



To the City Clerk:

Please add these comments to the agenda for March 9, 2016 Executive Council meeting on item 2016.EX13.1, **Follow-Up Report on a Local Appeal Body (LAB) for Toronto.**

The South Eglinton Ratepayers and Residents Association (SERRA), founded in 1965, is one of the oldest residents associations in North Toronto. South Eglinton is often called Davisville Village and lies south of Eglinton Avenue East, between Bayview Avenue and Yonge, in Ward 22. There has been a significant increase in residential infill development in our area over the last three years.

General Comments:

SERRA has been actively assisting its members and residents on a large number of cases (25) at the Committee of Adjustment level and number of cases (6) that have progressed to OMB hearings. Our members have been frustrated in their efforts to navigate the complexities of these planning tribunals and the power imbalance that residents experience while facing professional planners and lawyers at these tribunals.

While this report does not describe specific changes to address the power imbalance issue, we believe that downloading of the appeal process to the city is both necessary and appropriate.

SERRA endorses all of the recommendations of the City Manager.

We would further encourage the city to begin LAB operations as soon as possible using interim facilities, as recommended in the report.

1. The Mediation Pilot Project must carefully consider side agreements:

We believe that the use of mediation, as proposed, will ultimately improve planning outcomes. We would encourage that the mediation services focus on planning matters and not be used to facilitate the management of side agreements.

We have seen that adjacent neighbours are most concerned about the adverse impacts of development on their own properties. Examples of these adverse impacts include:

foundation damage, drainage concerns, and chimney problems. These matters are often addressed through side agreements that provide developers with improved access in exchange for addressing these adverse impacts. Sometimes these side agreements include financial considerations or the provision of services.

The planning tribunals typically provide the most weight to the testimony of the adjacent neighbours. In most cases, the adjacent neighbours will withdraw their opposition to the application (planning issues) if an appropriate side agreement (non-planning issues) has been signed. If any parties or participants have arrived at side agreements in advance of the mediation session, the nature and extent of these side agreements should be disclosed to the mediator.

The mediator must carefully consider the impact of side agreements to ensure that the mediation process focus on the key planning issues (e.g., minor variances and consents).

2. Need to Measure the Outcomes of Mediation Pilot Project:

The pilot project should specifically focus on improving planning outcomes. The pilot project should measure the effectiveness of the program using planning metrics. Here are several examples of key metrics that should be recorded:

- Number of mediation sessions (number started and number completed)
- Reduction in the number of minor variances
- Reduction in the size of the minor variances
- Frequency and nature of side agreements.

3. Early Reporting on the results of the Mediation Pilot Project:

We understand the City Manager will report on the progress of the pilot project after one full year of operations. We would ask that a preliminary report be provided after the first six months.

We believe that the program will prove to be very effective, and SERRA residents would like to see the program expanded to other parts of the city. A positive preliminary report would allow for early planning for a full roll-out of the program.

4. Provide Public Education and Awareness:

The report does not highlight the work effort and costs associated with public education and awareness. We assume that the details of educational and awareness programs are embedded in the existing budgets. Information on the new LAB should be made

available on the city website and through supporting materials (e.g., brochures, videos) with the following elements:

- Explain how the LAB works (and how it differs from the OMB)
- Guidelines on how to prepare for a LAB hearing
- How to gain access to site plans and other materials
- How to access previous LAB decisions
- Explain how the mediation process works within the pilot study.

SERRA would encourage the city to move quickly to hold the first LAB hearing. Our members and residents have been anxiously awaiting this event.

Yours sincerely,

A handwritten signature in black ink that reads "Allan Kivi". The signature is written in a cursive, flowing style.

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cc: Josh Matlow, Toronto City Councillor, Ward 22
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