

DECISION AND ORDER

Decision Issue Date Thursday, November 14, 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): KEN O'BRIEN, CITY OF TORONTO

Applicant: CONTEMPO STUDIO

Property Address/Description: 27 THIRTY NINTH ST

Committee of Adjustment Case File: 17 189182 WET 06 CO, 17 189185 WET 06 MV, 17 189186 WET 06 MV

TLAB Case File Number: 18 212117 S45 06 TLAB, 18 212123 S45 06 TLAB, 18 212129 S53 06 TLAB

Hearing date: Wednesday, November 13, 2019

DECISION DELIVERED BY Ian James LORD

APPEARANCES

NAME	ROLE	REPRESENTATIVE
ARTAN SELMANI	OWNER	
CONTEMPO STUDIO	APPLICANT	
XHELADIN RESHITI	PRIMARY OWNER	
SHPENDIME RESHITI	ALTERNATE OWNER	
KEN O'BRIEN	APPELLANT	
CITY OF TORONTO	APPELLANT (CITY)	ADERINSOLA ABIMBOLA
ARTAN SELMANI	PARTY (TLAB)	AMBER STEWART
LBNA	PARTY	
CHRISTINE MERCADO	PARTICIPANT	

RUTH WEINER	PARTICIPANT
DONNA SANDY DONALD	PARTICIPANT
ALEXANDER DONALD	PARTICIPANT
JOHN MACDONALD	PARTICIPANT
RON JAMIESON	PARTICIPANT
ROBERTA JORDAN	PARTICIPANT
DAVID MATOC	PARTICIPANT

INTRODUCTION AND BACKGROUND

This is a continuation of procedural matters anticipatory to a scheduled Hearing.

By Pre-Hearing Decision and Order (Revised) issued January 24, 2019 (PHC), a hearing date was set for July 23, 24 and 25, 2019, essentially on consent. By Notice of Motion (Form 7) with supporting affidavit (Form 10) received by the Toronto Local Appeal Body (TLAB) on July 22, 2019, counsel for the City of Toronto (City), Mr. M. Longo requested an adjournment. The request was with the consent of all Parties.

By Motion Decision and Order issued July 23, 2019, an adjournment was granted on terms as to the presentation of evidence, intended length of the sitting and the setting of a revised Hearing Date.

As a consequence, the Hearing in this matter is to commence and conclude over the period January 8, 9 and 10, 2020.

The latter Decision also set a date in October, 2019 for the final document exchange. By Notice of Motion (Form 7) and supporting affidavit (Form10) of Christine Mercado, sworn October 29, 2019, Ms. Gibson advised of the consent of the Parties to a revised date, namely: that filing “a compendium of consolidated documents be extended to November 22, 2019.”

This is the procedural matter addressed herein.

MATTERS IN ISSUE

There is no dispute but rather consent to an extension of a filing obligation imposed by the Decision and Order of July 23, 2019. The Motion is requested to be heard ‘administratively’, without the need for an attendance.

JURISDICTION

The Rules of the Toronto Local Appeal Body (TLAB) provide for the making of Motions and the granting of relief in circumstances that advance the just, expeditious and fair consideration of matters raised in an application for relief.

EVIDENCE

The Motion is brought on consent and the e-mail chain of the Parties agreement is affixed to the Affidavit of Ms. Mercado.

ANALYSIS, FINDINGS, REASONS

A pre-hearing conference was held on this matter and exchange dates set for the compliance of the Parties. On consent, the Hearing itself, once adjourned, has now been set down for three days commencing January 8, 2020.

It is submitted that 'none of the Parties have expressed hardship in extending the filing date of these documents'.

It is apparent that a considerable period is afforded their consideration, even with the date revision to November 22, 2019.

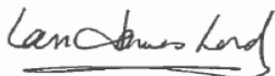
It is appropriate under Rule 2, in the absence of any prejudice or hardship, to extend the delivery time, incumbent on all Parties.

DECISION AND ORDER

The request for a Motion in writing is granted.

The relief request to extend the date for the delivery of 'a compendium of consolidated documents' by a Party or Participant is extended to November 22, 2019

X



Ian Lord
Panel Chair, Toronto Local Appeal Body
Signed by: Ian Lord