

# INTERIM DECISION AND ORDER

**Decision Issue Date**      Wednesday, April 20, 2022

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): CITY OF TORONTO

Applicant(s): DENNIS WOOD

Property Address/Description: 84 NORTH DR; PARTS 1 & 2; PARTS 5, 6, 7, 8, 11 & 12

Committee of Adjustment File

Number(s): 20 158548 WET 02 CO (B0024/20EYK), 20 158552 WET 02 MV

(A0243/20EYK), 20 158553 WET 02 MV (A0242/20EYK)

**TLAB Case File Number(s): 20 230446 S53 02 TLAB, 20 230447 S45 02 TLAB, 20 230450 S45 02 TLAB**

**Hearing date:**

**Deadline Date for Closing Submissions/Undertakings:**

**DECISION DELIVERED BY S. GOPIKRISHNA**

## REGISTERED PARTIES AND PARTICIPANTS

Owner	HALINA KRZYWUCKA
Applicant	DENNIS WOOD
Appellant	CITY OF TORONTO
Appellant's Legal Rep.	MICHAEL MAHONEY CITY OF TORONTO
Participant	GIULIO CANCELLI
Participant	M JUDITH ORR
Participant	ADA ZRADO
Participant	JOSEPHINE COMELLA
Participant	SUSAN YIP
Participant	LORA CANTARUTTI
Participant	TATIANA SAMILA
Participant	DARIA OLYNYK
Participant	BUTTONWOOD HILL RESIDENTS' A
Participant	MARK NOTTEN
Participant	LORETTA NOTTEN
Participant	ELIZABETH BURLACOFF
Participant	LAURINDA ANDERSON
Participant	RASHA BASSYOUNI
Participant	IAN ANDERSON
Participant	CHRISTOPHER WALTER LEM
Participant	IRINA PASECHNIK
Participant	NANCY ROPER
Participant	PAULINE SALIBA
Participant	DIANA MURRAY
Participant	RICARDO ALCOLADO PEREZ
Participant	ANNE ANDERSON
Participant	JUDY SUSAN SMITH

Participant	MARIA SHOSTAK
Participant	MATTHEW VETTESE
Participant	GEORGE MCKETTON
Participant	COSIMO COSTA
Participant	PIETRO COSTA
Participant	SAM TEHRANCHI
Participant	FRANCA RACCO
Participant	MARLA VETTESE
Participant	MICHAEL TKACH
Participant	ANNE BARNES
Participant	MARK COUTTS
Participant	GEOFFREY COUTTS
Participant	TAMRA COLANGELO
Participant	MARIA GALATI-MATAR
Participant	LARA ARMOUR
Participant	IRENE KREMBLEWSKI
Participant	ADRIANA LEES
Participant	JOYCE MCCUTCHEON
Participant	SALLY ROPER
Participant	BARBARA KNECHTEL WILDS
Participant	JOSEPH CHU
Participant	FRANCESCO PLASTINA
Participant	GARRY YIP
Participant	JEFFREY LEM
Participant	TED KULAR
Participant	SHARON KULAR
Participant	RON ZRADO
Participant	GAIL COOK-BENNETT

Participant	MURRAY SMITH
Expert Witness	FRANCO ROMANO
Expert Witness	TRISTA JAMES
Expert Witness	CELINE BATTERINK
Party (TLAB)	PIOTR KRZYWUCKI
Party's Legal Rep.	DENNIS WOOD
Party's Legal Rep.	ANGELA FANG
Participant's Legal Rep.	MURRAY SAMUEL SMITH

## **INTRODUCTION AND BACKGROUND**

The purpose of this Interim Decision is to provide specific instructions regarding questions to be discussed by way of evidence by the Expert Witnesses at the upcoming Hearing, scheduled for April 29, 2022, or later.

I would like to recite the following paragraph from my earlier Interim Decision dated October 5, 2021.

*“Lastly, I also instruct the Witness to complete a “Street Study” in her Geographic Neighbourhood- it would be helpful to know the lengths of various streets, number of houses on each street, number of blocks on every street, and the number of houses on every block, and present the information in a tabular form. The Witness may include any commentary she deems appropriate regarding the street pattern, distribution and categorization of the streets”*

## **ANALYSIS, FINDINGS, REASONS**

I would like to thank Ms. Trista James, the City’s Expert Witness, for her submission, dated November 12, 2021 with information in response to the above Interim Decision. I would also like to acknowledge the submission made by Mr. Franco Romano, the Applicant’s Expert Witness, dated December 1, 2021, and thank him for the same.

In the context of the discussion regarding streets and blocks as stated above, I herewith instruct the Witnesses that at the upcoming Hearing on April 29, 2022, they need to provide definitions of the words/concepts- “streets” and “blocks” when providing evidence to the TLAB during the course of their Examination-in-Chief, or Reply

evidence, as the case may be. Any information provided to the TLAB regarding these words/concepts on the basis of dictionary definitions, Zoning By-laws or relevant planning documents will be sincerely appreciated. The Witnesses may also be expected to explain how these definitions are used to identify the end points of streets, and blocks, on the basis of their experience. The Parties may note **that no written submissions are expected with respect to these questions before the Hearing scheduled on April 29, 2022.**

At the Hearing, I would also appreciate clarification from the City about the inclusion, or exclusion of evidence provided on September 14, 2021, in view of the fact that we adjourned as a result of my asking the City to provide more information, the details of which were provided in the earlier Interim Decision dated October 5, 2021.

## **INTERIM DECISION AND ORDER**

1. The Expert Witnesses are instructed to provide definitions regarding “Streets” and “Blocks”, before discussing how these definition have been applied to their analysis of this proposal, when providing evidence on April 29, 2022, or later. However, no written submissions are expected by the TLAB, on this issue, before the Hearing scheduled for April 29, 2022.
2. The City is instructed to advise the TLAB at the Hearing to be held on April 29, 2022, about their preference for the inclusion, or exclusion of evidence provided on September 14, 2021.

So orders the Toronto Local Appeal Body.

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S. Gopikrishna  
Panel Chair, Toronto Local Appeal Body