

ORDER

Decision Issue Date Thursday, October 08, 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): ALIDA MILETIC

Applicant: LUIS CALLE

Property Address/Description: 45 HOLMESDALE CRES

Committee of Adjustment Case File: 19 197227 STE 09 MV

TLAB Case File Number: 19 264416 S45 09 TLAB

Hearing date: Thursday, October 22, 2020

DECISION DELIVERED BY DINO LOMBARDI

INTRODUCTION AND BACKGROUND

The Government of Ontario passed an Emergency Order (Ontario Regulation 73/20) under the Emergency Management and Civil Protection Act. This Order was retroactive to March 16, 2020, and, in effect, resulted in the Toronto Local Appeal Body (TLAB) suspending previously scheduled hearing events, including in-person, or teleconference hearings.

The TLAB's 'Suspension Period', which resulted in the adjournment of all hearing events with the exception of written matters and variance matters only where agreed to be heard electronically, covered the period between March 16, 2020 and August 14, 2020.

The subject matter was scheduled to be heard in-person on April 6, 2020; as a result of the Suspension Period the TLAB issued a Notice of Postponement on April 1, 2020.

In the interim, TLAB staff canvassed the Parties in this matter by way of a Technology Survey to ascertain whether they were interested in pursuing this appeal by way of a 'virtual' hearing event, whether there was consent in this regard, and whether

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the Parties had the technological capabilities to participate electronically. The Parties, in fact, advised that they lacked these capabilities and indicated their preference to attend an in-person Hearing.

Following the lifting by the TLAB of the Suspension Period on August 14, 2020, the Tribunal scheduled an in-person Hearing for October 22, 2020, and issued a Notice of Hearing (Form 2) pursuant to Rule 10.1 of the TLAB's Rules of Practice and Procedure (Rules). The Notice contained the following filing submission due dates:

- *Reply to Response to Witness Statement – Due no later than November 29, 2020.*
- *Reply to Response to Expert Witness Statement – Due no later than November 29, 2020.*
- *Notice of Motion – Due no later than October 7, 2020.*

As the presiding Member. I advised staff that the Notice of Hearing may have been issued with erroneous due dates of November 29, 2020 both for the Reply to Response to a Witness Statement and the Reply to Response to an Expert Witness Statement. This due date is well past the actual Hearing date on which this matter is scheduled to be heard.

As a result, I am directing TLAB staff to correct the due date for the 'Reply' submissions, above recited, and to issue a new Notice of Hearing with the following new due dates:

- *Reply to Response to Witness Statement – Due no later than **October 7, 2020***
- *Reply to Response to Expert Witness Statement – Due no later than **October 19, 2020**; and*
- *Notice of Motion – Due no later than **October 12, 2020**.*

I also directed TLAB staff to advise the Parties that given that the subject Application involves only one variance and there are only three Parties in this matter (inclusive of the Applicant) the Hearing can be conducted as a 'Hybrid' hearing event. A 'Hybrid' approach allows the Parties to still attend in-person at the TLAB offices whereas the presiding Member will facilitate and adjudicate the Hearing virtually. At the TLAB offices, the Parties will have access to the technology that will allow participation in the proceeding all with the assistance of TLAB staff.

TLAB staff has assured me that this electronic approach is both feasible and achievable, and I accept that it is an appropriate method of conducting the Hearing in this matter subject, of course, to a Motion if the Parties so desire. Such a Motion is to be filed prior to the scheduled Hearing date.

ORDER

TLAB staff will issue a revised Notice of Hearing with the following corrected due dates:

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- *Reply to Response to Witness Statement* – **Due** no later than **October 7, 2020**.
- *Reply to Response to Expert Witness Statement* – **Due** no later than **October 19, 2020**.
- *Notice of Motion* – **Due** no later than **October 12, 2020**.

X 

Dino Lombardi
Panel Chair, Toronto Local Appeal Body