

Organizational Structure for the new Committee of Adjustment

(City Council on November 23, 24 and 25, 1999, struck out and referred this Clause back to the Planning and Transportation Committee for further consideration, and the City Clerk, in consultation with the Chair of the Committee, was requested to schedule a specific time when the item will be considered on the agenda and to advise all Members of Council accordingly.)

The Planning and Transportation Committee recommends the adoption of Recommendations (2) to (6) of the report (August 26, 1999) from the Acting Commissioner, Urban Planning and Development Services, subject to amending Recommendation 2(v) therein by adding the following words “and that a minimum of one evening meeting a month be held in the South District, if necessary”, so as to read:

“(2)(v) each Committee Hearing be held during regular business hours, and that a minimum of one evening meeting a month be held in the South District, if necessary; and”.

The Committee reports having:

- (1) recommended that Council adopt the following recommendation:

“That the Acting Commissioner, Urban Planning and Development Services be requested to instruct his staff to conduct additional Committee of Adjustment meetings in order to try to alleviate the accumulated back log.”

and, in view of the staffing and financial implications inherent in this recommendation, forwarded the Committee’s action in this respect to the Policy and Finance Committee for its November 10, 1999 meeting for subsequent submission to Council on November 23, 1999;

- (2) recommended to the Mayor’s Task Force on Agencies, Boards and Commissions, that the honoraria paid to members be on the basis of per Hearing attended, as opposed to an annual honoraria; and
- (3) requested the Acting Commissioner, Urban Planning and Development Services to report directly to City Council on November 23, 1999 on the mechanics of combining the former East York and York Committees of Adjustment with the former City of Toronto Committee of Adjustment.

The Planning and Transportation Committee submits the following report (August 26, 1999) from the Acting Commissioner, Urban Planning and Development Services:

Purpose:

This report recommends the organizational structure for a new city-wide Committee of Adjustment, as requested by City Council prior to proceeding with the nomination process and

subsequent appointments. The City Solicitor will submit the draft enabling by-law which is required by the Planning Act.

Financial Implications:

No additional costs would result from the recommendations in this report.

Recommendations:

It is recommended that:

- (1) this report be referred to the Community Councils for review and comment to the Planning and Transportation Committee for its November 1, 1999 meeting;
- (2) Council approve the following structure for the new Committee of Adjustment for the City of Toronto:
 - (i) the Committee operate as four District Panels corresponding with the four geographic Districts through which City Planning services are delivered;
 - (ii) the Committee comprise a total of 22 members assigned and nominated as follows:

North District: 5 members	all nominated by North York Community Council;
South District: 7 members	all nominated by Toronto Community Council;
East District: 5 members	2 nominated by East York Community Council;
	3 nominated by Scarborough Community Council;
West District: 5 members	2 nominated by York Community Council; and
	3 nominated by Etobicoke Community Council;
 - (iii) the Committee appoint a city-wide Chair, to provide leadership for the Committee and each Panel appoint a District Chair to guide the process at the local level;
 - (iv) each Hearing be conducted by three of the respective District Panel members, the sitting members to be assigned on a rotational basis;
 - (v) each Committee Hearing be held during regular business hours; and
 - (vi) the Committee's four District Panels conduct Hearings in the following four locations: Toronto City Hall and the North York, Scarborough and Etobicoke civic centres;
- (3) the City Solicitor be requested to prepare a by-law for presentation to and approval by City Council to constitute one Committee of Adjustment for the City of Toronto and to delegate approval authority to hear applications for minor variance/permission and for the creation of new lots by consent, as permitted by the Planning Act;

- (4) City Council direct the City Clerk's Division, Corporate Services Department to commence the process for nominations by the Community Councils;
- (5) the Committee of Adjustment, when constituted, be requested to appoint the City Planning Executive Director/Chief Planner or delegate(s) as its Secretary-Treasurer; and
- (6) the Acting Commissioner of Urban Planning and Development Services submit a report to City Council, at the beginning of its next term, evaluating the new Committee of Adjustment's organizational structure.

