



June 2nd, 2008

MEMORANDUM

TO: Councillor Norm Kelly, Chair Planning & Growth Management Committee
Committee Members, Councillors Di Giorgio, Filion, Stintz and Vaughan
Merle MacDonald, Committee Administrator

SUBJECT: Formation of Committee of Adjustment Appeal Panel

Respectfully, I request that this memo and recommendations be added to the Agenda of the June 5th meeting of Planning and Growth Management Committee for consideration.

Background:

The new City of Toronto Act ushered in expanded powers and responsibilities for municipal government in Toronto. One of the significant new powers which was given to the City is the ability to establish our own Appeal Panel for Minor Variance and Consent applications heard by the Committee of Adjustment.

Section 115 of the Act gives the City the ability to establish its own Appeal Panel and appoint members of the Panel according to its own criteria. The only restrictions the Act imposes are that members of the Appeal Panel may not be Members of Council, Committee of Adjustment members, or City staff.

Recommendations:

1. A Councillor-Staff Working Group be struck to develop the structure for an Appeal Panel to hear appeals of Committee of Adjustment decisions on Minor Variance and Consent Applications.
2. The Working Group should consider;
 - the staff and financial resource requirements for the establishment of such an Appeal Panel
 - the fee structure for Appeals
 - the structure and size of the Appeal Panel
 - qualifications and criteria for appointment of members to the new Appeal Panel

cont.

Getting things done for Etobicoke-Lakeshore

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3. The Councillor-Staff Working Group should report to the Planning & Growth Committee by October 2008. The Executive Committee and Budget Committee should be kept apprised of the work of the Working Group so as to be able to plan for the new Appeal Panel's implementation.

The City of Toronto, residents and generations of municipal politicians have lamented the fact that the Ontario Municipal Board has jurisdiction over appeals of local Planning matters. The Government of the Province of Ontario has offered the City the ability to take over responsibility for a fair, rule-of-law based Appeal Panel for hearing appeals of decisions of the Committee of Adjustment.

It is important that the City of Toronto grasp this opportunity to demonstrate its ability to more fully take control of the Planning process at the municipal level. A successful implementation of this measure would strengthen the City's calls for wresting more control over the Planning process away from the Ontario Municipal Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Milczyn". The signature is fluid and cursive, with a prominent underline at the end.

Peter Milczyn