

DECISION AND ORDER

Decision Issue Date Friday, November 29, 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): DANIEL MOLINARI

Applicant: FRANCO ROMANO

Property Address/Description: 11 SHAMROCK AVE

Committee of Adjustment Case File: 17 279573 WET 06 CO, 17 279586 WET 06 MV, 17 279588 WET 06 MV

TLAB Case File Number: 18 177058 S53 06 TLAB, 18 177060 S45 06 TLAB, 18 177061 S45 06TLAB

Hearing date: Tuesday, December 04, 2018

DECISION DELIVERED BY Ian James Lord

APPEARANCES

Name	Role	Representative
Franco Romano	Applicant	
Daniel Molinari	Appellant/Owner	Daniel Artenosi
City of Toronto	Party	Aderinsola Abimbola
Long Branch Neighbourhood Assoc.	Party	
Expert Witness	Sabrina Salatino	
Expert Witness	Franco Romano	
Lori Penney	Participant	

Name	Role	Representative
Pawel Podkowa	Participant	
Andy Choles	Participant	
Tony Marchesano	Participant	
Robin Hutchins	Participant	
Eduardo Fazari	Participant	
Kerry Pohling Khoo-Fazari	Participant	
Christine Mercado	Participant	
Elizabeth Canrinus	Participant	

INTRODUCTION AND BACKGROUND

This matter has been scheduled for three further days of sitting, December 4, 5 and 11, 2019, since late in 2018.

At the request of counsel for the Applicant, an adjournment has been requested on late notice for personal reasons of significance to counsel.

At the request of the Toronto Local Appeal Body (TLAB) all parties were contacted with a view to ascertaining their position on the request.

Advice as to consent to the adjournment was received, without exception.

MATTERS IN ISSUE

Whether an adjournment should be granted on late notice and in the absence of an affidavit, formal Motion under the Rules or any attendant formalities.

JURISDICTION

The Rules provide ample authority to consider the nature of the request, the position of the Parties and the inconvenience to the public, including the Participants.

The Rules further allow such considerations and actions as are just and convenient to suit the circumstances, where appropriate.

EVIDENCE

The Applicants solicitor has sought, by e-mail petition, an adjournment based on personal circumstances. There is nothing to suggest anything other than an appropriate petition upon which all other Parties have agreed.

As the Hearing commencement is but three (3) business days away, the device of a formal Motion, written or otherwise appears cumbersome, inefficient and unnecessary in the situation extant. However, the TLAB has been criticized by untimely adjournments without Notice causing attendances that result to the disadvantage and inconvenience of persons anticipating the matter to proceed.

ANALYSIS, FINDINGS, REASONS

An adjournment is uncontested. It rests, in this case, on the request of the Applicants counsel. It seems appropriate, in the circumstances that an adjournment be favourably considered and extraordinary measures taken to ensure a minimum of inconvenience is occasioned to all Parties and Participants - by telephone and e-mail communications, communicating agreement.

Timely instructions were provided to TLAB Staff to advise of the granting of an adjournment, with advice that a confirming Order would follow.

The advice was instructed to be supplied to the Parties, Participants and posted on the TLAB/AIC website - to which the Rules require that all interested individuals are to have constant reference.

An adjournment places this matter more than a year down the line from the TLAB's first sitting, where evidence was heard. This is an extraordinary timeframe and one not encouraged in the TLAB's commitment for timely decision making.

The circumstances warrant some further direction without varying the expectations currently in place that the matter be completed in a timely manner and within the three day sitting made available from previous consideration.

DECISION AND ORDER

An adjournment of the Hearing scheduled for December 4, 5 and 11, 2019 is granted. No attendance is required.

On recommencement, the Applicant shall be afforded approximately one (1) hour for the presentation of refresher remarks, new evidence, revisions or updates, including filings germane to or emanating from the intervening periods of adjournment.

Excluding refresher remarks, any such filings, new evidence, revisions or updates, if any, are to be disclosed to the Parties and the TLAB, for posting, at least fifteen (15) business days, prior to the first day of recommencement.

Decision of Toronto Local Appeal Body Panel Member: I. LORD
TLAB Case File Number: 18 177058 S53 06 TLAB, 18 177060 S45 06 TLAB, 18 177061
S45 06TLAB

TLAB Staff are requested to provide three (3) sets of dates consisting of three (3) days of sittings, preferably consecutive and satisfactory to the TLAB, to the Parties for agreement on the rescheduling this matter, failing which the TLAB shall appoint a recommencement date.



X

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