Council Reference:

City Council requested this report at its meeting of April 13, 14, and 15, 1999 when it adopted, with amendments, the February 10, 1999 report, Policy for Citizen Appointments through the Nominating Committee and the Corporate Services Committee. At that meeting, City Council also terminated the terms of appointees to any Agency, Board, Commission or Tribunal of a former City effective December 31, 1999. As well, the Chief Administrative Officer was requested to report to the Administration Committee at its September, 1999 meeting on those committees requiring an extension of appointments to facilitate the nomination process.

My report on New Practices for the Review of Development Applications, which will be considered by Planning and Transportation Committee at its October 4, 1999 meeting, also recommends submission of an organizational structure report for the Committee of Adjustment.

Background (see Appendix 1):

The Committee of Adjustment's role is to provide for some flexibility in existing zoning controls, to facilitate infill redevelopment through the severance process and to sort out land title issues. All former municipalities had delegated the minor variance/permission and consent approval authority to their Committees of Adjustment, with the exception of the former City of Scarborough where consents are delegated to the Director of Community Planning, East District.

The Planning Act requires that citizen members of the Committee be appointed for the term of Council. To facilitate transition following amalgamation, the six Committees of Adjustment for the former municipalities, comprising a total of 34 members, have continued to operate until their successors are appointed.

City-wide, there are over 3,600 applications made to the Committee of Adjustment each year. For example, during the month of May 1999 (mid-point of peak season), the six existing Committees considered 286 applications and facilitated construction of 3 apartment buildings (600 units), over 170 new homes, 120 alterations/additions to existing homes and 40 commercial or industrial projects.

Discussion:

A critical review was conducted of the organizational structure in place for the six Committees of the former municipalities. Given the common legislative base, the Planning Act, the difference in practices, resources and service levels are remarkable, but understandable as varied approaches were developed over time in the cultures of the former cities. Staff proposals are set out below for harmonizing the organizational structure for the new Committee of Adjustment city-wide. These proposals provide a framework for development of common operations to offer consistent customer service levels across the new City.

1. Composition of the new Committee (see Appendix 2):

It is recommended that the new Committee be divided into four District Panels. The four Panels will correspond geographically and administratively to the four Districts through which all Community Planning services are delivered.

It is recommended that a total of 22 members be appointed to the Committee of Adjustment city-wide. Given the volume of applications received by the City, this is the minimum number of members required to conduct sufficient Hearings to consider each complete application within 30 days of its receipt. Each member's time commitment will involve about 18 Hearings per year with 15 to 20 hours per month.

The Planning Act requires a minimum of 3 Committee members to hear each application, as currently practiced in the South District. It is recommended that this approach be implemented city-wide. Although each District Panel would comprise 5 or 7 members, only three members would sit, as assigned on a rotational basis, at any given Hearing. The majority of applications considered by the Committee involve small scale projects and three members are sufficient to facilitate an open and fair decision making process. In terms of community involvement, a smaller panel is also less intimidating. The East and West District panels will consider applications under the by-laws of their two respective former municipalities (East York and Scarborough, Etobicoke and York) on the same Hearing agenda.

The following allocation for member nominations is recommended to reflect fair community representation:

North District: 5 members	all nominated by North York Community Council;
South District: 7 members	all nominated by Toronto Community Council;
East District: 5 members	2 members nominated by East York Community Council; 3 members nominated by Scarborough Community Council;
West District: 5 members	2 members nominated by York Community Council; and 3 members nominated by Etobicoke Community Council.

The Committee will appoint a Chair to provide city-wide leadership as harmonization continues. Each Panel will appoint a District Chair to guide the members at the local level.

2. Time and Location of Hearings:

It is recommended that all District Panels conduct Hearings during regular business hours. This is the current practice for the committees of the former municipalities of Scarborough, North York and Etobicoke. Experience has shown that the majority of stakeholders are satisfied with daytime Hearings. This will provide consistency city-wide, reduce peak season backlogs by allowing more applications to be heard at any one Hearing and ensure the most efficient use of limited staff resources.

It is recommended that Hearings for the East District and West District Panels be conducted at the Scarborough and Etobicoke civic centres, respectively. This will improve customer service for the East York and York communities by providing access to two hearings per month instead of one, while maintaining application intake and planning information services in the field offices located in the East York and York civic centres.

3. Member Qualifications:

The minimum qualifications for candidates, as adopted by City Council, are listed in Appendix 3. I am recommending two additional qualifications for Committee of Adjustment members, as follows:

- (i) any person applying for appointment shall have an understanding of municipal government and community planning processes; and
- (ii) any person applying for appointment shall have a broad awareness of the range of community concerns and planning issues in the District for which s/he is a Panel candidate.

