

# DECISION AND ORDER

**Decision Issue Date**      Friday, January 24, 2020

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): STEPHEN KSIAZEK

Applicant: AIRD BERLIS

Property Address/Description: 1090 DON MILLS RD, 49 THE DONWAY W. & 50 O'NEILL RD

Committee of Adjustment Case File Number: 19 202001 NNY 16 MV (A0544/19NY)

TLAB Case File Number: **19 247851 S45 16 TLAB**

**Date of Scheduled Hearing:**      Tuesday, March 10, 2020

**DECISION DELIVERED BY JUSTIN LEUNG**

## BACKGROUND

On October 23, 2019, the North York Committee of Adjustment (COA) rendered a decision to approve for the Committee file number set out above. An appeal was subsequently provided by Appellant Stephen Ksiazek represented by Connor Harris of Rayman Beitchman LLP. A hearing date was scheduled for March 10, 2020. Just prior to this, an in-person motion hearing occurred on January 7, 2020, where two motion requests were considered by the presiding TLAB member. One motion request was to adjourn the hearing as requested by the Appellant so that they could have additional time to review materials recently provided by the Applicant Patrick Harrington of Aird Berlis representing CF/Realty Holdings Inc. The materials being referenced pertain to the second motion request to dismiss this matter as proffered by the Applicant. At this motion hearing, the presiding TLAB member provided an oral decision refusing the motion request for an adjournment. The hearing then proceeded to the motion for dismissal. After hearing arguments as presented, the TLAB member adjourned the hearing and indicated a written decision and order providing the adjudicative decision for the dismissal request would subsequently be issued.

While the TLAB member was in process of preparing this written motion decision, they were informed on January 17, 2020 by the TLAB offices that the Appellant was now advising the TLAB to withdrawal their appeal in its totality. At the request of the TLAB member, all parties were canvassed by TLAB staff to ensure they were aware of

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this withdrawal request and that there were no further issues to address. The parties responded on January 21, 2020 that they acknowledge the withdrawal request and had no further concerns.

**DECISION AND ORDER**

The appeal having been abandoned, the appeal is dismissed. The Committee of Adjustment decision noted above is final and binding, and the file of the Toronto Local Appeal Body is closed.

X 

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Justin Leung  
Panel Chair, Toronto Local Appeal Body