

INTERIM DECISION AND ORDER

Decision Issue Date Tuesday, March 08, 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): ASHLEY WILEY

Applicant: MICACCHI ARCHITECTURE INC

Property Address/Description: 80 INDIAN GRV

Committee of Adjustment Case File Number: 20 165985 STE 04 MV (A0602/20TEY)

TLAB Case File Number: 21 227863 S45 04 TLAB

Hearing date: March 03, 2018

DECISION DELIVERED BY TLAB Panel Member S. Makuch

REGISTERED PARTIES AND PARTICIPANT

Applicant	MICACCHI ARCHITECTURE INC
Owner/Party (TLAB)	GENEVIEVE CLAIRE PLANK
Party's Legal Rep.	MATTHEW DI VONA
Appellant	ASHLEY WILEY
Appellant's Legal Rep	ANDY MARGARITIS
Expert Witness	PAUL DEMCZAKTH

INTRODUCTION

A contested motion for an adjournment was ordered to be heard on March 3, 2022, by a decision issued on February 19, 2022. At the hearing of that motion, both parties requested an adjournment of the hearing on the merits and an adjournment of the hearing of the contested motion for the adjournment so that settlement discussions could proceed.

BACKGROUND

A Hearing date of July 11, 2022 has been set down for this matter. Both parties agreed to the adjournment of the hearing on the merits and as a result of questioning from TLAB agreed that the motion to further adjourn the hearing might need to be heard if a settlement was not reached.

MATTERS IN ISSUE

The matters in issue were the dates of the hearing and the dates for filing materials.

JURISDICTION

Under TLAB Rules of Practice and Procedure (Rules: 2.2, 2.3, 12.10, 12.12), TLAB has jurisdiction to determine the conduct of hearings respecting adjournments.

DECISION AND ORDER

No evidence was heard but the parties ultimately agreed to the following and the following is so ordered :

1. The matter is adjourned to July 11 (the hearing date) and 12, 2022 to allow settlement discussions.

2. If a settlement is reached prior to the hearing date, the parties will inform TLAB and affidavit evidence may be submitted in support of the settlement.

3. If there is no settlement and a further motion respecting an adjournment is to be heard, it will be heard on July 11, 12, 2022. The appellant will provide notice of motion on or before 14 days prior
4. to the hearing date; the applicant will respond on or before 7 days prior to the hearing date, and the appellant will reply on or before 4 days prior to the hearing date.

5. If there is no settlement and a hearing on the merits is to occur the applicant may file revisions to any material already filed and any new and relevant material that is not unduly prejudicial to the appellant, on or before 28 days prior to the hearing date; the appellant may file any responding material including new and relevant material that is not unduly prejudicial to the appellant on or before 14 days prior to the hearing date, and the applicant may file reply material within 7 days of the hearing date.

X 

S. Makuch
Panel Chair, Toronto Local Appeal