

# Committee of Adjustment Process Revisions

Long Branch Neighbourhood Association

December 10, 2019



# Frame of Reference

- Agenda Item PH11.14
- This document represents our feedback on Mr. Gregg Lintern's report of November 21, 2019 regarding Committee of Adjustment Applications, Analyses and Service Improvements

# Pilot Mediation Project

- This was a failure in our view as well, but for different reasons.
- Our team attended at least 3 mediation sessions
  - 27 Thirty Ninth Street
  - 38 Thirty First Street
  - 99 Twenty Seventh Street
- All were for consent applications and **residents were not allowed to discuss the central issue – severance of the property.**

# COA Process

- Consent applications are too complex to be handled with the standard COA approach of 5-minute presentations.
- Consent hearings that are contested are taking 4 to 8 **days** at TLAB.

# COA Process – Recommendation

- Consent and Minor Variance applications should be handled in a separate stream from other MV applications
- COA panel meets twice a month currently. It could set aside one of these days per month to focus on consent applications.
- Applicants and Residents could be asked to register for hearing to estimate time required to hear each case at the COA.
- Presentation times will have a limit but more than the current 5-minute presentations.

# Reducing COA Caseload

- Staff reports needs to take a more assertive stance on compliance with bylaws and neighbourhood design guidelines.
- Staff reports need **clear, unambiguous recommendations** to COA panels.
- **Planning and Forestry reports need to be consolidated** – to address not only the traditional planning policies, but also the environmental policies in the Official Plan

# Reducing COA Caseload

- Frequently, applicants submit revised plans as late as the day before a COA hearing and request a revised Planning Report.
- Residents put in a position of basing their submissions on the original plan and do not have adequate notice to revise their submissions to reflect alternative plans.
- Residents are required to submit a written request for deferral whereas applicants have the opportunity to do so orally.

# Reducing COA Caseload

## Recommendation

- The onus has to be on the applicant to submit complete documentation in a timely manner.
- Applicants need to submit a **COMPLETE** application at least 24 hours before Public Hearing Notices are issued.
- Incomplete applications will be automatically deferred until they **ARE** complete.
- Any revisions made after the Public Hearing Notice has been issued will also result in an automatic deferral.



# Reducing COA Caseload

- **The City of Toronto needs to define and implement a bylaw to provide a CLEAR, UNAMBIGUOUS definition of when a variance no longer can be considered minor.**
- The Planning Act and the Bylaws refer to minor variances but, in the absence of an upper limit, **ALL** variances technically are minor – even when the variance represents 2 or 3 times what the bylaw permits.
- **The lack of such definition is being abused by developers and their legal counsel at the expense of taxpayers.**

# Accountability

- **COA decisions do not provide reasons behind the decision that could stand up to scrutiny in the courts.**
- The lack of evidenciary support for their decisions creates an impression of a lack of transparency in the process.
- When people are held to account for their decisions, they make more consistent, better-quality decisions