

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 04, 2021

CASE NO(S): LC200007

PROCEEDING COMMENCED UNDER subsection 26(b) of the *Expropriations Act*,
R.S.O. 1990, c. E.26, as amended

Claimant: Mary Katschilo
Respondent: Ministry of Transportation
Subject: Land Compensation
Property Address/ Description: 1671 Brentano Boulevard
Municipality: City of Mississauga
Tribunal Case No.: LC200007
Tribunal File No.: LC200007
Tribunal Case Name: Katschilo v. Ontario (Transportation)

Heard: October 29, 2021 by Video Hearing ("VH")

APPEARANCES:

Parties

Counsel

Mary Katschilo ("Claimant")

D. Lurie

Ministry of Transportation
("Ministry")

D. Polla

**MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON
OCTOBER 29, 2021 AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] The matter before the Tribunal is a claim for compensation made in early 2020 arising from a partial taking of 1671 Brentano Blvd ("Subject Lands").

[2] The Tribunal had issued on December 9, 2020 its Procedural Order and set a

“target date” for a 10-day hearing commencing on January 17, 2022.

[3] Subsequent thereto the Claimant had brought a motion for answers to questions and to produce relevant documents refused at an examination for discovery.

[4] The motion hearing was set for May 28, 2021 at which time counsel for the Claimant requested that the motion be adjourned *sine die* and indicated that he would advise within one month’s time whether the matter had settled.

[5] The Tribunal held a Case Management Conference (“CMC”) to obtain a status update on this matter.

[6] For the reasons set out below, the Tribunal cancelled the 10-day hearing set to commence on January 17, 2022, and set a further CMC for **Tuesday, January 18, 2022** to hear a further status update.

DECISION

[7] The Tribunal was advised that the Ministry had made a settlement offer on June 22, 2021 that was accompanied by a short expert opinion in support of the offer.

[8] The settlement offer and supporting material were to be reviewed by the Claimant’s consultants with the expectation that they would be able to provide their reports prior to the end of October 2021.

[9] As this CMC was held October 29, 2021, clearly that did not occur and when questioned by the Tribunal, counsel for the Claimant indicated that they were pressing the consultants for their responses.

[10] Counsel for the Claimant and the Ministry both agreed that the 10 day hearing scheduled to commence on January 17, 2022 could be released, that a further CMC to obtain a further status update would be warranted, and a CMC in early in 2022 would be

appropriate.

[11] Accordingly, the Tribunal cancelled the January 17, 2022 hearing dates.

[12] The Tribunal then set a **one-day CMC for Tuesday January 18, 2022 commencing at 10 am by VH** for the further status update.

[13] Parties are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/933295925>

Access code: 933-295-925

[14] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[15] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: [+1 \(647\) 497-9391](tel:+16474979391). The access code is **933-295-925**.

[16] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[17] At the next CMC, the Tribunal anticipates that the Claimant will have had ample time to obtain her consultants' responses and expects to hear an update on the proposed settlement, and if no settlement has been reached, whether Tribunal-led mediation might be of assistance to the parties in this matter.

- [18] There will be no further notice.
- [19] I am not seized.
- [20] Scheduling permitting, I may be available for case management purposes.
- [21] This is the Order of the Tribunal.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

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