

INTERIM DECISION AND ORDER

Decision Issue Date Wednesday, June 29, 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: April 29, 2022

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	BUTTONWOOD HILL RESIDENTS' ASSOCIATIO
Participant	PAULINE SALIBA
Participant	DIANA MURRAY
Participant	RICARDO ALCOLADO PEREZ
Participant	ANNE ANDERSON
Participant	JUDY SUSAN SMITH
Participant	MARK COUTTS
Participant	GEOFFREY COUTTS
Participant	TAMRA COLANGELO
Participant	JOSEPH CHU
Participant	FRANCESCO PLASTINA
Participant	GARRY YIP
Participant	JEFFREY LEM
Expert Witness	FRANCO ROMANO
Expert Witness	TRISTA JAMES
Expert Witness	CELINE BATTERINK
Party (TLAB)	PIOTR KRZYWUCKI
Party's Legal Rep.	DENNIS WOOD

INTRODUCTION AND BACKGROUND

The purpose of this Interim Decision is to follow up on the discussions that took place between the Parties and myself at the Hearing completed on April 29, 2022.

On the morning of April 29, 2022, I was made aware of an email sent by the Counsel for the City with information about a discussion between the Parties regarding which Witnesses would be giving evidence on April 29, 2022. The Parties' preference was to have the City complete its evidence in the form of an Examination-in-Chief, Cross-Examination, and Re-examination, where necessary, of their land use planning Witness, while requesting for one more day of Hearing time, where the Applicant's Witnesses, could present their Re-examination /Reply evidence, followed by Oral Argument. I understood that it was also necessary to hear evidence from the Applicants on a different day, because of the lack of availability of Ms. Batterink, the Applicant's urban forestry Witness, on April 29, 2022, because of a death in her family.

At the beginning of the Hearing, I acknowledged receipt of the email, and requested Mr. Dennis Wood, Counsel for the Applicant, to convey my condolences to Ms. Batterink. I agreed with the Parties that the Appellants could complete their evidence on April 29, 2022, and that it would be necessary to identify another Hearing date to allow the Applicants to present Reply evidence. I had a discussion with the Parties to obtain an understanding of how the last day of the Proceeding could be expected to unfold, and proposed timelines for each Witness to complete their evidence. The proposed schedule for each Witness' Examination-in-Chief, and Cross-Examination is presented below, followed by the suggested length of time, based on my discussion with the Parties:

EVIDENCE

- Mr. Wood will re-examine Ms. Batterink, the Applicant's urban forestry Expert Witness - 1 hour
- Mr. Wood will examine Mr. Romano, the Applicant's Expert Witness in the area of land use planning, on the latter's submissions dated November 19, 2021, and related matters - 3 hours
- Mr. Mahoney, the City's lawyer, will cross-examine Mr. Franco Romano– 1 hour
- Mr. Wood re-examines Mr. Romano- 15 minutes

ORAL ARGUMENT

- Both Parties will be given an hour each for Oral Argument, after which Mr. Wood will be given 15 minutes for Reply

As discussed at the Hearing on April 29, 2022, the Parties are asked to electronically submit copies of authorities they will rely on during Oral Argument- this submission has to be completed by July 15, 2022.

It is important to note that the timeline provided above assumes that Evidence and Oral Argument will be heard over a seven and half hour period- the significance of this observation arises that this time commitment is significantly longer than the usual Hearing, where six hours of Hearing time is provided between 9:30 AM and 4:30 PM, with an hour's break for lunch, and two breaks of fifteen minutes each.

It is important that the Parties come prepared to complete the Hearing over a seven and half hour period, as discussed in this Section, through close attention to the timelines. Should the time required to obtain evidence from the Applicant's Witnesses exceed five and half hours, Oral Argument will be heard by way of written submissions.

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1. The Proceeding respecting 84 North Drive will be completed on July 22, 2022, on the basis of the suggested timeline below:
 - Re-examination of Ms. Batterink, the Applicant's urban forestry Expert Witness - 1 hour
 - The Examination-in-Chief of Mr. Romano, the Applicant's Expert Witness in the area of land use planning, regarding his submissions dated November 19, 2021, and related matters - 3 hours
 - The Cross-Examination of Mr. Romano- 1 hour
 - The Re-examination of Mr. Romano- 15 minutes

2. The Parties will be given an hour each to summarize their case by way of Oral Argument, and the Applicant will be given fifteen minutes for Reply.

3. The Parties are asked to electronically submit copies of authorities that they will rely on during Argument, to the TLAB by July 15, 2022

So orders the Toronto Local Appeal Body.



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body