At the time of application, each candidate should be required to indicate which District Panel s/he is applying for. This requirement should be clearly stated in the material used for recruitment and explained at the Orientation seminars. My staff is available to support the recruitment and nomination process.

4. Administrative support and budget:

The Committee's operations are part of the City Planning Division. The Planning Act requires that the Committee of Adjustment appoint a Secretary-Treasurer to administer its operations. I am recommending that City Council instruct the Committee to appoint the Executive Director and Chief Planner, or delegate(s), as Secretary-Treasurer for the City.

Members honoraria and expenses are included in the City Planning Division budget. In 1999, the total of honorarium allocations was over \$185,200 for the 34 incumbent Committee positions. The Mayor's Task Force on Agencies, Boards and Commissions will be recommending a new schedule of honoraria. In my opinion, Committee of Adjustment members should receive one of the higher rates established, given the mandate and level of responsibility involved.

Conclusions:

The new organizational structure for the Committee of Adjustment is based on a critical review of the six existing operations to determine where resources and staff are best deployed to maximize results for the City. It will harmonize operations, improving the level of service while maintaining an open, accessible and equitable hearing process city-wide.

Continuous service improvement is an ongoing process. A further report outlining ongoing harmonization of the Committee's day-to-day operations will be submitted at the end of this year. As well, I am recommending that I report back to City Council at the beginning of its next term with an evaluation of the new organizational structure.

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Appendices 1 & 2

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Appendices 1 & 2

Appendix 3

Qualifications for Appointment to the Committee of Adjustment

Basic qualifications established by City Council for

- The Council of the City of Toronto shall make citizen appointments on the basis of equal opportunity. City Council recognizes that the City is best served by special-purpose bodies that fairly reflect the diversity of the community that they serve. Proactive strategies in achieving this result shall be followed.
- Any person applying for appointment shall be, and must maintain status throughout their term of office as:
 - a resident and/or municipal property taxpayer in the City of Toronto;
 - a Canadian citizen or landed immigrant;
 - at least 18 years of age.
- Any person applying for appointment may not be an employee of the City or any of its Agencies, Boards or Commissions. Citizen appointees are required to maintain this status throughout their term of office.
- No citizen shall serve on the Committee of Adjustment at the same time as on another Agency, Board or Commission or external special-purpose body of the City of Toronto.

Additional qualifications recommended for Committee of Adjustment members

- Any person applying appointment shall have an understanding of municipal government and community planning processes.
- Any person applying for appointment shall have a broad awareness of the range of community concerns and planning issues in the District for which s/he is a Panel candidate.

The Planning and Transportation Committee also submits the following report (October 26, 1999) from the Acting Commissioner, Urban Planning and Development Services:

Purpose:

This report provides the Planning and Transportation Committee with City Planning Division's response to the recommendations from the six Community Councils on the proposed organizational structure for the new Committee of Adjustment.

Financial Implications:

The recommendations from the Community Councils will have budget implications for staffing and other operating costs.

Recommendations:

It is recommended that:

- (1) Council request that I report again on the organizational structure for the new Committee of Adjustment when a revised administrative structure for Community Councils has been adopted;
- (2) the six Committees of Adjustment for the former municipalities continue to operate for the remainder of this Council term and until their successors are appointed;
- (3) Council authorise the Acting Commissioner of Urban Planning and Development Services to immediately hire the 8 additional staff required to equalise service delivery levels while Committee of Adjustment continues to operate with the six former Committees, holding both daytime and evening Hearings, in six locations;
- (4) Council request that the City Solicitor bring forward a draft implementing by-law when my further report on the organizational structure is being discussed;
- (5) the organizational structure for the new Committee of Adjustment include:
 - (a) a City-wide Chair to act as a focal point for discussion of ongoing transition efforts, and
 - (b) a provision for three panel members to conduct a Hearing; and
- (6) Council request the new Committee of Adjustment, when constituted, to appoint the Executive Director/Chief Planner as its Secretary-Treasurer.

