

DECISION AND ORDER

Decision Issue Date Tuesday, June 22, 2021

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

Appellant(s): ANNE YAN

Applicant(s): RICHARD WENGLER ARCHITECT INC

Property Address/Description: 205 HEATH ST W

Committee of Adjustment File

Number(s): 20 189507 STE 12 MV

TLAB Case File Number(s): 21 130097 S45 12 TLAB

Hearing date: Tuesday July 13, 2021

DECISION DELIVERED BY S. Talukder

REGISTERED PARTIES AND PARTICIPANTS

**Decision of Toronto Local Appeal Body Panel Member: S. Talukder
TLAB Case File Number: 21 130097 S45 12 TLAB**

Applicant	RICHARD WENGLER ARCHITECT INC
Appellant	ANNE YAN
Appellant's Legal Rep	DAVID BRONSKILL
Party	NOREEN TAYLOR
Party	AUDREY LOEB
Party	SHARONAH MASSON
Participant	SETH MERSKY
Participant	LEE WESTON
Participant	WENDY SOKOLOFF
Participant	DANIEL WENGLER

1. This is a Motion in writing by the Appellant, Anne Yan, requesting the following relief:

“1. An Order of the Toronto Local Appeal Body to adjourn the hearing, scheduled to commence on Tuesday July 31, 2021, sine die;

2. An Order of the Toronto Local Appeal Body to suspend the filing requirements set out in the Notice of Hearing; and

3. An Order of the Toronto [sic] Local Appeal Body to issue a new Notice of Hearing, containing new filing requirements, after four (4) months.”¹

2. The Hearing is currently scheduled for July 13, 2021 and not July 31, 2021. I am considering the error in the return date in the requested relief to be a typographical error.
3. The Appellant filed the affidavit of Mina Siskopoulos in support of the Motion. In her affidavit, Ms. Siskopoulos stated that the Parties to the appeal have initiated settlement discussions and have consented to the adjournment of the Hearing.
4. The Appellant relied on Rule 17.2 of the TLAB Rules of Practice and Procedure (TLAB Rules) for support of the Motion, which allows an adjournment of a hearing if all parties consent but filed a Motion out of an abundance of caution. However, this Rule cannot be used for an adjournment *sine die* or allow for a unilateral change by the Parties of the filing requirements imposed by the TLAB as set out in the Notice of Hearing.

¹ Appellant's Notice of Motion dated May 31, 2021

5. Audrey Loeb, a Party to the Hearing, filed her Notice of Response to Motion (Response) where she stated that she would agree to the adjournment provided certain requirements are imposed on the settlement negotiations. I cannot impose any restrictions on the settlement negotiations between the Parties. The TLAB cannot be involved in the private negotiations amongst the Parties; However, if the Parties require TLAB's involvement, they can request formal TLAB-led Mediation, pursuant to Rule 20 of the TLAB's Rules.
6. I find that it is important that the Parties are provided sufficient time to discuss settlement options. The TLAB encourages settlement discussions between parties. However, having an adjournment without a set date is not helpful. The parties should have a clear understanding of what their obligations are and a clear deadline for resolution of issues, whether opposed or via a settlement Hearing.
7. An adjournment of the Hearing to November 10, 2021, should be sufficient for the parties to complete their settlement discussions and determine their next steps. The filing requirements for witness/participant statements and disclosure are also amended as set out in the Order section.
8. The Applicant may contact the TLAB for an earlier date if on-going discussions amongst the Parties results in a Settlement agreement earlier than the return Hearing date of November 10th.
9. If a settlement is achieved, Parties who arrive at a settlement must serve the terms of the proposed settlement on all other Parties and Participants and file same with the TLAB at the earliest possible date and before November 10, 2021.

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10. The Hearing date of July 13, 2021 is adjourned to November 10, 2021.
11. The new filing requirements are as follows:

Applicant Disclosure	September 1, 2021
Document Disclosure, Witness Statement, Expert Witness Statement, Participant Statement	October 11, 2021
Response to Witness Statement, Response to Expert Witness Statement	October 26, 2021

Reply to Response to Witness Statement, November 5, 2021
Reply to Response to Expert Witness
Statement

12. The TLAB shall issue a new Notice of Hearing incorporating the above deadlines.

X *S. Talukder.*

Shaheynoor Talukder
Panel Chair, Toronto Local Appeal Body