

DECISION AND ORDER

Decision Issue Date Wednesday, January 27, 2021

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): Benjamin Sadler

Applicant: R E Millward & Associates Limited

Property Address/Description: 185 Queens Quay E

Committee of Adjustment Case File Number: 20 113102 STE 10 MV (A0135/20TEY)

TLAB Case File Number: 20 167016 S45 10 TLAB

Written Motion Hearing date: Monday, January 18, 2021

DECISION DELIVERED BY A. Bassios

INTRODUCTION AND BACKGROUND

This matter arises by way of a Written Motion requesting a Written Hearing.

On June 24, 2020, the Toronto and East York Panel of the Committee of Adjustment (COA) issued its decision approving variances to construct a new 10-storey institutional building, with a childcare facility on the ground floor, at 185 Queens Quay E, the subject property. The subject property is located in the downtown Waterfront area of Toronto.

On July 12, 2020, Benjamin Sadler (American Sugar Refining Inc./ Redpath Sugar Ltd.) filed a *Notice of Appeal* of the Variance Decision. The Toronto Local Appeal Body (TLAB) has set March 12, 2021 as the Hearing date for this matter. The *Notice of Appeal* sets deadline dates for the filing of submissions according to TLAB Rule 16.

On January 4, 2021, a *Notice of Motion* was filed with the TLAB by Mr. Calvin Lanz (Borden Ladner Gervais) on behalf of the Appellant, requesting revised submission dates under Rule 16 of the TLAB's Rules of Practice and Procedure (Rules) to allow ongoing settlement discussions to continue to resolution.

Consent of the Applicant has been obtained and no Response Motion material was received from the Applicant's representatives.

MATTERS IN ISSUE

The matter at issue is administrative. Settlements are to be encouraged and, given that the Parties are in consent on the adjusted submission dates, the TLAB is asked to facilitate the resolution of this matter by adjusting submission dates set down in the *Notice of Hearing*.

JURISDICTION

TLAB Rules 16.1 to 16.13 govern Disclosure and the timelines for filing of documents, including Witness Statements, Responses and Replies.

EVIDENCE

The Motion materials filed contain the Affidavit of Nancy Adler, sworn January 4, 2021.

Ms. Adler attests to the ongoing settlement discussions and the consent of the opposing Party to the delay of submission dates. The Motion materials communicate that the Parties have been engaged in settlement discussions to completely resolve the Appeal. The settlement discussions are nearing conclusion and it is anticipated that a formal settlement agreement will be entered into in "early January".

The revised dates requested are as follows:

1. Move the Document Disclosure as per Rule 16.2, from December 29, 2020 to **January 8, 2021**.
2. Move the Witness Statement as per Rule 16.4 from December 29, 2020 to **January 8, 2021**.
3. Move the Expert Witness Statement as per Rule 16.8 from December 29, 2020 to **January 8, 2021**.
4. Move the Response to Witness Statement as per Rule 16.5 from January 11, 2021 to **January 18, 2021**.
5. Move the Response to Expert Witness Statement as per Rule 16.9 from January 11, 2021 to **January 18, 2021**.
6. Move the Reply to Response To Witness Statement as per Rule 16.6 from January 19, 2021 to **January 26, 2021**.
7. Move the Reply to Response To Expert Witness Statement as per Rule 16.10 from January 19, 2021 to **January 26, 2021**.

ANALYSIS, FINDINGS, REASONS

The Motion Hearing date for this matter was set as January 18, 2021, and as noted, the *Notice of Motion* was filed on January 4, 2021. The revised submission dates requested by the Motion have passed and the TLAB has not received any communication regarding settlement, or a withdrawal of the Appeal, or any update from the Parties. Although the TLAB is fully supportive of the pursuit of a settlement of the matter, it would seem redundant for the TLAB to Order filing dates that have already passed.

I find relief from the set submission dates in this matter would be beneficial, however the dates requested by the Mover of the Motion are no longer applicable. In view of the continued settlement discussions, I concur with the delay of submission dates but order that consent be sought on different submission dates, in the event that the TLAB is not notified of a settlement or withdrawal by February 3, 2021.

DECISION AND ORDER

The requested relief in the Notice of Motion dated January 4, 2021, is granted in part.

TLAB staff are directed to reissue the *Notice of Hearing* for this matter with revised dates if the TLAB is not notified of a settlement or withdrawal by February 3, 2021. Consent will be sought on any revised submission due dates that might be required.



A. Bassios
Panel Chair, Toronto Local Appeal Body