Background:

In April 1999, Council directed me to report on a new organizational structure for providing Committee of Adjustment services. The clear message: come up with a model that (a) streamlines the process, (b) sets the stage for common practices, and (c) ensures excellent customer service city-wide. My recommended four district panel model would achieve this - applying those common practices which work best, within the limitations of current resources.

On September 13, 1999, Planning and Transportation Committee received my August 26, 1999 report, "Organizational structure for the new Committee of Adjustment" and directed that it be referred to the Community Councils for their review and comment. Planning and Transportation Committee also requested staff to respond, through a Further Report to be forwarded to Community Councils for information, on other issues relating to the Committee of Adjustment structure and function.

The Organizational structure report, the Further Report, dated September 24, 1999, and the deputation schedule for the October Community Council meetings were mailed to over 750 names on the City Clerk's list of residents' and ratepayers' groups. City-wide, the total response to the reports consisted of deputations and/or written communications from 27 residents and from 7 of the current thirty-two Committee of Adjustment members.

Discussion:

1. Conflict over the four-panel model, the number of members, times and locations for Hearings:

Toronto, North York, Scarborough and Etobicoke support the four-panel model, while York and East York want their own panels. Toronto, York and East York wish to appoint more members than recommended - the same numbers as comprise their current Committees. Scarborough and Etobicoke are willing to establish joint panels (with East York and York, respectively) provided that the total panel sizes are increased so that the larger former municipalities get increased representation.

Toronto, York and East York do not wish to move to daytime Hearings, as recommended and in use in North York, Scarborough and Etobicoke. York and East York do not agree with the recommended standardization of access to four Hearing locations, and want Hearings held in their former civic centres as well.

Comments:

I understand that City Council will, in January 2000, commence its review of the number of and boundaries for Community Councils, as part of the work coming from the Miller Committee. This discussion may lead to fewer or more Community Councils, with boundaries based on a variety of rationales, or to a different structure entirely.

The Community Councils seem hesitant to adopt a four-panel structure for Committee of Adjustment before Council has decided on its broader approach for administrating all local issues. I am aware that the whole question of a new organizational structure for Committee of Adjustment may therefore be deferred.

The Community Councils voiced desires to (a) maintain a larger number of appointments, (b) maintain the traditional forms of local access to Committee of Adjustment services, and (c) to ensure high quality service city-wide. The Community Councils can not deliver on the first two objectives without providing more staff resources to equitably deliver the Committee of Adjustment services city-wide.

My recommendations for four district panels, daytime Hearings, four Hearing locations and a reduced number of members will work with the existing level of staff resources. However, if Council chooses to stick with the current six Committees and not increase staff resources, it must

also accept the continuation of an extensive backlog in former Toronto and undesirable levels of service in York and East York.

Eight additional staff are required to maintain the 6 Committees without change while also improving service delivery city-wide to achieve the Planning Act standard of four weeks from application to Hearing. The reasons these staff are required are outlined below:

South District:

The former City of Toronto Committee has the largest workload (1400 applications or 38% of city-wide volume). Each weekly evening Hearing can accommodate 25 applications. With 5 assistant planners, the Committee's theoretical capacity is 125 applications per month in five evening Hearings, or 1200 applications per year. This would imply that we can be "on target" for timelines 85% of the time, but its not that simple.

During peak season, there is a massive bulge in application volumes, which translates into a backlog that continues for the remainder of the year. This resulted in backlogs of up to 11 weeks in 1999, with backlogs of 8 to 10 weeks being standard in prior years. The only answer is to schedule more Hearings, but this requires more staff. To move toward four-week service, 1 assistant planner and 1 clerk are immediately required.

East District:

Due to amalgamation and re-structuring, three staff positions formerly supporting Committee of Adjustment have been deleted: 1 clerk in Scarborough, and 1 clerk and 1 assistant planner in East York. As well, instead of the former two Secretary-Treasurers, one manager was assigned to administer two Committees.

The Scarborough office has continued to process all applications within four weeks, due to its twice a month daytime Hearing schedule, but the lack of adequate clerical support is becoming a major problem. The East York office averages 6 to 8 weeks from application to hearing for 50% of overall volume, due to its one evening Hearing per month schedule. To equalize service in East District, 2 clerks and 1 assistant planner are required.

