

Procedural ORDER

Decision Issue Date Monday, November 21, 2022

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

Appellant(s): SCOTT STEVENS

Applicant(s): WAYNE SWADRON ARCHITECT

Property Address/Description: 160 TEDDINGTON PARK AVE

Committee of Adjustment File Number(s): 22 109958 NNY 15 MV (A0087/22NY)

TLAB Case File Number(s): 22 142546 S45 15 TLAB

Hearing date: September 29, October 28, November 8, 2022

DELIVERED BY TLAB Panel Member T. Yao

REGISTERED PARTIES AND PARTICIPANTS

Applicant	Wayne Swadron Architect, agent for Robert Torokvei)
Mr. Torokvei's Legal Rep	Mathew Hefland
Mr. Torokvei's planner	Sean Mcgaffey
Appellant	Teddington Park Residents Association Inc (president Walter Scott Stevens)
TPRA's Legal Rep	William Roberts
TPRA's planner	Terry Mills
Party	Robert Ting
Party	Boris Kogut
Party	Andrew Durnford
Participant	Victoria Hand
Participant	Daniel Hopp

At the conclusion of the evidence gathering phase, I made two oral orders and pursuant to Rule 29.1, (which is not squarely applicable), oral orders are not effective unless reduced to writing.¹

I asked the parties discuss settlement and report to me by November 16, 2022. Apparently no settlement has been achieved and recent changes to the TLAB administrative practices make it difficult to send or receive supplementary information once the hearing is concluded. Therefore, I make this procedural Order to guide the next steps.

During submissions, Mr. Helfand offered to provide me with a “neutral” Memorandum of Law on the Ontario Heritage Act. I accepted that offer and will use this procedural Order to set out that process.

Mr. Helfand and Mr. Roberts can either jointly sign and agree with the memorandum or Mr. Helfand can file his version signed only by him, with Mr. Roberts being able to comment or dispute assertions in Mr. Helfand’s memorandum in writing. There will be no right of reply. In any case I would request Mr. Helfand give Mr. Roberts as much notice as possible. The Memorandum should be filed with the TLAB at the latest by December 7, 2022. If the Memorandum is not joint, Mr. Roberts will have until December 14, 2022, for his comments.

After those dates, whether or not I receive any Memorandum I will go ahead and finalize this decision.

I earlier sent the parties a memo to this effect but I do not know whether it has been forwarded. In that memo I suggested as a practical matter, if the parties wished to further discuss settlement, I would not stop them, but in any case, I do not intend to delay finalizing this case.

Order

I order the two counsel to produce a Memorandum of Law on the Ontario Heritage Act as set out above.

¹ 29.1 An order may be contained in the decision and issue as a decision and order of the TLAB. Where an order issues after a written decision, the TLAB will issue the appropriate order, and where a decision is orally given it is not effective until the issuance of the written decision

X



Ted Yao
Panel Chair, Toronto Local Appeal Body