

DECISION AND ORDER

Decision Issue Date Thursday, October 14, 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 (Owner Majid Ahmadiavoosi)	Applicant	Amber Stewart
John Benczkowski	Expert Witness	
Janice Sue Thomas	Appellant	
Mitchell Stambler	Participant	
Robert A Gullins	Participant	
Wanda Juarashek	Participant	
Hank Savinsky	Participant	

BACKGROUND

On Day 1 (August 16, 2021), the Applicant (Arcica/ Mr. Ahmaditavoosi) led his planning evidence in full, although his lawyer, Ms. Stewart, indicated that they would be willing to relocate the building closer to the street as an alternative measure.

Ms. Thomas then proceeded to testify and was part way through her presentation at the end of Day 1. On Day 2, Ms. Stewart brought a motion for adjournment. She said it was pointless to continue, given that the owner now wished to move the building. Despite the objection from Ms. Thomas that she and other witnesses should be allowed to go ahead with their opposition to the original application, I agreed with Ms. Stewart. I set the new hearing date to be October 19, 2021.

MS. THOMAS'S MOTION

It appears that the Applicant is now firmly committed to a relocated building and Ms. Stewart states that the architect and planner will produce new or changed information by October 12, 2021, one week before the resumption. In effect, the preliminary disclosure for the amended plans has been compressed. On September 10, 2021, Ms. Thomas brought a written motion saying that she needed more time to study these reports. Ms. Stewart does not oppose the motion so it will be granted.

Ms. Thomas further requested "sufficient time for circulation to City of Toronto Urban Forestry to review and provide feedback prior to the hearing date". I am unwilling to compel the involvement the City of Toronto, which is not a party in this hearing. The City Urban Forestry Department reports to Council, and City staff act only on instructions from Council. If the City wishes to add itself as a party it can bring a motion to do so.

Since Day 3,(October 19, 2021) is already scheduled, I will convert it to a "status hearing" to schedule the resumption of this hearing and deal with any other administrative tasks.

DECISION AND ORDER

The hearing days of October 20 and 25, 2021 are cancelled.

X

Ted Yao
Panel Chair, Toronto Local Appeal Body