

ORDER

Decision Issue Date Tuesday, January 04, 2022

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): ANTONIO CALVANO

Applicant: MAHIR MANIOS

Property Address/Description: 21 VERBENA AVE

Committee of Adjustment Case File Number: 20 148966 STE 04 MV (A0464/20TEY)

TLAB Case File Number: 20 224564 S45 04 TLAB

Hearing date: Wednesday, December 22, 2021

DECISION DELIVERED BY D. LOMBARDI

APPEARANCES

Party (TLAB)	DAVID CAMPBELL
Party Legal Rep.	WILLIAM ROBERTS
Appellant/Owner	ANTONIO CALVANO
Appellant's Legal Rep.	AMBER STEWART
Expert Witness	TERRY MILLS
Expert Witness	FRANCO ROMANO
Participant	JAN SUCHARDA
Participant's Legal Rep.	ROBERT AMOS

INTRODUCTION AND BACKGROUND

This matter relates to an appeal by Antonio Calvano (Appellant/Owner) of a Committee of Adjustment decision refusing variances to permit the alteration of the existing dwelling at 21 Verbena Avenue (subject property) by constructing an attached garage, a new covered front porch, a rear terrace, a front, side, and rear two-storey addition, a partial third storey addition, and a side third storey balcony.

On the return-to Hearing date of June 3, 2021, and after converting that Hearing into a TLAB-led Mediation, both the Appellant and Party Campbell advised the presiding Member that they had reached a settlement in principle, but the Parties required further time to formalize a Settlement Agreement.

The Parties promised to file a Terms of Settlement (TOS) with the TLAB once finalized. However, this did not material. As a result, and following a request from the Appellant's solicitor, and an adjournment of a Settlement Hearing scheduled for June 30, 2021, the TLAB rescheduled the Settlement Hearing for August 30, 2021.

At that Hearing, Ms. Stewart requested that the presiding Member allow additional time to finalize the necessary documents to implement the Settlement agreement. In a Decision and Order (D&O) dated September 1, 2021, the TLAB granted the adjournment and directed the following:

- *The Appellant's legal representative will apprise the TLAB of the status of any Minutes of Settlement and associated revised plans and file same with the TLAB and serve the terms of the proposed settlement on all other Parties and Participants at the earliest possible date.*
- *In the event that a settlement is ultimately finalized, that above-referenced filing will include a revised and final set of drawings, a revised list of variances being requested and corresponding new Zoning Notice, and a copy of the terms of Settlement.*
- *Once confirmed, TLAB staff will canvas the Parties and Participants for a new Hearing date for an expedited Settlement Hearing of this matter, and issue a new, revised Notice of Settlement Hearing to reflect the rescheduled date once a date has been secured. All previous submission and filing dates will remain as before.*

As of December 16, 2021, the TLAB had yet to hear from any of the Parties as directed in the September 1st D&O. Therefore, I asked staff to contact the Parties to determine the status of the tentative settlement reached at the June 3rd Mediation session. Unfortunately, this information was unavailable and so to expedite matters, I directed that staff schedule a 'virtual' teleconference call with the Parties and Participants in this matter by way of the City's WebEx meeting platform.

That call was confirmed for 1:00 pm on December 22, 2021, and the those listed above were in attendance.

During that call, the Parties confirmed that a Terms of Settlement had been drafted but that the Appellant was awaiting a revised Zoning Examiner's confirmation related to the agreed to amendments to the plans. Ms. Stewart also advised that two additional variances were at issued and discussions were on-going with Mr. Campbell and his solicitor in that regard.

The Parties agreed that more time was required to finalize these outstanding matters and to have the TOS executed. They asked that the presiding Member agree to this request to allow the process to evolve and matters to be finalized and in doing so, they suggested that it was reasonable that the Tribunal consider scheduling a new Hearing date sometime in February 2022.

As a result, and upon further canvassing and consent, the Parties agreed to a 'return-to' Hearing date in February 2022. I advised that if the Parties are able to finalize and execute a TOS and serve this document along with revised drawings on then Parties and Participants and file same with the TLAB, then the February Hearing would be converted to an expedited Settlement Hearing in this matter.

However, I also noted that if a Settlement does not come to fruition and no formal agreement is reached, then the February 2022 Hearing date would proceed as a full, contested Hearing of this appeal.

ORDER

TLAB staff are directed to canvas the Parties and Participants and schedule a new Hearing date for this matter sometime in February 2022.

In the event that a formal Terms of Settlement executed, and revised Site Plan drawings finalized, the Parties will serve those documents on all the Parties and Participants and file same with the TLAB as soon as possible pursuant to Rule 19 of the TLAB's Rules of Practice and Procedure but prior to a new scheduled Hearing date, if possible.

Additionally, in the event a Settlement is not reached, the Parties will apprise the TLAB of same as soon as possible but prior to the scheduled Hearing date in February 2022.

X



Dino Lombardi
Panel Chair, Toronto Local Appeal Body
Signed by: dlombar