

# INTERIM DECISION AND ORDER

**Decision Issue Date** Monday, July 04, 2022

PROCEEDING COMMENCED UNDER Section 53, subsection 53(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): 9328475 CANADA CORP

Applicant(s): CONSTANTINE ARCHITECTUAL DESIGN

Property Address/Description: 18 LAMONT AVENUE

Committee of Adjustment File

Number(s): 20 201368 WET 05 CO (B0044/20EYK), 20 201384 WET 05 MV (A0404/20EYK), 20 201543 WET 05 MV (A0405/20EYK)

**TLAB Case File Number(s): 21 177287 S53 05 TLAB**

**Hearing date: Tuesday, November 9, 2021**

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

**DECISION DELIVERED BY TLAB Panel Member S. Gopikrishna**

## REGISTERED PARTIES AND PARTICIPANT

Appellant 9328475 Canada Corp

Appellant's Legal Rep. Constantine Architectual Design

Applicant Constantine Architectual Design

## INTRODUCTION AND BACKGROUND

9328475 Canada Corp is the owner of 18 Lamont Drive, located in Ward 5 (York-Weston) of the City of Toronto. In order to sever the existing lot into two parts, and for the approval of variances to build a detached dwelling on each of the resulting lots, the

**Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna  
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owner applied to the Committee of Adjustment (COA), which heard the Application on June 3, 2021, and refused it in its entirety.

The Applicant appealed the decision made by the COA, to the Toronto Local Appeal Body (TLAB), which scheduled a Hearing on November 9, 2021. It is important to note that no other individual, or organization/business elected to be a Party, or Participant, in this Proceeding. The Applicant did not submit any documents, including a Witness Statement, to the TLAB.

At the Hearing held on November 9, 2021, the Appellant was represented by Alan Logan, who introduced himself as the “Owner” of the property, Mr. Marko Dedvukay, who said that he had a financial stake in the Property, and Mr. Alfred Ageyapong, who was introduced as an architect.

When I asked the Applicants why no documents had been submitted, they replied that they were looking for a planner, and a lawyer to represent them at the Hearing. In addition, the Party stated that they had two different ideas to proceed with the Appeal, and sought my opinion on which proposal would be better. I advised them that my role is neutral, and that I could not provide advice on how best to proceed further, which was best left to a lawyer or a planner.

I informed the Applicants that I would grant them an adjournment, so that they could have the discussions they needed to, and come back to the TLAB, with the finalized set of Plans and Elevations. I explained to the Party they could not expect more than one adjournment, and that they should come prepared to the next Hearing, prepared to present their proposal, after satisfying other responsibilities, such as the submission of an Expert Witness prior to the Hearing. I instructed the Party that when they were ready to proceed to a Hearing, they should contact the TLAB to submit documents, and request for a Hearing date.

The Party stated that they understood my instructions, and indicated that they would contact the TLAB, “as soon as possible”, after which I thanked them for attending the Hearing, and adjourned the Hearing.

As of July 4, 2022, the date this Interim Decision is being released, there has been no communication whatsoever from the Party, about what their plans are, or how will they go forward to complete the Proceeding. The adjournment granted by the TLAB is not to be interpreted as an adjournment *sine die*, or an indefinite adjournment, such that the Appellants can return to the TLAB when possible and convenient for them, resulting in an indefinite waiting period for the TLAB.

In order to understand the Appellant’s state of preparations, and to make a decision on how best to proceed forward, I instruct the Party to meet with me by way of a videoconference. The Party will be contacted by the TLAB Staff to identify a date in September 2022, where they can meet with myself, through means of a videoconference, lasting no more than (2) two hours.

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1. The Parties need to provide their availability for a videoconference in the month of September 2022, to provide updates so that the TLAB can make a Decision about how best to complete this Proceeding. The Representatives of the Parties are required to be present at the Videoconference to provide an update about this Appeal, on the basis of which a decision will be made on how best to proceed forward.
2. Should no response be received from the Parties about their availability within the time provided by the TLAB, a Videoconference will be scheduled based on such information that is available to the TLAB.

So orders the Toronto Local Appeal Body

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S. Gopikrishna  
Panel Chair, Toronto Local Appeal Body