West District:

Since amalgamation four staff members are performing functions previously provided by seven staff. As well, instead of the former two Secretary-Treasurers, one manager was assigned to administer two Committees. Due to corporate re-structuring, there has also been a loss of outside services formerly supplied to the Committee offices.

This has resulted in increased clerical workloads in both the Etobicoke and York offices and an unacceptable level of customer service in the York office. To equalize service in West District, 2 clerks and 1 assistant planner are immediately required.

North District:

The North York office is generally able to meet the 4-week service delivery standard with daytime Hearings. Additional resources are not required, as this office has had a higher ratio of the number of staff to the application volume than the other three districts, both before and since amalgamation.

Recommendations:

- (a) Council request that I report again on the organizational structure for the new Committee of Adjustment when a revised administrative structure for Community Councils has been adopted.
- (b) Council authorise the Acting Commissioner of Urban Planning and Development Services to immediately hire the 8 additional staff required to equalise service delivery levels while Committee of Adjustment continues to operate with the six former Committees, holding both daytime and evening Hearings, in six locations.

2. Status of current appointments:

Three of the Community Councils, North York, East York and York, have called for delay in commencing the nomination process. This raises the question of the status of current appointees.

Comments:

The current 32 members of the six Committees of Adjustment for the former municipalities will continue in office until their successors are appointed. A new organizational structure must be adopted before the end of this Council term in order for the nomination process to proceed at the beginning of the next Council term. This will require submission of an implementing by-law by the summer of next year.

Recommendations:

- (c) The six Committees of Adjustment for the former municipalities continue to operate for the remainder of this Council term and until their successors are appointed.
- (d) Council request that the City Solicitor bring forward a draft implementing by-law when my further report on the organizational structure is being discussed.

3. Members' workload and rate of remuneration:

Toronto Community Council is the only one that accepted my recommendation for three members sitting at a Hearing, as its former Committee has successfully operated this way for many years. All other Community Councils wish to have five members sitting at any one time, which is their current practice. I am not convinced that five members are necessary.

The staff recommendation sought to equalize the workload of the District Panels so that each member worked a similar number of hours in a comparable number of Hearings for the same annual remuneration (about \$8,400 each based on the existing budget). If more members are appointed and more members sit at any one Hearing, some other method must be found to fairly establish/distribute the total budget amount set by City Council for honoraria.

Recommendation:

(e) The organizational structure for the new Committee of Adjustment include a provision for three panel members to conduct a Hearing.

4. Leadership roles for the new Committee of Adjustment:

North York Community Council recommended that only four District Chairs be provided for in the organizational structure, and also requested that there be four Secretary-Treasurers, one for each District.

Comment:

The City-wide Chair has an important symbolic role, as the contact point for City Council and stakeholder groups, while transition work continues. This is not an additional position. S/he will be one of the District panel members and will be selected by all members city-wide.

The Planning Act specifies one Secretary-Treasurer per municipality. S/he in turn may delegate responsibilities. As Secretary-Treasurer, the Chief Planner will provide a clear line of responsibility “to the top” for this important planning function. Operationally, the four current managers, in the four Districts, will be responsible for their respective Committee panels.

Recommendations:

(f) The organizational structure for the new Committee of Adjustment include a City-wide Chair to act as a focal point for discussion of ongoing transition efforts city-wide.

(g) Council request the new Committee of Adjustment, when constituted, to appoint the Executive Director/Chief Planner as its Secretary-Treasurer.

Conclusions:

The recommended organizational structure for the new Committee of Adjustment will provide an equitable level of planning services city-wide, in a cost - efficient manner, with the current staff resources.

I am aware that this matter may be deferred until Council has dealt with the administrative structure for the Community Councils. This would require continuing with the six Committees of the former municipalities for the interim. If this is the decision, Council must authorise me to hire eight additional staff or live with the current unacceptable levels of service provided for half the City.

The Planning and Transportation Committee also submits the following report (September 24, 1999) from the Acting Commissioner, Urban Planning and Development Services:

Purpose:

This further report was requested by the Planning and Transportation Committee at its meeting held on September 13, 1999.

Recommendation:

It is recommended that the August 26, 1999 Report entitled "Organizational structure for the new Committee of Adjustment (All Wards)" be adopted.

