

# PREHEARING DECISION AND ORDER

**Decision Issue Date**      Monday, June 20, 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): WILLIAM OLDMAN

Applicant(s): JIM PFEFFER

Property Address/Description: 428 LAKE FRONT

Committee of Adjustment File 18 257345 STE 32 MV

Number(s):

**TLAB Case File Number(s): 20 186993 S45 19 TLAB**

**Prehearing date: June 13, 2022**

**DECISION DELIVERED BY TLAB VICE CHAIR ANA BASSIOS**

## APPEARANCES

Name	Role	Representative
Jim Pfeffer	Applicant	
William Oldman	Owner/Appellant	John Alati
Willian Guest and Eleanor Guest	Party	Dennis Wood/Angela Fang
Mandi Kimsa	Party	Dennis Wood/Angela Fang
Kevin Kimsa	Party	Dennis Wood/Angela Fang
Brent Crawford	Party	
Name	Role	Representative
David McKay	Expert Witness	

**Decision of Toronto Local Appeal Body Panel Member: A. BASSIOS**  
**TLAB Case File Number: 20 186993 S45 19 TLAB**

Michael Spaziani	Expert Witness
Jim Pfeffer	Expert Witness
Mike Pettigrew	Expert Witness
John Larsson	Participant
Paul McIntyre	Participant
Cindy Macmillan	Participant
Gillian Stewart	Participant
David Bruce	Participant
Birthe Joergensen	Participant
Don Norris	Participant
Rob Neish	Participant
Erin Mitchell	Participant
Michael Macmillan	Participant
Ilana Kotin	Participant
Chris Gaffney	Participant
Nelson Coombs	Participant
Caron To	Participant
David Bryson	Participant
Joe Bogdan	Participant
Tom Mason	Participant
Jeffrey Levitt	Participant
Eva Kralits	Participant
Holly Allen	Participant

## INTRODUCTION AND BACKGROUND

A prehearing was convened to prepare for the final day of hearing in this matter, which is an Appeal of the Toronto and East York panel of the City of Toronto (City) Committee of Adjustment's (COA) refusal of an application for variances at 428 Lake Front (subject property).

An Interim Decision and Order was issued by the Toronto Local Appeal Body (TLAB) on October 5, 2021 which permitted the Applicant to submit a revised proposal in general compliance with the findings of the Interim Decision and various specific criteria.

To consider the revised plans submitted in accordance with the Interim Decision, a *Notice of Hearing* is to be issued. The purpose of the prehearing conference was to resolve issues prior to the hearing, to establish the length of the hearing time that is required and to set a schedule for the expeditious completion of the hearing of this matter.

In attendance at the prehearing conference were:

- Mr. Alati, counsel for the Owner. Mr. Oldman, the Owner and Expert Witness Mr. Pfeffer.
- Mr. Wood, counsel for Parties Guest and Kimsa.
- Participants Mr. Lowe and Mr. Levitt

## AUTHORITY

The prehearing conference was convened under TLAB Rule 21 PREHEARING CONFERENCES.

## MATTERS IN ISSUE

### NOTICE OF REVISED PLANS

A question had arisen between legal counsel regarding the circulation of the revised plans that had been directed by the Interim Decision in accordance with s.45 (18.1) of the *Planning Act*.

Mr. Wood, for Parties Kimsa and Guest, advised that he was not intending to raise concerns with regard to the Applicant's compliance with the Interim Decision direction to provide *Notice* of the revised plans.

### HEARING DAY TIMETABLE

The Parties agreed to confine the Hearing to one day and to the following conditions in order to accomplish completion of the Hearing within a single day:

- Witness Statements and Responses thereto would be prepared and filed in the usual way prior to the Hearing day.
- TLAB staff will be requested to facilitate a 9:00 a.m. start time for the Hearing.
- Four witnesses will appear. For each Witness:
  - There will be no examination in chief
  - 45 minutes will be allowed for cross examination
  - 15 minutes scheduled for the Member to ask any questions
  - 15 minutes allowed for re-examination of the witnesses.
- One hour will be reserved for the Party Crawford and the Participants Levitt and Lowe to be heard.
- The lunch break will be restricted to half an hour.
- What time remains before the Hearing is to be adjourned will be allocated equally between the two legal counsel to hear oral argument.

### **POTENTIAL HEARING DATES**

The availability of Parties, Participants, counsel and experts was canvassed. Four dates were identified as potential Hearing dates by all in attendance, being September 2, 8, 9 and 13.

TLAB staff will be requested to make arrangements for the Hearing to be scheduled for one of those days, and if any obstacles arise, to canvass for other dates.

### **DUE DATES FOR WITNESS STATEMENTS**

Once TLAB staff have secured a definite hearing date, due dates for witness statements will be identified in cooperation with legal counsel. These due dates for witness statements and responses will be no later than a week prior to the Hearing day and will be included in the *Notice of Hearing*.

### **DECISION AND ORDER**

The final Hearing of this matter will take place over a single day and will proceed according to the agreed timetable as outlined in the Decision above which includes a start time of 9:00 a.m.

TLAB staff are directed to canvass the Parties and issue a *Notice of Hearing* for one of the dates identified above.

TLAB staff are directed to consult with legal counsel and include in the *Notice of Hearing* appropriate exchange dates for the filing of Witness Statements and Responses.

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Ana Bassios  
Panel Chair, Toronto Local Appeal Body