

# DECISION AND ORDER

**Decision Issue Date**      Tuesday, August 31, 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): GEORGE LABRAKOS

Applicant: RSI First Aid LTD

Property Address/Description: 40 Ainsworth Rd Unit 1

Committee of Adjustment Case File Number: 19 224412 STE 14 MV (A1011/19TEY)

TLAB Case File Number: 20 190745 S45 14 TLAB

**Hearing date:**      Friday, March 26, 2021

**DECISION DELIVERED BY S. Gopikrishna**

## APPEARANCES

Appellant	George Labrakos
Participant	Ashley Richards-Dixon
Participant	Lisa Pearson
Owner	Betterdot Systems Inc

## INTRODUCTION AND BACKGROUND

The Hearing respecting 40 Ainsworth Rd, Unit 1 was completed on March 26, 2021, and the Final Decision was issued on April 1, 2021.

One of the Participants, Ashley Richards-Dixon ( henceforth the Mover), brought forward a Motion which was forwarded to me by the TLAB on August 26, 2021. In the Motion, the "Mover" identifies herself a lawyer, who works as a "sexual violence investigator for various institutions and universities in Ontario". According to the Motion, she has recently become aware that "her personal address available on the internet has created a safety issue with respect to certain of the respondents" who she is investigating. The Mover says to "ensure her personal safety" and that of her young

children, this Motion has been brought forward “in presumptive confidence” to” redact the decision” and “revise” her name. This Motion is dated August 6, 2021.

The Motion is accompanied by an incomplete Affidavit because the jurat ( the portion to be signed by a Commissioner of Oaths in front of whom the Deponent swore or affirmed that they were telling the truth) has not been signed

## **MATTERS IN ISSUE**

The main issue in front of me is to ask for an appropriately commissioned affidavit, and submissions to be made by the Mover to better understand the reasons behind asking for a redaction of the individual’s name, and sealing of documents.

## **ANALYSIS, FINDINGS, REASONS**

I would like to note that I am aware of the Mover’s assertion that the purpose of the Motion is because the individual believes that she, as well as her young children, are in danger, as a result of information about personal whereabouts that appear on the TLAB website.

I empathize with the Mover’s concerns about her personal safety, and would like to resolve this issue as soon as possible, subject to receipt of meaningful and fulsome information, from the Mover. A Motion can be ruled upon in a meaningful way when the individual bringing forward the Motion submits appropriate documentation in a fulsome manner, and provides the rationale underlying their request.

The Motion material in front of me, unfortunately, has neither- while the Affidavit has been signed by the Mover , it is not commissioned because the jurat has not been completed. It is important that this section be completed, and signed in front of a designated Commissioner of Oaths, or an individual who can commission an oath ( e.g. lawyer, paralegal, judge). I also direct the Mover to obtain the updated version of Form 10 from the TLAB.

The date of the Motion on Page 1 of Form 7 is incorrectly dated- it lists the date on which the Hearing was completed, as opposed to the expected date by which the Motion is expected to be ruled upon by the TLAB.

While the TLAB is aware that the Mover’s address appears on the TLAB Website because all issued Decisions are archived here , I see no explanation provided , about how the information about the Mover’s address would be apparent to somebody who is trying to locate her address through the TLAB Website.

It may be noted that the TLAB Website is not searchable by name, or any other keyword- it is searchable only by address. In other words, somebody who attempts to utilize the TLAB Website to locate an address of a specific individual, would have to

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know which Appeal the individual is involved with, before obtaining any pertinent information.

The TLAB would be better equipped to make a meaningful decision if it better understood the nexus between the Mover's concern, and the availability of the Decision through the Website- A mere assertion of a connection between the two may not be sufficient grounds for the request to be granted

Secondly, the Mover is encouraged to draw the attention of this Tribunal to authorities, in the form of decisions issued by the Courts, or other Tribunals, about how similar requests have been addressed. The importance of citing appropriate authorities is crucial to a Decision on this matter.

Thirdly, it is important to note that the TLAB Rules do not allow for Participants to bring forward a Motion , unless the purpose of the Motion is to change the status of a Participant to a Party) The Mover needs to provide a rationale for why relief needs to be provided from the Rules for a Participant to be able to bring forward a Motion.

Lastly, the Mover refers to this Motion being addressed in "presumptive confidence" in her Motion. It is not clear what she refers to by "presumptive confidence"- the TLAB is required to share the contents of the Motion, and any accompanying Affidavit on the Website in the interests of transparency. If relief needs to be granted in the form of names being redacted from the documentation regarding the Motion on the website, the Motion may need to be reworked to reflect this request.

To summarize, the Mover is required to:

- Provide a properly completed and commissioned Affidavit- The version of Form 10 can be obtained from the TLAB. The updated Form 10 would be appropriate to use because the Motion was filed in August 2021.
- Update Form 7 to reflect an expected date by which the Motion needs to be ruled on
- Provide an explanation about a demonstrable nexus between the information on the TLAB website, and the security issues alluded to
- Provide authorities in the form of case-law, about how similar requests for sealing documents, and redaction, have been acted upon by other tribunals and courts
- Provide a rationale about why a Participant should be provided relief from the TLAB's Rules to bring forward this Motion, given who the Rules restrict the nature of a Motion, that can be brought forward by a Participant.
- Any other modifications, and additions to the Motion that the Mover deems appropriate

The Mover is given until September 25, 2021 to submit these documents to the TLAB. I reiterate the TLAB's commitment for resolving this matter this matter expeditiously after receiving the submissions listed in the Motion Decision and Order

## MOTION DECISION AND ORDER

1. The Mover is required to:

- Provide a properly completed and commissioned Affidavit- the updated Form 10 can be obtained from the TLAB
- Update the Motion to reflect an expected date by which the Motion needs to be ruled on
- Provide an explanation, about a nexus between the information on the TLAB website, and the security issues alluded to
- Provide authorities in the form of case-law, about how similar issues regarding requests for sealing documents, and redaction have been acted upon by other tribunals and courts
- Provide a rationale about why a Participant should be provided relief from the TLAB's Rules to bring forward this Motion, given who the Rules restrict the nature of a Motion, that can be brought forward by a Participant
- Any other modifications, and additions to the Motion as the Mover deems appropriate

The deadline for the submission of these documents is the end of day on September 25, 2021.

So orders the Toronto Local Appeal Body

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S. Gopikrishna  
Panel Chair, Toronto Local Appeal Body