

INTERIM DECISION AND ORDER

Decision Issue Date Thursday, July 21, 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): LAUREN MARIE BOUTETTE

Applicant: GLEN SCHNARR & ASSOCIATES INC

Property Address/Description: 269 EUCLID AVE

Committee of Adjustment Case File Number: 21 188797 STE 11 MV

TLAB Case File Number: 21 250646 S45 11 TLAB

Hearing date: Monday, July 11, 2022

DECISION DELIVERED BY TLAB Vice-Chair Ana Bassios

REGISTERED PARTIES AND PARTICIPANTS

Applicant	GLEN SCHNARR & ASSOCIATES IN
Appellant/Owner	LAUREN MARIE BOUTETTE
Appellant's Legal Rep.	IAN FLETT
Participant	HERMINIO VASA
Participant	ZOE LU
Participant	BINGLE LIN
Participant	JACKIE SU
Participant's Representative	NANDO VASA
Participant's Representative	SHAOLIANG HUANG

Participant's Legal Rep. JACKIE SU

INTRODUCTION

This matter comes before the Toronto Local Appeal Body (TLAB) as a result of an Appeal of the Toronto and East York panel of the City of Toronto (City) Committee of Adjustment's (COA) refusal, on **December 1, 2021**, of an application for variances for the property known as 269 Euclid Ave.

BACKGROUND

In the week prior to the scheduled Hearing for this matter, the TLAB received a second Appeal, resulting from a second, subsequent, application which was approved by the COA on **June 8, 2022**, and Appealed by Mr. Nando Vasa (file number *TLAB File 22 168683 S45 11 TLAB*).

Parties and Participants to the matter scheduled for Hearing on July 11, 2022 were advised by TLAB staff by email that the first order of business at the Hearing would be to address the intended consolidation of both appeals and procedural matters.

In attendance on July 11, 2022, were:

- Mr. Ian Flett, legal representative for the Owners and Mr. Paul Johnson, Expert Witness (land use planning);
- Mr. Nando Vasa, representing Mr. Herminio Vasa (who was also in attendance);
- Mr. Jackie Su, a Participant and representing Participant Zoe Lu.

As the discussion of the two sequential Appeals progressed, it became apparent that there was a willingness on the part of the Applicant to discuss a settlement. Mr. Vasa, who elected Participant status in the first Appeal, and is the Appellant in the second Appeal, was willing to enter into a mediated discussion. Mr. Su agreed to pursue a mediated discussion to potentially resolve both Appeals.

MATTERS IN ISSUE

The first pressing issue to be addressed was the TLAB's intent to consolidate the two Appeals before the TLAB. A closed mediation session was conducted in order to establish if a mediated solution to the Appeals could be found.

EVIDENCE

Prior to entering into closed mediation, Mr. Flett confirmed that his client was prepared to set aside the second application and pursue only the application that was the subject of the COA's refusal in December 2021.

ANALYSIS, FINDINGS, REASONS

The mediation discussions were held on a without prejudice basis and are therefore confidential and not to be shared or discussed with those who were not involved in the mediation.

The mediation did not conclude with a finished settlement, although the discussion was helpful. Those present agreed to continue their discussions without the presence of the TLAB member.

Those present agreed that I was to remain seized of the matter and would preside over the Hearing and disposition of this matter, whether that is to be by settlement or by means of a contested hearing.

I was requested to secure a Hearing date for this matter to be heard, to be used for the approval of a settlement, if the participants are able to come to an agreement, or for a contested hearing in the event that they are not.

Potential Hearing dates were identified and staff have subsequently a second hearing day has been scheduled for July 29, 2022.

If a settlement is not achieved, the Hearing will proceed on the basis of disclosures and Witness Statements already filed in accordance with the first *Notice of Hearing* for this matter.

DECISION AND ORDER

A second day for the hearing of this matter is scheduled for July 29, 2022, for which a *Notice of Hearing* has been issued by TLAB staff.

I remain seized of this matter.

X



Ana Bassios
Panel Chair, Toronto Local Appeal Body