

DECISION AND ORDER

Decision Issue Date Thursday, December 24, 2020

PROCEEDING COMMENCED UNDER section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant(s): STOREY WILKINS

Applicant: BOUSFIELDS INC

Property Address/Description: 150 KILGOUR RD

Committee of Adjustment Case File: 20 102885 NNY 15 MV

TLAB Case File Number: 20 203878 S45 15 TLAB

Motion hearing date: Thursday, December 24, 2020

DECISION DELIVERED BY Ted Yao

REGISTERED PARTIES AND PARTICIPANTS

Appellant	Storey Wilkins	
Owner	Holland Bloorview Kids Rehabilitation Hospital	David Neligan, Sidonia Tomasella

INTRODUCTION

This is a motion by Holland Bloorview to change the date of the hearing from April 19, 2021 to an earlier date. The following is the sequence of events.

Sept 15, 2020	Mark Kemerer, of Devry Smith Frank LLP (a law firm) objects to Holland Bloorview's application at the Committee of Adjustment. Mr. Kemerer states that he represents 72 residents of 21 Burkebrook Place, including Storey Wilkins
Sept 17, 2020	The Committee of Adjustment approves Holland Bloorview's application
Oct 6, 2020	Mr. Wilkins files a Notice of Appeal

Decision of Toronto Local Appeal Body Panel Member: T. Yao

TLAB Case File Number: 20 203878 S45 15 TLAB

Nov 2, 2020 The TLAB notifies parties that April 19, 2021 is to be the hearing date and Witness Statements are due by Jan 4, 2021

Dec 9, 2020 Holland Bloorview files a Notice of Motion to change the date of hearing. It advises that this is a written motion and is accompanied by a letter advising Mr. Wilkins that he must respond to the motion by Dec 16, 2020.

A written motion is permitted by Rule 17.5. The reasons for the request to advance the hearing date are stated to be as follows:

- Holland Bloorview intended to appear before the Committee in March 2020, but was delayed by the pandemic until September 2020;
- It urgently requires “bring forward” relief, i.e., an earlier hearing date
- It is incurring costs due to the delay
- Much of its funding is from donations.

Dec 15, 2020 Mr. Wilkins withdraws his appeal

I thank Mr. Wilkins for promptly addressing the resolution of this dispute.

DECISION AND ORDER

The Notice of Appeal having been withdrawn, the appeal is dismissed. The Committee of Adjustment decision of September 17, 2020 is final and binding, and the file of the Toronto Local Appeal Body is closed.



T. Yao
Panel Chair, Toronto Local Appeal Body