

DECISION AND ORDER

Decision Issue Date Thursday, February 25, 2021

PROCEEDING COMMENCED UNDER Section 53, subsection 53 (19), Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): 22 JELlicOE AVENUE LTD

Applicant(s): PLANNING AND PERMIT SERVICES INC

Property Address/Description: 22 JELlicOE AVE

Committee of Adjustment File

Number(s): 19 255482 WET 03 CO, 19 255492 WET 03 MV, 19 255493 WET 03 MV

TLAB Case File Number(s): 20 194423 S53 03 TLAB, 20 194424 S45 03 TLAB, 20 194425 S45 03 TLAB

Hearing date: **February 23, 2021**

DECISION DELIVERED BY DINO LOMBARDI

APPEARANCES

Name	Role	Representative
Planning and Permit Services Inc	Applicant	
22 Jellicoe Avenue Ltd.	Owner/Appellant	Amber Stewart
Franco Romano	Expert Witness	

INTRODUCTION

This is a matter that was scheduled for a 'virtual' Hearing in respect of 22 Jellicoe Avenue (subject property). On the return date for the Hearing, February 22, 2021, the Member scheduled to take the matter was late due to a misunderstanding with respect to the assignment of this file. As a result, the presiding Member was unprepared and unable to proceed to hear the appeal on that date.

BACKGROUND

When the Member was finally able to attend the sitting, virtually, by way of the WEBEX platform at 9:50 am, it became apparent that a rescheduling of the matter would be necessary.

A discussion ensued with those in attendance, including Ms. Amber Stewart, legal representative for the Owner of the subject property, Adam Porchillo, and Mr. Franco Romano, the Owner's expert land use planner, regarding possible options for rescheduling.

After briefly consulting with the Appellant, counsel expressed her client's wish to a virtual hearing of the appeal and as a courtesy agreed that in the circumstances it would be appropriate to stand the matter of the Hearing down and explore revised dates for the Hearing within the next two weeks if possible.

Given the situation, the tacit approval of the Appellant and counsel and my own limited knowledge of the file, an adjournment was agreed to, and possible Hearing dates were canvassed.

MATTERS IN ISSUE

There are no matters in issue. The Appellant has agreed to adjourn the Hearing on consent and a new Hearing date will be scheduled to hear the appeal.

JURISDICTION

Rule 2.2 of the TLAB's Rules of Practice and Procedure (Rules) provides for relief from matters that arise in unavoidable circumstances. The unavailability of and subsequent late attendance by the Member who was scheduled and the situation which led to that Member's unfamiliarity with the matter is one such circumstance.

EVIDENCE

The Appellant, his counsel and expert witness were provided with a roster of suggested dates for a rescheduled Hearing. Ms. Stewart urged that the matter be dealt with as expeditiously as possible. The TLAB provided three Hearing dates in March 2021 and Counsel was very diligent in consulting their expert witness and their own calendar.

After confirmation with TLAB staff, it was agreed that the Hearing would be rescheduled on March 8, 2021 as a virtual hearing event.

ANALYSIS, FINDINGS, REASONS

It is appropriate to allow the request that the Hearing be virtual and be rescheduled to March 8, 2021.

On behalf of the TLAB, I would again like to thank the parties present for their co-operation and apologize for the inconvenience experienced in the attendance and the limited progress made.

DECISION AND ORDER

The Hearing date for this matter is rescheduled on the consent of the Parties to be heard virtually on Monday, March 8, 2021.

No change was requested, and no other alterations are made to the Notice of Hearing originally issued on this matter.

A Notice advising as to the revised date and Hearing location is to be sent to counsel and posted on the TLAB website.

X 

Dino Lombardi
Panel Chair, Toronto Local Appeal Body