Committee Reference:

The Planning and Transportation Committee requested that an information report be prepared for its meeting of October 4, 1999 regarding:

- a compilation of samples of planning reports currently used with a view towards a standard city-wide format;
- how the proposed new city-wide Committee process could be structured to allow for evening meetings where requested;
- the right of a Councillor to defer a hearing for additional community input;
- amending the basic qualifications for appointment; and
- what increase of application fees would be required to accommodate increased membership on the Committee of Adjustment panels.

Comments:

Format for Planning Staff Reports:

Attached to this report are samples of the current staff report formats used by the Committee of Adjustment offices of the four planning Districts. I will be reporting further to your Committee on harmonized administration operations, including the new city-wide standard Committee of Adjustment templates for notices, decisions and correspondence. A sample of the standard planning staff report template will be included.

Evening Meetings When Requested/Bump Up:

Three of the six Committees of Adjustment for the former municipalities hold day meetings. While the requirements of the Planning Act can be met by either daytime or evening meetings, daytime meetings provide the greatest flexibility in scheduling, allows for more applications to be heard during reasonable hours of the day and the best use of staff resources for the Committee of Adjustment. Evening meetings would mean additional staff overtime costs, limit the number

of applications which can be heard and reduce the number of complaints received regarding late starts and the late hours of consideration of some applications.

The Committee of Adjustment schedule is set a minimum of six months in advance. Additional scheduled Committee of Adjustment evening meetings to accommodate a bump-up provision would require double notification, possibly add confusion for the community and add costs to the City.

Deferral Requests by Councillors:

A City Councillor is entitled to write to or appear before and address a Committee of Adjustment and make any request any other person may make, including a deferral request to allow the Councillor more time to obtain further community input. This is the current practice in all Districts and has worked well.

Council Policy - Basic Qualifications for Appointment:

City Council at its meeting of April 13, 14 and 15, 1999 adopted Clause No. 2 of Report No. 3 of The Special Committee to Review the Final Report of the Transition Team, entitled "Policy for Citizen Appointments through the Nominating Committee and the Corporate Services Committee". This policy is repeated in Appendix 3 of my previous report, using the exact wording adopted by Council. Any amendments to this policy require Council approval.

Impact on Fees Schedule of Additional Committee Members:

City Council has not yet set the honoraria rates for agencies, boards and commissions, including the Committee of Adjustment. Currently there is a significant difference between the honorarium of the six Committees of Adjustment for the former municipalities. The total of all honoraria allocated by the former six municipalities is over \$185,200.00, which if averaged for 22 members, allows an honorarium of about \$8,500.00 per year per member. Should City Council decide to appoint, for example, a total of 30 members at the averaged honorarium the additional cost would be \$68,000.00 per year. As about 3,500 applications are dealt with city-wide annually, the additional members honoraria would add about \$ 20.00 to each applicant's fee. This does not include additional associated costs such as Members' mileage, expenses and administrative costs.

A copy of the August 26, 1999 report, this report and the times and date for the October 12, 1999 Community Council discussions have been sent to all resident associations across the City and to development industry representatives.

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The Planning and Transportation Committee also submits the following report (October 20, 1999) from the City Solicitor:

Purpose:

To advise Committee as requested by Scarborough Community Council with respect to appeal process timelines and the procedure to request the Province to enact special legislation to exempt the City from the appeal process respecting Committee of Adjustment appeals.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

For information.

Background:

In considering the report of the Acting Commissioner of Urban Planning and Development Services on the Organizational Structure for the new Committee of Adjustment, Scarborough Community Council requested that :

“The City Solicitor be requested to report to Planning and Transportation Committee on the appeal process timelines, taking into consideration the new composition of the Committee of Adjustment; and

The City Solicitor and the Acting Commissioner of Urban Planning and Development Services be requested to report to the Planning and Transportation Committee on a procedure for requesting the Province to enact special legislation to exempt the City of Toronto from the appeal process respecting Committee of Adjustment decisions.”

Comments:

Appeal Process Timelines:

Section 45(12) of the Planning Act provides that an appeal to the Ontario Municipal Board from a decision of the committee of adjustment must be filed with the secretary-treasurer of the committee within 20 days of the making of the decision. A new Committee of Adjustment structure will not impact on the current legislative requirements.

