

DECISION AND ORDER

Decision Issue Date Friday, September 17, 2021

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

Appellant(s): BABAK GHASSEMI

Applicant(s): BABAK GHASSEMI

Property Address/Description: 62 NORDEN CRES

Committee of Adjustment File

Number(s): 21 123175 NNY 16 MV

TLAB Case File Number(s): 21 157559 S45 16 TLAB

Hearing date: Wednesday September 8, 2021

DECISION DELIVERED BY T. YAO

NAME	ROLE	REPRESENTATIVE
Babak Ghassemi	Appellant	Amber Stewart
Fariba Tousinejad	Owner	
Elizabeth Lee	Party	Kailey Sutton
City of Toronto	Party	Lauren Pinder
Ray Trombley	Participant	
Mary Finn	Participant	

Motion

I am granting this motion for adjournment.

Although today (September 8 2021) was the hearing date set by the TLAB in June 2021, all parties and the participant Ray Trombley wish for the hearing to be adjourned to allow for settlement discussions. The three lawyers Ms. Sutton (Elizabeth Lee), Ms. Steward (owner Fariba Tousinejad¹ and architect Babak Ghassemi) and Ms. Pinder (City of Toronto) assured me that there was value in proceeding in this fashion. The other participants Adela Chung, William Lu, and Brian Story (Don Mills Residents Association) did not attend.

The parties will attempt to settle this matter on or before October 14, 2021. If there is a settlement, October 14, 2021 can be converted into a settlement hearing. If there is no settlement, the TLAB will reissue a new Notice of Hearing with new deadlines. The deadlines previously set are cancelled.

Ms. Sutton asked that there be no specific disposition of her unfinished motion to dismiss the owner's appeal and to obtain costs. I understand that this matter has been settled privately. In that motion Ms. Lee and the City raised a concern that there will be concurrent applications by Ms. Tousinejad before both the Committee of Adjustment and the TLAB. This is not conducive to settlement. Ms. Tousinejad must withdraw the pending application before the Committee of Adjustment. I understand that she is willing to do so.

I am seized.

DECISION AND ORDER

The concurrent application before the Committee of Adjustment is ordered to be withdrawn. The pending motion for costs etc., by Ms. Lee is to be considered withdrawn and concluded. The TLAB sets October 14, 2021 as a status hearing date and to review any settlement. Today's hearing date is adjourned to a date to be decided if there is no settlement.

X



Ted Yao
Panel Chair, Toronto Local Appeal Body

¹ Mr. Ghassemi has typed her name as "Tousnejad" and signed her name as "Tousinejad".