

PRE-HEARING CONFERENCE ORDER

Decision Issue Date Monday, July 18, 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): ARON JOSEPH ROTH

Applicant: WSP CANADA INC

Property Address/Description: 41 VARNA DR

Committee of Adjustment Case File Number: 21 205281 NNY 08 MV (A0815/21NY)

TLAB Case File Number: 22 118733 S45 08 TLAB

PRE-Hearing date: Wednesday, July 13, 2022

DECISION DELIVERED BY TLAB Chair D. Lombardi

REGISTERED PARTIES AND PARTICIPANT

Applicant	WSP Canada Inc
Owner	Toronto Community Housing Corporation
Appellant	Aron Joseph Roth
Party	Heights Development Inc
Party's Legal Rep.	David Bronskill
Expert Witness	Kristopher Hall

INTRODUCTION AND BACKGROUND

This is a matter convened at the request of the Toronto Local Appeal Body (TLAB) in respect of a decision by the North York Panel of the City of Toronto (City) Committee of Adjustment (COA) conditionally approving the variances requested in respect of 41 Varna Drive (subject property).

A Pre-Hearing Conference (Conference) was held on Wednesday, July 13, 2022. The TLAB file in this matter showed eight (8) Parties listed. However, only the Owner, Toronto Community Housing Corporation (TCHC) represented by Jessica Hawes, the Applicant (WSP) represented by Jonathan Karavos and Kristopher Hall, an expert witness, and the Appellant Aaron Roth, attended the Conference which was held virtually via the City's WebEx meeting platform.

I directed Court Services Tribunal staff to schedule the Conference to provide the Parties with an update as to my participation as the presiding Member in this matter. I advised that the TLAB had set the Hearing for the appeal for August 9, 2022, and that I had received the invitation to accept the assignment by TLAB staff on June 14, 2022.

I '*tentatively*' accepted the assignment for the reasons cited below, and shortly afterwards requested TLAB staff canvas the Parties to schedule a Pre-Hearing Conference to discuss my status as the presiding Member. In doing so, I intended to advise the Parties that within a couple of days after the scheduled Hearing I would be absent from the TLAB until early September due to a medical procedure.

The result would be that I would be unable to render a written decision and order regarding the application until likely early October 2022 at the earliest.

In supplying this advisory to the Parties, I acknowledged that one of the key values in the TLAB's Guiding Principles, which were adopted on June 14, 2017, provides that:

"5.1.1. The TLAB will provide decisions to parties, participants and the general public in a timely manner."

Additionally, Rule 2.2 of the TLAB's Rules of Practice and Procedure states that *"These Rules shall be liberally interpreted to secure the just, **most expeditious** (my highlight) and cost-effective determination of every Proceeding on its merits."*

I wanted to provide the Parties with this information and allow them to consider whether it would be in their best interests to request that a different TLAB Member be assigned to the Hearing if they had concerns about a delay in the issuance of a final decision and order.

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After allowing a brief recess in the Conference, which allowed Parties to consult with and receive direction from clients, I was advised that none of the Parties wished to exercise their entitlement to request a different Member preside at the Hearing.

As a result, I am seized on the matter and I have advised TLAB staff that I now formally accepted this hearing assignment.

ORDER

The Hearing scheduled for August 9, 2022, in this appeal is confirmed and I am the Member who will hear that matter.

No new Notice of Hearing is required and the due dates on the original Notice dated April 26, 2022, remain unchanged.

X



D. Lombardi
Panel Chair, Toronto Local Appeal Body
Signed by: dlombar