It is my understanding that the issue is that in the event that the City wishes to appeal the decision of the Committee, Council’s meeting schedule may preclude obtaining the necessary authority to file an appeal within the statutory 20 day time limit. Council meets on a four-week cycle and the 20 day appeal period may expire prior to the matter being dealt with by Council. This is the existing situation and to the best of my knowledge, there have not been major

problems as the City rarely appeals a Committee of Adjustment decision and should do so only where there is a major corporate issue.

If Council determines that the appeal timelines are an issue, there are options available. Where a decision of the Committee is appealed by a resident, Council may direct that the City Solicitor to attend with respect to the matter. This is a common practice in the City. Alternately, a Councillor may bring a request through a Community Council, Planning and Transportation Committee or at Council that the City appeal a decision. If the appeal period will expire prior to Council considering the matter, the City Solicitor will appeal the decision subject to confirmation of his actions by Council. The only potential for difficulty may arise during Council's summer recess. Although, it is not recommended, Council may consider amending the Procedural By-law to provide for an appeal by staff during Council recesses if certain approved criteria such as for example, a request by a Ward Councillor or a significant corporate interest as determined by the Commissioner of Urban Planning and Development Services are met. Any such action would require subsequent Council confirmation.

Special Legislation to Exempt the City from the Committee of Adjustment Appeal Process:

If Council determines that the City should be exempt from the appeal process respecting Committee of Adjustment decisions, it should direct the City Solicitor to make such a request to the Province.

Conclusions:

The appeal process timelines are set out in the legislation and the simplest course of action is to direct the City Solicitor to appear at the Ontario Municipal Board in support of Council's position where an appeal has been filed by an applicant or a neighbour. Where there is a corporate interest identified, the City Solicitor will appeal a Committee of Adjustment decision on the recommendation of a Community Council or Planning and Transportation Committee where the appeal period will expire prior to Council's consideration of the matter. It is not recommended that further powers to appeal Committee of Adjustment decisions be given to staff.

With respect to an exemption from the appeal process, if Council so directs, the City Solicitor will request the Province for the necessary legislation.

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The Planning and Transportation Committee also submits the following transmittal letter (October 14, 1999) from the City Clerk, East York Community Council:

Recommendations:

The East York Community Council unanimously recommends that the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services be adopted, subject to the following amendments:

(1) amending Recommendation (2)(i) to read as follows:

“(2)(i) the Committee operate as six District Panels corresponding with the six geographic districts of the Community Councils;”

(2) amending Recommendation (2)(ii) to read as follows:

“(2)(ii) the Committee comprise a total of 34 members assigned and nominated as follows:

North York District: 5 members all nominated by North York Community Council;

Toronto District: 9 members all nominated by Toronto Community Council;

East York District: 5 members all nominated by East York Community Council;

Scarborough District: 5 members all nominated by Scarborough Community Council

York District: 5 members all nominated by York Community Council; and

Etobicoke District: 5 members all nominated by Etobicoke Community Council;”;

(3) amending Recommendation No. (2)(v) to read as follows:

“(2)(v) each Committee Hearing be held in the evening; and”;

(4) amending Recommendation No. (2)(vi) to read as follows:

“(2)(vi) the Committee’s six District Panels conduct Hearings in the following six locations: Toronto City Hall and the East York, North York, York, Etobicoke, and Scarborough Civic Centres.”;

(5) amending Recommendation No. (6) by adding at the end thereof “in line with the Community Councils”, so that such recommendation shall now read as follows:

“(6) the Acting Commissioner of Urban Planning and Development Services submit a report to City Council, at the beginning of its next term, evaluating the new

Committee of Adjustment's organizational structure in line with the Community Councils."; and

- (6) notwithstanding Recommendation No. (3) above, any Committee of Adjustment Hearings which are held at the East York Civic Centre be held in the evening.

Background:

The East York Community Council on October 12, 1999, had before it a communication (September 14, 1999) from the City Clerk, Planning and Transportation Committee, advising that at its meeting on September 13, 1999, the Planning and Transportation Committee referred Recommendations Nos. (2) to (6) contained in the attached report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services, with respect to the organizational structure for the Committee of Adjustment, together with the following motions, to the Community Councils for review and comment to the Planning and Transportation Committee for its meeting scheduled to be held on November 1, 1999:

By Councillor McConnell:

"That Recommendation 2(iii) of the report (August 26, 1999) be amended to clarify that it is the Committee of Adjustment that appoints a City-wide Chair, so as to read:

'2(iii) the Committee of Adjustment appoint a City-wide Chair to provide leadership for the Committee and each Panel appoint a District Chair to guide the process at the local level' "; and

By Councillor Berger:

"That the membership of the Committee of Adjustment consist of 5 members, chaired by the Secretary-Treasurer."

