

MOTION DECISION AND ORDER

Decision Issue Date Monday, July 4, 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): TYLER WELWOOD

Applicant: DESIGN PLAN SERVICES

Property Address/Description: 70 DUNSTALL CRESCENT

Committee of Adjustment Case File Number: 21 166698 ESC 25 CO (B0037/21SC), 21 166695 ESC 25 MV (A0205/21SC), 21 166697 ESC 25 MV (A0204/21SC)

TLAB Case File Number: 22 128192 S53 25 TLAB, 22 128196 S45 25 TLAB, 22 128197 S45 25 TLAB

Hearing date: Monday, August 29, 2022

DECISION DELIVERED BY TLAB Panel Member G. Swinkin

REGISTERED PARTIES AND PARTICIPANTS

Appellant	Tyler Welwood
Appellant's Legal Rep.	Andy Margaritis
Applicant	Design Plan Services
Participant	Ian Oncea

INTRODUCTION

Tyler Welwood (the "Applicant") is the owner of 70 Dunstall Crescent. He made application to the Scarborough panel of the Committee of Adjustment for approval to sever the property and create two lots with a new two-storey detached dwelling on each of the resulting lots (the "Proposal"). To enable the Proposal, minor variances are required from various provisions of the City of Toronto (the "City") Zoning By-law 569-2013 and Scarborough Zoning Bylaw 10327, West Hill Community.

The Committee considered the Applications at its hearing held on March 10, 2022 and refused the applications.

The Applicant appealed those decisions to the Toronto Local Appeal Body (the "Tribunal"). The Tribunal fixed a hearing date for the appeals to be heard on August 29, 2022.

BACKGROUND

In response to the objections raised with respect to the Proposal, the Applicant is actively, and apparently has been since before the Appeals were filed, working with the City's Urban Forestry department to obtain specific feedback and insight with respect to arboreal and forestry matters.

In connection with those discussions, counsel for the Applicant advises that the architectural plans refused by the Committee are being revised in an attempt to address, Urban Forestry's comments regarding the Proposal (the "Revised Plans").

Mr. Andy Margaritis, counsel to the Applicant, has advised that revision of the plans and drawings, their circulation and consideration of feedback will take some further time. He also advises that he has a conflict with the present hearing date.

In light of the foregoing considerations, Mr. Margaritis has filed a Notice of Motion with the Tribunal seeking an adjournment of the present hearing date and the rescheduling of the hearing to a date in the fall of this year (November or later).

Mr. Margaritis has been in communication with the Participant parties interested in this matter and he advises that they are not opposed to such an adjournment.

JURISDICTION

The Tribunal's Rule 23 governs the grant of adjournments.

ANALYSIS, FINDINGS, REASONS

Tribunal Rule 23.3 sets out considerations in the exercise of the Tribunal's discretion with respect to adjournments. Based upon the information set forth in the

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Notice of Motion, the Tribunal determines that there will be prejudice to counsel for the Applicant if the adjournment is not granted and concomitantly there does not appear to be prejudice to any other persons interested in this matter if that adjournment is granted. Furthermore, the additional time resulting from such an adjournment may facilitate modifications to the Proposal which may address some or all of the present objections and potentially lead to a settlement of the appeals.

The Tribunal also determines that counsel for the Applicant has acted in a timely manner in connection with this adjournment request.

DECISION AND ORDER

The Tribunal Orders that the hearing of the appeals under the file numbers noted in the title of proceedings above are adjourned from the presently scheduled date of August 29, 2022 to a date to be subsequently fixed by the Tribunal, for which a fresh Notice of Hearing will be issued by the Tribunal.

The Tribunal suggests that counsel for the Applicant communicate with the Case Manager at the Tribunal in connection with the fixing of the rescheduled hearing date to avoid any conflict with the future hearing date.



X

G. Swinkin
Toronto Local Appeal Body, Panel Member