

**Decision of Toronto Local Appeal Body Panel Member: S. Gopikrishna
TLAB Case File Number: 21 132360 S45 03 TLAB**

variances to legalize and maintain a one-storey addition (walk-in cooler) between the two existing industrial buildings, a one-storey south side addition and a new loading space.

The COA heard the Application on March 9, 2021, and refused the Application in its entirety. The Applicant appealed the decision made by the COA to the Toronto Local Appeal Body (TLAB) on March 26, 2021. Mr. Alessandro Santone, one of the neighbours, elected for Party status in opposition to the Appeal.

The TLAB originally scheduled a Hearing on August 17, 2021, where the Appellant was represented by Mr. Marcin Mazierski, a lawyer, and Mr. T.J.Cieciura, a land use planner. The Opposition was represented by Mr. Alessandro Santone,. Mr. Mazierski requested an adjournment, because he wanted an opportunity to attempt to mediate with the Opposition, and see if a Settlement could be a reached. Notwithstanding the Opposition's wanting to "complete the Hearing and enjoy the rest of the summer", I granted the adjournment for a couple of reasons- the first being that the TLAB is supportive of Settlements, and the second reason being the Opposition did not submit a Witness Statement before the Hearing.

The Proceeding was adjourned to November 10, 2021- at this Hearing, Mr. Mazierski again requested for an adjournment because he was in continued discussions with the Opposition to arrive at a Settlement. He said that the Parties were still in the process of negotiating with each other, in order to settle their differences over an "engineering issue", which in turn involved a third party, that is not involved with the Appeal before the TLAB. I granted the adjournment with the clear understanding that the Applicants would contact the TLAB, after having discussions with the other Party, and any other interested individuals, to inform the former about whether the Proceeding would go forward by way of a contested Proceeding, or a Settlement Hearing

As of June 30, 2022, the day this Interim Decision is being released, I understand that there is no update from the Applicants.

Given the length of time that has elapsed since the last Heating, and the lack of communication from the Applicant, I find that it would be appropriate for me to meet with the Parties for a case conference to obtain an update from the Parties, and decide how best to proceed with this Appeal.

I therefore direct the TLAB Staff to contact the Parties and obtain their availability for a videoconference lasting no longer than two hours in September 2022, to provide updates about their positions with respect to this Appeal, and discuss how this Proceeding can be completed. Should no replies be received from the Parties in response to the requests from the TLAB regarding rescheduling, the TLAB will schedule a conference based on its convenience.

It may be noted that while the Representatives of the Parties need to be present at the videoconference in questions, Witnesses need not the teleconference, because no evidence will be heard at this Hearing.

INTERIM DECISION AND ORDER

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

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body