

# DECISION AND ORDER

**Decision Issue Date**      Friday, December 06, 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): XING LIN

Applicant: CHAUN LIANG

Property Address/Description: 2744 VICTORIA PARK AVE

Committee of Adjustment Case File: 19 158906 NNY 17 MV (A0393/19NY)

**TLAB Case File Number: 19 196095 S45 17 TLAB**

**Hearing date:**      Tuesday, December 03, 2019

**DECISION DELIVERED BY D. LOMBARDI**

## APPEARANCES

NAME	ROLE	REPRESENTATIVE
CHAUN LIANG	Applicant	
XING LIN	OWNER/APPELLANT	JONATHAN BENCZKOWSKI

## INTRODUCTION

This is a matter scheduled for a hearing in respect of 2744 Victoria Park Avenue (subject property). On the return date for the Hearing, the Member scheduled to take the matter was not available. I attended in response to a request from the Supervisor, for an attending Member, which I was able to accommodate.

## **BACKGROUND**

The Toronto Local Appeal Body (the 'TLAB') has nine members. On the occasion of this file, the Member assigned to the matter was unavailable and did not attend the Hearing.

An adjournment normally requires submissions in the public forum. I did not require that the matter be addressed formally given the tacit consent of counsel and my own limited knowledge of the file. In the circumstances, an adjournment is appropriate.

## **MATTERS IN ISSUE**

There were no matters in issue; the Parties kindly agreed to an adjournment and an expedited re-attendance date.

## **JURISDICTION**

Rule 2.2 of the TLAB Rules provide for relief from matters that arise in unavoidable circumstances. The unavailability of the Member who was scheduled and who had familiarized himself with the matter is one such circumstance.

## **EVIDENCE**

The Parties were provided with a roster of suggested dates to reconvene for a rescheduled Hearing of this matter. As there were no other Parties in this proceeding, Counsel for the Applicant urged that the matter be dealt with as expeditiously as possible. After canvassing the attendees and discussion with TLAB staff, consensus was reached on a new Hearing date to be set for January 7, 2020

## **ANALYSIS, FINDINGS, REASONS**

It is appropriate to provide the relief requested.

On behalf of the TLAB, I thank the parties present for their co-operation and apologize for the inconvenience experienced in the attendance and the limited progress made.

## **DECISION AND ORDER**

The Hearing Date is rescheduled on consent to be heard on January 7, 2020 at 9:30 am at the TLAB offices.

No change was requested and no other alterations are made to the Notice of Hearing originally issued for this matter.

**Decision of Toronto Local Appeal Body Panel Member: D. LOMBARDI**  
**TLAB Case File Number: 19 196095 S45 17 TLAB**

A Notice advising as to the revised date and Hearing location is to be sent to counsel and posted on the TLAB website.

X 

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Dino Lombardi  
Panel Chair, Toronto Local Appeal Body