

ORDER

Decision Issue Date Tuesday, June 07, 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): GARY ROXBOROUGH

Applicant: LATTAG STUDIO INCORPORATED

Property Address/Description: 255 SEATON STREET

Committee of Adjustment Case File Number: 20 234883 STE 13 MV (A1216/20TEY)

TLAB Case File Number: 21 162991 S45 13 TLAB

Hearing date: Friday, June 03, 2022

DECISION DELIVERED BY TLAB Chair *D. Lombardi*

REGISTERED PARTIES AND PARTICIPANTS

Appellant	Gary Roxborough
Appellant's Legal Rep.	Jordan Allison
Applicant	Lattag Studio Incorporated
Party	Jordan Allison
Party	Shobhit Mathur
Party's Legal Rep.	Samantha Lampert
Party	Cabbagetown South Residents Association
Party	Tanya English
Party	Howard Bortenstein

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Party	Brendan Michael Hamilton
Party	Wallace Immen
Party	Gale Moore
Participant	Jeff Lookkong
Expert Witness	Nicholas Bogaert

INTRODUCTION AND BACKGROUND

The appeal in this matter is for 8 variances to permit the Applicant to alter the existing two-storey semi-detached dwelling on the property known as 255 Seaton Street (subject property) by constructing a third-storey addition, a rear third-storey balcony, a rear deck, a front porch, a front walkout, and a secondary suite in the basement.

To date, the matter has consumed 4 Hearing days – Hearing Day 1 on Oct. 6, 2021, which was converted to a TLAB-led Mediation session; Hearing Day 2 on January 25, 2022; Hearing Day 3 on February 15, 2022; and Hearing Day 4 on May 16, 2022.

Following the end of Hearing Day 4, I directed TLAB staff to canvas the Parties for their availability for a 5th, half-day Hearing to allow time for Mr. Bortenstein’s testimony as well as closing Party statements.

Prior to adjourning for the day, I canvased the Parties and Participants for their general availability during the summer months. Although most were available, Mr. Bortenstein, Mr. Immen and Ms. Lampert alerted me to specific unavailability in the coming months. I provided staff with these calendar availability restrictions as well as my schedule for July and August 2022.

In reviewing the TLAB schedule, staff identified the following possible dates: July 14th, August 15th, 16th, 17th, and 19th. I asked staff to canvas the Parties and Participants for any one of those dates and to advise the Parties to make every effort to make themselves available.

Due to the difficulties the TLAB was encountering from the Parties in securing an agreed-to date for Hearing Day 5 and the apparent inability of the Parties to arrive at a consensus in this regard, I directed staff to quickly schedule a Teleconference call which was scheduled for June 3, 2022, to address this issue.

The following persons attended by telephone: Samantha Lampert, Jordan Allison; Brendan Michael Hamilton, Wallace Immen, and Dr. Gail Moore.

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I acknowledged to those in attendance that I was cognizant of the Parties' and Participant's concerns that this hearing matter has been, in their opinion, taking an unusually long time, the appeal having been filed in June 2021.

I submitted that it is uncommon for applications for variances before the TLAB with this many Parties and witnesses to consume 4 Hearing Days. I suggested that the reason that this appeal matter was now scheduling a fifth Hearing Day was partly due not only to the number and scope of the variances being requested but also because I've allowed, and will continue to allow, witnesses, proffered by each side fulsome and equal time to put forward their positions.

Nevertheless, due to the number of Parties and representatives and their schedules going forward, we are now finding it difficult to find a date on which everyone is available and, therefore, to secure a fifth Hearing Day. I stated that the reason for the Teleconference call was to bring the Parties together and that I was prepared to work assiduously to resolve this issue and to find an agreeable date to complete the hearing of this matter.

This, I advised, would allow me to draft and issue a decision in this appeal matter in a timely manner thereby achieving a key mandate of the TLAB which is to dispose of appeals in a just, expeditious and cost-effective determination of every proceeding on its merits.

SUMMARY

Following a great deal of discussion and with the assistance of all in attendance five (5) possible dates for Hearing Day 5 were identified – September 7th, 9th, 12th, 14th, and 15th.

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Therefore, TLAB staff are directed to canvas the Parties and Participants in this matter for their availability to attend a fifth Hearing Day on one of the five following dates in September 2022: September 7th, 9th, 12th, 14th, or 15th. The September 7th or 9th dates are preferred if possible.

Once the date for Hearing Day 5 is secured, staff will issue a new Notice of Hearing for a full-day hearing. Exchange dates outlined in the Notice of Hearing dated September 3, 2021, and previously issued by the TLAB for this matter will remain unchanged.

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The TLAB may be spoken to if issues arise.

X



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