

INTERIM DECISION AND ORDER

Decision Issue Date Friday, June 04, 2021

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

Appellant(s): YING LI CHAU

Applicant(s): MARTIN RENDL ASSOCIATES

Property Address/Description: 105 PITFIELD RD

Committee of Adjustment File

Number(s): 20 155710 ESC 23 CO, 20 155712 ESC 23 MV, 20 155713
ESC 23 MV

TLAB Case File Number(s): **20 230479 S53 23 TLAB, 20 230480 S45 23 TLAB, 20
230481 S45 23 TLAB**

Hearing date: Tuesday June 22, 2021

DECISION DELIVERED BY C. Kilby

REGISTERED PARTIES AND PARTICIPANTS

| | |
|-----------------------|-------------------------|
| Applicant | MARTIN RENDL ASSOCIATES |
| Appellant | YING LI CHAU |
| Appellant's Legal Rep | MEAGHAN MCDERMID |
| Party | CITY OF TORONTO |
| Party's Legal Rep | ROMAN IVANOV |
| Participant | NELSON LAM |
| Participant | WAYNE KOABEL |
| Participant | DAYA FLORA |
| Participant | ANGELINA CHOW |
| Participant | CHARLIE CHUA |
| Participant | PATRICK LEE |
| Participant | JIN LUN LI |
| Participant | GARY LOUGHLIN |
| Participant | ALAN YEUNG |
| Participant | SHEILA WHITE |
| Participant | ALEX KING |
| Participant | ALAN BELL |
| Participant | STEPHAN CASSELMAN |
| Participant | DAVID FU |
| Participant | STEPHEN LAM |
| Participant | PAT KOABEL |
| Participant | LEO PENG |
| Participant | ROHAN JAGASAR |
| Participant | SIMON CHING-HO LEUNG |
| Participant | ISSAC MATHEWS |
| Expert Witness | MARTIN RENDL |
| Expert Witness | YISHAN LIU |

INTRODUCTION

On May 28, 2021, the Toronto Local Appeal Body (**TLAB**) convened a ‘virtual’ prehearing conference in this matter using the City’s WebEx platform. Of the registered Parties and Participants, the following persons attended: Meaghan McDermid, counsel for the Appellant, Roman Ivanov, counsel for the City of Toronto, Yishan Liu, the City of Toronto’s proposed Expert Witness, Martin Rendl, the Appellants’ proposed Expert Witness, and the following Participants: Sheila White, Stephen Lam, Daya Flora, Wayne Koabel, and Stephen Casselman. No other Parties or Participants attended.

BACKGROUND

This Appeal involves a large number of Participants as well as two proposed Expert Witnesses. The Hearing of the Appeal has been scheduled for one day, on June 22, 2021. I convened a prehearing conference to canvass the expected time required to complete the Hearing and any preliminary issues which could be resolved in advance of the Hearing date, in order to ensure an efficient and effective use of time on the Hearing date.

JURISDICTION

The TLAB’s Rules of Practice and Procedure (**Rules**) provide for prehearing conferences under Rule 21, including the following:

21.6 A prehearing may include settlement discussions, Motions or other procedural issues, in order to:

- a) identify the Parties and Participants and determine or resolve the issues raised by the Appeal;
- b) identify facts or evidence the Parties may agree on or upon which the TLAB may make a binding decision;
- c) obtain admissions that may simplify the Hearing;
- d) provide directions to the Parties;
- e) discuss the possible use of Mediation or other dispute resolution processes;
- f) estimate the length of the Hearing and encourage the Parties to agree upon the date for any further procedural steps;
- g) discuss issues of confidentiality, including any need to hold a part of the Hearing in the absence of the public or to seal Documents; and

h) deal with any other matter that may assist in a fair, cost-effective, and expeditious resolution of the issues.

21.7 The Member conducting a prehearing conference may make any orders necessary to give effect to those matters provided for in Rule 21.6.

EVIDENCE

The City's proposed Expert Witness will not be available after July 22, 2021. For this reason, Ms. McDermid and Mr. Ivanov had conferred prior to the prehearing conference and proposed to begin the Hearing with Expert Witness evidence, followed by Participant evidence. The Participants who were present took no issue with that proposal. Ms. McDermid also suggested that the Participants submit any clarifying questions for the Expert Witnesses in writing in advance of the Hearing. I indicated that I would be inclined to allow any follow-up questions arising from the Expert Witnesses' testimony at the Hearing and not limit the Participants to only their written questions.

Ms. White spoke on behalf of a larger group of Participants. She indicated that the group had agreed to designate only four or five people to make presentations at the Hearing. The remainder will rely on their written Participant Witness Statements which have been filed with the TLAB. Ms. White expressed the view that latecomers joining the Hearing without having filed a Notice of Intention to be a Participant (Form 4) or a Participant Witness Statement (Form 13) should not be permitted to speak at the Hearing. I advised that the TLAB seeks to provide an accessible process for residents to voice their views on a proposal, but that I would be mindful of Ms. White's concern about adequate notice.

I advised those present that a second Hearing day will likely be necessary in order for everyone's evidence to be heard, based on the number of people on the People List and time estimates provided. There was no concern with that proposal, and a second date of June 23, 2021, was confirmed on consent based on the TLAB's availability and the preferences of those present.

DECISION AND ORDER

The Hearing of this Appeal will take place on June 22 and 23, 2021. Expert Witness evidence will be heard first, followed by Participant evidence.

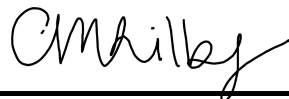
TLAB Hearings are open to the public and are generally public proceedings. However, where a person requests Participant status after the expiry of the time set out by the TLAB's Rules and the Notice of Hearing for such election and after the delivery of any Witness Statements, whether or not the person participated before the initial decision of the Committee of Adjustment, no rights, privileges or obligations are afforded or extended to such individuals in respect of any proceeding before the TLAB.

**Decision of Toronto Local Appeal Body Panel Member: C. Kilby
TLAB Case File Number: 20 230479 S53 23 TLAB, 20 230480 S45 23 TLAB, 20
230481 S45 23 TLAB**

The Member presiding may or may not at their discretion, on request, permit an individual to make an oral statement at the Hearing. Any documentary submissions made by the individual may not be received or posted by the TLAB and will be admitted into the record only with the leave of the Member conducting the Hearing.

To assist the TLAB, the names of those Participants who have designated Ms. White to speak on their behalf, and who will rely on their written submissions rather than speaking at the Hearing, shall be compiled in advance of the Hearing and filed with the TLAB by Ms. White by no later than June 15, 2021.

I direct TLAB staff to issue a new Notice of Hearing accordingly. If there are any problems implementing this decision the TLAB may be spoken to.

X 

CHRISTINE KILBY

Panel Chair, Toronto Local Appeal Body