

DECISION AND ORDER

Decision Issue Date: Friday, December 10, 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): Babak Haji-Ghassemi

Applicant(s): Arklab Inc

Property Address/Description: 75 Florence Ave

Committee of Adjustment File

Number(s): 20 225887 NNY 18 CO; 21 184013 NNY 18 MV; 20 225891 NNY 18 MV

TLAB Case File Number(s): 21 171191 S53 18 TLAB; 21 221959 S45 18 TLAB; 21 187570 S45 18 TLAB

Hearing date:

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY TLAB Panel Member S. Makuch

REGISTERED PARTIES AND PARTICIPANT

Applicant	Arklab Inc
Owner	Ali Farahani
Primary Owner	Niki Haji Ghassemi
Appellant	Babak Ghassemi
Party	City of Toronto
Party's Legal Rep.	Jason Davidson
Party's Legal Rep.	Gabriela Dedelli
Expert Witness	Nick Biffis
Expert Witness	Michael Romero

INTRODUCTION

This is a motion for an adjournment and consolidation of appeals relating to a consent and variance applications for each of the two lots to be created as a result of the consent. At the time of the motion only two decisions of the Committee of Adjustment were before TLAB; one refusing a consent and the other refusing a variance application for one of the lots to be created by the consent. The City requested and the appellants agreed to the adjournment of these two matters. The appellant requested and the City agreed to the consolidation of the hearing of the two matters with a second variance appeal respecting the other lot to be created. I find both the adjournment and the consolidation should be granted for the reasons set out below.

BACKGROUND

The owner failed to file an appeal of the second variance application and thus reapplied for it and appealed the second refusal which was not before me when the motion was brought. It is this second appeal that is to be consolidated with the hearing of the matters already appealed. All matters regarding the same property and consent would be heard together. The City requested the adjournment because new solicitors were just appointed to the file and needed time to prepare for the hearing. The appellants consent to the adjournment so the matters could be consolidated.

JURISDICTION

I am seized of these matters and have authority to determine the conduct of hearings under TLAB's Rules of Practice and Procedure.

EVIDENCE

There is a need to adjourn and consolidate these matters for an efficient, and cost effective a hearing. The adjournment was consented to, because no prejudice would result from it and it was necessary for the consolidation.

ANALYSIS, FINDINGS, REASONS

The hearing of all appeals consolidated to one hearing is the most efficient and cost effective way for these appeals to be dealt with. The adjournment was necessary to provide for the consolidation.

DECISION AND ORDER

All the appeals respecting 75 Florence Ave: File 21 171 191 S53 18 TLAB, File 21 187 570 S45 18 TLAB and File 21 221 959 S45 18 TLAB are consolidated and adjourned *sine die* to a date acceptable to the parties and me. New notice will be provided respecting all appeals.

X 

S. Makuch
Panel Chair, Toronto Local Appeal