

## DECISION AND ORDER

**Decision Issue Date. Wednesday, December 11, 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:** Friday, December 13, 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**  
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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**  
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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 a request, filed on December 10, 2019, to adjourn the hearing of the oral argument for this matter; originally scheduled for December 13, 2019. The Motion was filed and served on December 10, 2019: eight days after the requirement that unrepresented parties give notice that they wish to present oral argument; two days after unrepresented parties were required to file written argument; and the day before legal counsel were to submit an outline, in writing, of their oral arguments. These dates are set out in my order dated November 4, 2019.

## **BACKGROUND**

The reasons for the request are that a close family member of the counsel for the applicant/appellant is suffering from a prolonged illness and is in an “active dying stage” of life. Counsel wishes to be with that family member. Such a serious matter is clearly a ground for adjournment on compassionate grounds.

## **MATTERS IN ISSUE**

The matters in issue are twofold: whether the hearing of oral argument should be adjourned; and whether a new date should be set for counsel to submit their outlines of oral argument.

## **JURISDICTION**

Toronto Local Appeal Body (TLAB) has authority to determine the conduct of the hearing of a matter before it and to grant adjournments under its Rules of Practice and Procedure.

## **EVIDENCE**

An affidavit was filed on behalf of the counsel in question, by the principal of the firm at which the counsel was an associate. It outlined the need for the adjournment and was filed four days prior to the date scheduled for oral argument. Legal counsel of the two represented opposing parties consented to the adjournment, prior to the filing of the requisite Notice of Motion and Affidavit. No responses were received by TLAB to the formal Notice of Motion and Affidavit. Moreover, no parties or participants filed notice of a

desire to make oral argument or filed written argument by the stipulated dates in my November 4, 2019 order.

## **ANALYSIS, FINDINGS, REASONS**

Ordinarily, I would be concerned that senior counsel did not file the Notice of Motion until seven days after being made aware of the need for the adjournment and included no date for the written Motion. However, in this case, there have been no filings regarding written or oral argument by unrepresented parties, and legal counsel consented to the adjournment. No parties or participants have objected to the adjournment request. Therefore, I find there would be no prejudice to anyone as a result of the adjournment. An overview of legal counsel's oral argument, however, still needs to be filed prior to oral argument being heard. There is no need to set new dates for filings by unrepresented parties as there were no filings under my previous order.

## **DECISION AND ORDER**

My order of November 4, is hereby amended as follows:

This Hearing is adjourned to a date to be determined for the hearing of oral argument instead of December 13, 2019.

Legal counsel will submit an outline of their oral arguments at least five days prior to the hearing of oral argument rather than by December 10, 2019.

X 

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S. Makuch

Panel Chair, Toronto Local Appeal