

ORDER

Decision Issue Date Friday, March 26, 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): AERIKA MEAGAN LEE

Applicant(s): W E OUGHTRED & ASSOCIATES INC

Property Address/Description: 3 DURIE ST

Committee of Adjustment File

Number(s): 20 176584 STE 04 MV

TLAB Case File Number(s): 20 223814 S45 04 TLAB

Hearing date:

DECISION DELIVERED BY TED YAO

APPEARANCES

Name	Role	Representative
WE Oughtred & Associates	Applicant	
Aerika Meagan Lee	Owner/Appellant	David Bronskill/ Matthew Lakatos-Hayward
Charlene Elliott	Participant	
Colin Gordon	Participant	
Jane Laster-Gordon	Participant	
Monika Kucharska	Participant	
Sarah Doucette	Participant	
Swansea Area Ratepayers' Group	Party	

INTRODUCTION

Ms. Lee seeks variances to construct at 3 Durie St:

a three-storey rear addition, second and third storey additions above the existing dwelling with a secondary suite in the basement.

On November 17, 2020, the Committee of Adjustment refused her application. On December 30, 2020, the TLAB set June 3, 2021 as the hearing date. On March 19, 2021, Ms. Lee's lawyer wrote to the TLAB, requesting mediation:

Ms. Lee would like to avoid an adversarial hearing with her neighbours and remains open to exploring solutions that would benefit the community. However, Ms. Lee remains concerned that her sincere efforts have been rebuffed without an adequate rationale or explanation to address those concerns. In addition, Ms. Lee has been troubled that some of the proposed evidence and response to her submissions raises serious evidentiary concerns. Mr. Meligrana's proposed expert witness statement filed with the TLAB suggests that SARA (sic.) would likewise be open to continuing discussions with Ms. Lee. Mediation would accordingly be an appropriate forum for the Parties to put forward their proposals for a mediated settlement or at the very least, narrow possible issues to reduce the potential for a protracted hearing.

I am treating this request as a motion for mediation. As of March 21, 2021, no one opposed in interest to Ms. Lee has responded, but to be fair the request was not couched as a motion and therefore did not seem to direct a response.

JURISDICTION

The Rule governing Mediation is:

20.2 Where the TLAB is satisfied there is good reason to believe one or more of the issues in dispute may be resolved through Mediation the TLAB may, on notice to any Participants, direct the Parties, and such other Persons as the TLAB direct, using Form 17, to attend non-binding Mediation. Mediation shall be confidential.

CONCLUSION

I decline to direct Swansea Area Ratepayers' Group to attend non-binding meditation. I do not wish to state extensive reasons because I want to give the member ultimately conducting this case a completely clear field.

I think it best that I recuse myself at this stage out of an abundance of caution as a member should be **seen** to start a hearing with no preconceived impressions. I request staff to assign this case to another TLAB member. I would encourage the parties and participants to continue to negotiate on a without prejudice basis as per Rule 19.1:

Settlement before Final Determination

Rule 19.1 The TLAB is committed to encouraging Parties to settle some or all of the issues by informal discussion, Exchange and Mediation.

ORDER

Mediation is not ordered.



X

Ted Yao
Panel Chair, Toronto Local Appeal Body