

MOTION DECISION AND ORDER

Decision Issue Date: Wednesday, July 13, 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): Cary Green, Earl Rumm

Applicant: Rubinoff Design Group

Property Address/Description: 101 Bidewell Ave

Committee of Adjustment Case File Number: 21 226154 NNY 06 MV (A0705/21NY)

TLAB Case File Number: 21 249561 S45 06 TLAB

Written Motion Hearing Date: Tuesday, July 05, 2022

DECISION DELIVERED BY Panel Member S. Makuch

REGISTERED PARTIES AND PARTICIPANTS

Applicant	Rubinoff Design Group
Party/Owner	Dayna Michelle Herman
Party's Legal Rep.	Amber Stewart
Appellant	Cary Green
Appellant's Legal Rep.	David Bronskill
Appellant's Legal Rep.	Matthew Lakatos-Hayward
Appellant	Earl Rumm
Appellant's Legal Rep.	Aaron Platt

INTRODUCTION AND BACKGROUND

This is a motion requesting an order for the production of all open and issued building permits and all supporting plans and drawings and engineering reports related to building permits respecting 101 Bidewell Ave.

MATTERS IN ISSUE

The only issue was whether the motion should be granted ordering the production of all open and issued building permits and all supporting plans and drawings and engineering reports related to building permits respecting 101 Bidewell Ave.

JURISDICTION

Tab has jurisdiction to grant motions and make orders regarding the conduct of hearings under its Rules of Practice and Procedure.

EVIDENCE


Evidence was filed by the Appellants that the material sought was relevant to their case. While the Respondent did not agree they presented no evidence that they would be prejudiced by such an order or could not comply with it. Indeed their evidence was that they had provided the information requested.

ANALYSIS, FINDINGS, REASONS

Since no prejudice would result from such an order and since the Respondent stated they had already provided the requested material there is no reason to refuse the motion. It is important that all parties have all material they believe is relevant to present their case when having such material would not prejudice any party. There is no basis to conclude that the Appellants are "on a fishing expedition". The motion should therefore be granted.

DECISION AND ORDER

The motion is granted and it is ordered that the Respondent produce forthwith all open and issued building permits and all supporting plans and drawings and engineering reports related to building permits respecting 101 Bidewell Ave.

X 

S. Makuch

Panel Chair, Toronto Local Appeal