

REVIEW REQUEST – Direction

Direction Issue Date: Wednesday, August 17, 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): MICHELE ADELE CHANDLER

Applicant: CZC BUILDING CONSULTANTS LTD

Property Address/Description: 67 ALCORN AVE

Committee of Adjustment Case File: 20 211563 STE 12 MV (A0990/20TEY)

TLAB Case File Number: 21 163306 S45 12 TLAB

Decision Order Date: June 30, 2022

DECISION DELIVERED BY T. Yao

Donald Wong, owner of 67 Alcorn Ave, files a request to review the Decision of TLAB Member Gopikrishna. That Decision was dated June 30, 2022. My first task is to make sure the correct process has been followed. TLAB Rules 31.1 and 31.2 permit a party to request that the Chair review a decision of any TLAB Member. The Chair may delegate the responsibility of conducting the Review to any member and the Chair has delegated this file to me.

Under Rule 31.5¹ the Review request must be served on the TLAB within 30 days and Mr. Wong has done so. As a result, Mr. Wong is in time. The next step is for the Responding **Party** to answer Mr. Wong within 20 days.²

Under Rule 31.5 and subsequent sections, the Rules contemplate that only "Parties" can participate in the review process. The original appellant to the TLAB, Ms. Chandler, is the next door neighbour and is not technically a party as she never made this election. Staff and Mr. Wong, following the Rules, may have created a situation where she may be unaware of the request because she has not received notice. The

¹ 31.5 A Review request shall be provided to all **Parties** and the TLAB by Service within 30 Days of the Final Decision or final order, unless the Chair directs otherwise.

² 31.10 Despite Rule 31.9, if a Party needs to respond to the Review Request the Responding Party shall by Service on all Parties and the TLAB provide a Response to Review Request no later than 20 Days from the Date of Service pursuant to Rule 31.5, unless the Chair directs otherwise.

fundamental rules of justice require I hear both sides, particularly when a hearing has taken place at which I was not present.

The Rule ends with the words “unless the Chair directs otherwise,” meaning that the Rule may be varied by the person to whom the Chair has delegated responsibility to handle the review. Rule 2.11³ states that any rule can be waived. In my view it would be wrong for me to deal with the request without giving Ms. Chandler an opportunity for input.

DIRECTION

I request staff to forward the request to all persons on the mailing list. From this point onward in this file, I will interpret the word “parties” in the Rules regarding review requests to include “participants”, and I deem Ms. Chandler a participant notwithstanding there does not seem to be an election. If Ms. Chandler wishes to respond she must do so by Sept 9, 2022. After that I will finalize Mr. Wong’s review request.



X

T. Yao
Panel Chair, Toronto Local Appeal Body

³ 2.12 The TLAB may grant all necessary exceptions to these Rules, or grant other relief as it considers appropriate, to enable it to effectively and completely adjudicate matters before it in a just, expeditious and cost-effective manner.