

# MOTION DECISION AND ORDER

PROCEEDING COMMENCED UNDER section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

**Decision Issue Date**      Tuesday, July 19, 2022

Appellant(s): 1299298 ONTARIO LTD.

Applicant: C2 PLANNING LAND USE PLANNERS

Property Address/Description: 818 EASTERN AVE

Committee of Adjustment Case File Number: 21 161035 STE 14 MV (A0706/21TEY)

TLAB Case File Number: 21 250427 S45 14 TLAB

**Hearing date:**      Thursday, July 21, 2022

**DECISION DELIVERED BY T. Yao**

## REGISTERED PARTIES AND PARTICIPANTS

Applicant	C2 Planning Land Use Planners
Appellant	1299298 Ontario Ltd.
Appellant's Legal Rep.	Denitza Koev
Party	City of Toronto
Party's Legal Rep.	Aderinsola Abimbola
Party's Legal Rep.	Gabriela Dedelli
Party	Terry Fagan
Party	Newton Ngo
Participant	James Van Wyck

## **INTRODUCTION**

This is a motion for adjournment, which was not flagged by staff until yesterday (July 18, 2022), although filed in a timely manner. The joint motion, on behalf of the City and the proponent, asks for an adjournment due to scheduling conflicts for both movers of the motion. The TLAB was advised of the motion on May 27, 2022, although the motion was not brought formally until June 6, 2022. On May 30, at 8:34 AM, Mr. Hancock wrote:

This neighbourhood has been extremely patient with this issue for a very long time.

It is obvious that 'SoulMutts' is attempting to delay this hearing for as long as possible with no intent of following any rules. In my humble opinion this delaying tactic is a ploy to continue the operation of an illegal enterprise at the expense of the local neighbourhood and in addition is flaunting the already bureaucratic and overloaded hearing process. Everyone involved has known for many many months the date of this hearing and personally I have made arrangements to be here in Toronto for the date of the hearing as have most of my neighbours

At 10:14 AM, on the same day the TLAB wrote:

Good Morning,

Thank you all for contacting the Toronto Local Appeal Body.

The hearing date of July 21st remains as scheduled.

Please get in touch with our office if you wish to Request for Adjournment via Motion or through a Consent Adjournment as per rule 17.2.

The hearing date will remain fixed until we receive clear communication requesting a motion via the avenues above.

Then Ms. Koev filed this joint motion, but nothing was exchanged or filed since that date. On behalf of the TLAB I apologize for the inconvenience to the parties for the late attention to the motion.

Motions for adjournment because of scheduling conflicts by professionals (including in this case, one of the City's lawyers) are routinely granted, despite the fact that delay may have more practical impact on one party or another. I do note that Mr. Hancock and his neighbours have made themselves available in the summer and may have rearranged or cancelled other plans.

## DECISION AND ORDER

Accordingly, I am cancelling the July 21, 2022, hearing date and converting it to a scheduling day. I ask that if Ms. Dedelli and Mr. Chan cannot be available, someone on their behalf bring their calendars, and we can together with the neighbours schedule a three-day block of hearing days from August 24, 2022, onward. I want this scheduled hearing to proceed as soon as possible.



X

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T. Yao  
Panel Chair, Toronto Local Appeal Body