by legal counsel, should be limited to approximately fifteen minutes when possible, and not simply repeat the evidence presented at the Hearing, or the arguments of others.

3) All persons, not represented by legal counsel, wishing to submit written argument instead of oral argument must file their written argument with TLAB on or before December 6, 2019.

4) Legal counsel should file an overview of their oral argument by December 10, 2019. Their oral argument should be limited to approximately one hour.

5) The order of presentation will be: appellant's counsel, the City's counsel, counsel for parties in opposition, followed by the oral presentation of unrepresented parties and participants in order of filing notification on or before December 2, 2019.

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S. Makuch  
Panel Chair, Toronto Local Appeal