

DECISION

Decision Issue Date Friday, October 22, 2021

PROCEEDING COMMENCED UNDER section 45(12), subsection 45(1) of the Planning Act

Appellant(s): JANICE THOMAS

Applicant: ARCICA INC

Property Address/Description: 45 TWENTY SECOND ST

Committee of Adjustment Case File Number: 20 222795 WET 03 MV (A0468/20EYK)

TLAB Case File Number: 21 126373 S45 03 TLAB

Written Motion Date: Tuesday, October 05, 2021

DECISION DELIVERED BY Ted Yao

REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
Arcica Inc (Majid Ahmadiavoosi)	Owner	Amber Stewart
Johnathan Benczkowski	Expert Witness	
Janice Sue Thomas	Appellant	
Mitchell Stambler	Participant	
Robert A Gullins	Participant	
Wanda Juarashek	Participant	
Hank Savinsky	Participant	
Elizabeth and Robert	Participants	

DECISION

This is a memo documenting our discussion at the status hearing on October 19, 2021. A previous decision on a motion by Ms. Thomas converted this day from a continuation of the hearing to a status hearing (i.e., to deal with procedural and scheduling matters). The Applicant/Owner, represented by Ms. Stewart, is proposing to move the location of the building on the lot, but in doing so is moving closer to a silver maple in the front yard. Ms. Stewart's arborist's report is not yet available, so Ms. Thomas and others cannot properly respond.

The following paragraphs set out a timeline for the remainder of the hearing.

1. The new hearing dates are November 25, 29 and 30, 2021. Start times will be 9:30 AM except for November 30, 2021 when we will start at noon.
2. Ms. Stewart expects her arborist report to be available no later than November 5, 2021. We did not discuss whether **additional written materials** need be submitted in reply to the arborist report. In general, I will assume both sides will keep each other informed of anything that the opposite party will find surprising.
3. The arborist will testify.
4. Mr. Benczkowski will be recalled as the first witness on November 25, 2021.
5. After the arborist testifies, Ms. Thomas will resume her evidence in chief. She indicates the documents she will refer to are:
 - a. her Appellant's Statement (31 pages, already filed as Ex 3), plus 11 other separately filed documents, including Response to Mr. Benczkowski (32 pages).
 - b. A new document combining previously filed "Bill or Sue memo plus "numbers south of Birmingham", plus an index to the combined document.
6. Mr. Stambler's documents will include:
 - a. his Witness Statement filed July 5, 2021;
 - b. Response to Witness Statement of Mr. Benczkowski, 11 pages, filed July 19, 2021;
 - c. Shadow Study, 9 pages, filed October 1, 2021. From the late date I assume that the new building location has been inputted into his software and this is the Shadow Study he will discuss.

7. Mr. Savinsky, who will rely on his summary document, filed August 23, 2021.
8. Wanda Juarashek (letter to TLAB, filed July 2, 2021)
9. Robert and Elizabeth Gullins (Form 13, July 4, 2021).



X

Ted Yao
Panel Chair, Toronto Local Appeal Body