

# INTERIM DECISION AND ORDER

**Decision Issue Date**      Friday, July 30, 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): GENEVIEVE DEWAR

Applicant(s): CHRIS LI

Property Address/Description: 199 HUMBERSIDE AVE

Committee of Adjustment File

Number(s): 20 188876 STE 04 MV (A0755/20TEY)

**TLAB Case File Number(s): 20 234905 S45 04 TLAB**

**Hearing date: May 21, 2021; July 21, 2021**

**Deadline Date for Closing Submissions/Undertakings:**

**DECISION DELIVERED BY S. GOPIKRISHNA**

## REGISTERED PARTIES AND PARTICIPANTS

Name	Role	Representative
Chris Li	Applicant	
Leilei Chen	Owner/Party	Melissa Winch/Marisa Keating
Genevieve Dewar	Appellant	
Hugo Pinto	Party	
TJ Cieciora	Expert Witness	

## INTRODUCTION AND BACKGROUND

Leilei Chen, the owner of 199 Humberside Ave, located in Ward 4 (Parkdale – High Park) of the City of Toronto, applied to the Committee of Adjustment (COA) to make

alterations to the existing 2½ -storey detached dwelling, through the addition of a rear three-storey addition with a third floor balcony, a front second storey dormer with a balcony, and a rear ground floor deck, as well as new detached carport. The COA heard the application on December 10, 2020, and approved the application, with conditions. Mr. Hugo Pinto and Ms. Genivieve Dewar, the next door neighbours, appealed the decision of the Committee of Adjustment to the Toronto Local Appeal Body (TLAB) on December 30, 2021, with the Appellant officially being listed as Ms. Dewar- it is important to note that the original Witness Statement was filed in her name.

The TLAB scheduled an electronic Hearing on May 21, 2021.

At the Hearing held on May 21, 2021, Mr. Pinto, while the Applicant was represented by Ms. Melissa Winch, a lawyer, and Mr. T.J.Cieciura, a planner. When I asked if there were any pre-Hearing matters to be heard before the commencement of the Hearing, Ms. Winch pointed out that the Witness Statement on behalf of the Opposition was filed by Ms. Dewar, though Mr. Pinto was going to be giving evidence- Ms. Winch said that they were not aware of Mr. Pinto's position on the matter, and that proceeding forward without understanding Mr. Pinto's opposition to their Application, prejudiced their case.

It was agreed that the Hearing would be adjourned to enable Mr. Pinto to file a Witness Statement in his own name, before giving evidence on the second day of the Proceeding. Ms. Winch declined to present the case on behalf of the Applicant, when asked if she was prepared to proceed, and the Hearing was adjourned.

Mr. Pinto subsequently submitted a Witness Statement under his name.

The TLAB then set a date for July 21, 2021. Substantial progress was made on this Hearing date - the Applicant's Witness completed his Examination-in-chief, and Mr. Pinto had commenced, but not completed his Cross-Examination of the Applicant's Expert Witness

## **MATTERS IN ISSUE**

The purpose of this Interim Decision is to provide guidelines to complete the Hearing on the third and last day of Hearing.

## **JURISDICTION**

The TLAB (Toronto Local Appeal Body) makes administrative decisions on the basis of its Rules.

## **ANALYSIS, FINDINGS, REASONS**

Before the completion of the Hearing on July 21, 2021, I asked the Parties to estimate how much time they would need to complete their Examinations-in-chief, Cross-Examination, and Reply. I have considered the suggested timelines to come up with the timeline below:

- 1) Mr. Pinto needs to complete his cross-examination of Mr. Ciecieura.- 1 hour
- 2) Mr. Ciecicura is re-examined by Ms. Winch- 15 mins
- 3) Mr. Pinto's Examination-in-chief- 2 hours
- 4) Mr. Pinto's Cross-Examination by Ms. Winch- 2 hours
- 5) Reply from Mr. Ciecicura- 20 mins

No decision is made about whether Oral Argument will be heard, by way of oral or written submissions. This question can be addressed after the aforementioned components of the Hearing are completed, as discussed above.

I would like to reiterate here in writing, what was orally stated at the Hearing on May 21, 2021- one strategy to utilize time in a meaningful way is to not discuss issues that the TLAB cannot take into consideration for decision making processes. As example, access to sunlight is a legitimate issue to canvass at a TLAB hearing; however, the medical impacts of the loss of sunlight on specific individuals, in an issue that is beyond the TLAB's jurisdiction. The TLAB has neither the mandate, nor the expertise to utilize information obtained from medical journals to making decisions, especially when the author of the article in question is not available to answer specific questions about the applicability of the information.

TLAB Staff will be in touch with the Parties to identify a day on which all Parties are available to schedule the last day of Hearing.

## **INTERIM DECISION AND ORDER**

1. The TLAB will schedule one (1) of Hearing to complete the Proceeding respecting 199 Humberside Avenue.
2. No new submissions can be made between the time this Interim Decision is issued, and the day of the Hearing
3. The following timelines are provided to ensure that the Hearing will be completed within one day:
  - 1) Completion of the cross-examination of Mr. Ciecicura.- 1 hour
  - 2) Mr. Ciecicura is re-examined by Ms. Winch- 15 mins
  - 3) Mr. Pinto's Examination-in-chief- 2 hours
  - 4) Mr. Pinto's Cross-Examination by Ms. Winch- 2 hours
  - 5) Reply from Mr. Ciecicura- 20 mins

So orders the Toronto Local Appeal Body

X



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S. Gopikrishna  
Panel Chair, Toronto Local Appeal Body