

INTERIM DECISION AND ORDER

Decision Issue Date Tuesday, March 30, 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): ABIOLA NOSIRU, CITY OF TORONTO

Applicant: MICHAEL FLYNN

Property Address/Description: 1745 ALBION RD

Committee of Adjustment Case File: 18 222102 WET 01 MV

TLAB Case File Number: 18 255818 S45 01 TLAB

DECISION DELIVERED BY S. GOPIKRISHNA

INTRODUCTION AND BACKGROUND

The Appeal respecting 1745 Albion Road was completed on 5 February, 2021, where the Applicant was represented by Ms. Amber Sewart, and the City was represented by Mr. Michael Mahoney, both of whom are lawyers.

At the end of Oral Argument , Mr. Mahoney expressed concerns with the list of suggested conditions to be imposed, as recited by the Applicants. It was agreed that after the completing of the Hearing, the Parties would have a mutual discussion to review the conditions, and determine if a mutually agreeable recommendation regarding the Conditions could be submitted to the TLAB. My understanding was that if no agreement could be reached, the City would submit a separate recommendation regarding the list of Conditions to be imposed, in the event of the approval of the requested variance.

I gave the Parties two weeks i.e. till 20 February, 2021, to complete the Submissions, and was given to understand that this time period would be adequate for discussions, and updated Submissions. As of 30 March, 2021, no Submissions have received from either Party. I am disappointed by the lack of adherence to mutually agreed upon deadlines for the Submission

MATTERS IN ISSUE

The only matter to be considered is the imposition of a firm deadline for the Parties to make Submissions, either by way of a mutually agreeable, updated Submission regarding the Conditions to be imposed on the variances, or separate submissions on Conditions, where agreement was not possible. I note that notwithstanding the Applicant's submissions regarding recommended conditions; they still have the ability to submit an updated recommendation for Conditions. I herewith give the Parties time till the **end of day on 23 April, 2021**, to complete their discussions, and make updated Submissions.

Submissions made after 23 April, 2021, will not be taken into consideration for Decision making purposes.

INTERIM DECISION

- 1) The Parties are given until **the end of day on 23 April, 2021** to complete their Submissions for a recommended list of Conditions to be imposed on the approval of the variances, should the Appeal be refused, and the order of the Committee of Adjustment, dated 25 October, 2018, be confirmed. The Submissions can include a mutually agreed upon recommendation for Conditions to be imposed, or separate recommendations reflecting the Parties' perspectives.

So orders the Toronto Local Appeal Body.

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body