

MOTION DECISION AND ORDER

Decision Issue Date Friday, August 19, 2022

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

Appellant(s): MOLINA CLAUDIA

Applicant: IDA EVANGELISTA

Property Address/Description: 31 SECOND ST

Committee of Adjustment Case File Number: 22 107173 WET 03 MV (A0067/22EYK)

TLAB Case File Number: 22 145759 S45 03 TLAB

Hearing date: Friday, September 09, 2022

DECISION DELIVERED BY T. Yao

REGISTERED PARTIES AND PARTICIPANTS

Appellant	MOLINA CLAUDIA
Applicant	IDA EVANGELISTA
Party	LINDA BEHME
Party	BARBARA ZYLSKI
Party	MAHNAZ SALKORDEH FAYZAK
Party's Legal Rep (M. Salkordeh Fayzak)	MARTIN MAZIERSKI

INTRODUCTION AND CONTEXT

On July 30, 2022, Ms Behme brought a motion to compel the owner of 31 Second Ave (Salkordeh Fayzak) to file his "Applicant's Disclosure". As well, she requested mediation. The Disclosure was due on June 22, 2022, and Ms. Behme was required to file her own disclosure on August 2, 2022, so she also requested a two-week grace period to study whatever changes he proposed.

Decision of Toronto Local Appeal Body Panel Member: Chair T. Yao
TLAB Case File Number: 22 145759 S45 03 TLAB

Mr. Fayzak filed a response on August 2, 2022, indicating that he would be retaining a lawyer and did so on August 8, 2022. Mr. Mazierski, Mr. Fayzak's newly retained lawyer, also filed Mr. Fayzak's Applicant's Disclosure and Mr. Fayzak responded to Ms. Behme's rescheduling request as follows:

15. Rather than postponing the filing date for the disclosure and witness statements until two weeks after the filing of the form 3 and plans that are being filed with this form 8 notice of response to motion, the owner asks that the TLAB provide the legal representative time to request an adjourn-to date from TLAB staff, so that the legal representative can request an adjournment on consent under TLAB rule 17.2, or alternatively, if an adjournment on consent cannot be secured, so the legal representative can file a motion to adjourn under TLAB rule 23.2, with one of the objectives of any such adjournment being to receive a new notice of hearing with new filing deadlines for the disclosure and (expert) witness statements.

By way of reply, Ms. Behme reiterated a request for mediation.

I am converting September 9, 2022, to a non-binding mediation. Either party is entitled to retain planning assistance or do further research, but is not required to do so. If there are documents produced between now and September 9, 2022, they should be emailed to the other side on a without prejudice basis. This includes preliminary or draft reports, spreadsheets and architect's drawings or design suggestions from Ms. Behme etc. to the architect. Documents should **not** be filed with the TLAB at this juncture. The architect should be available by telephone for persons attending the meditation.

If the mediation fails or if I am advised by any person that that in her or his opinion, the mediation is pointless, the new hearing date is Monday November 21, 2022, and the new disclosure deadline will be October 5, 2022. If a person wishes to call off the mediation, it should be done by August 24, 2022 by email to tlab@toronto.ca. **In order to preserve confidentiality, I would ask that the staff receiving this email not disclose it to me.**

DECISION AND ORDER

Previous deadlines set by the TLAB Notice of Hearing for September 9, 2022, are cancelled. The hearing date of September 9, 2022, is converted to non-binding mediation.



X

Panel Member T. Yao
Panel Chair, Toronto Local Appeal Body