The East York Community Council also had before it the following communications:

- (i) (September 16, 1999) from Ms. Lorna Krawchuk, East York, providing comments with respect to the proposed organizational structure of the new Committee of Adjustment;
- (ii) (October 3, 1999) from Ms. May Weir, East York, providing comments with respect to the proposed organizational structure of the new Committee of Adjustment;
- (iii) (October 12, 1999) from Mr. Justin J. Van Dette, Vice President, Parkview Hills Community Association, advising that at its meeting on September 27, 1999, the Parkview Hills Community Association unanimously passed a motion in favour of the preservation and existence of the East York Committee of Adjustment and in opposition

to the proposal to merge the East York Committee of Adjustment with Scarborough's Committee of Adjustment; and

- (iv) (October 12, 1999) from Mr. John L. Parker, Toronto, providing comments with respect to the proposed organizational structure of the new Committee of Adjustment.

The following persons appeared before the East York Community Council in connection with the foregoing matter:

- Mr. Justin Van Dette, Vice-President, Parkview Hills Community Association;
- Mr. Brian Athey, Chair, East York Committee of Adjustment;
- Mr. George Vasilopoulos, East York;
- Ms. Donna-Lynn McCallum, East York, and submitted a written brief with respect thereto;
- Mr. Terry Kuzak, on behalf of the Thorncliffe Park Tenants' Association,
- Mr. Norm Smith, Ward 2 Property Owners' Association, East York;
- Mr. Alan Gaw, President, Topham Park Homeowners' Association;
- Ms. Agnes Vermes, President, Leaside Property Owners' Association; and
- Ms. Carol Burtin-Fripp, East York.

The Planning and Transportation Committee also had before it the following transmittal letter (October 14, 1999) from the City Clerk, Etobicoke Community Council:

Recommendations:

The Etobicoke Community Council at its meeting held on October 13, 1999, recommended to the Planning and Transportation Committee that:

- (1) parts (ii) and (iv) of Recommendation No. (2) embodied in the report (August 26, 1999) from the Acting Commissioner, Urban Planning and Development Services, be amended as follows:
- (2)(ii) to provide that the Committee be comprised of a total of 30 members as proposed by the Planning and Transportation Committee on September 13, 1999; and that the assignment for the West District be amended as follows:
- “West District: 7 members - 4 nominated by Etobicoke Community Council
- 3 nominated by York Community Council”; and
- (2)(iv) to provide that each Hearing be conducted by 5 of the respective District Panel members, the sitting members to be assigned on a rotational basis; and
- (2) the Committee recommend to the Mayor's Task Force on Agencies, Boards and Commissions, that the honoraria paid to members be on the basis of per Hearing attended as opposed to an annual honoraria.

Background:

The Etobicoke Community Council had before it communication (September 14, 1999) from the City Clerk, advising that the Planning and Transportation Committee at its meeting on September 13, 1999, amongst other things, referred Recommendations Nos. (2) to (6) contained in the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services, together with the following motions, to Community Councils for review and comment to the Planning and Transportation Committee for its meeting on November 1, 1999:

Councillor McConnell moved:

“That Recommendation No. 2(iii) of the report (August 26, 1999) be amended to clarify that it is the Committee of Adjustment that appoints a City-wide Chair, so as to read:

‘2(iii) the Committee of Adjustment appoint a City-wide Chair to provide leadership for the Committee and each Panel appoint a District Chair to guide the process at the local level; and’ ”.

Councillor Berger moved:

“That the membership of the Committee of Adjustment consist of five Members, chaired by the Secretary-Treasurer”.

The Etobicoke Community Council also had before it a report (September 24, 1999) from the Acting Commissioner of Urban Planning and Development Services, responding to the request by the Planning and Transportation Committee on September 13, 1999, for a further report; and recommending that the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services, headed “Organizational Structure for the New Committee of Adjustment (All Wards)”, be adopted.

The Etobicoke Community Council also had before it a communication (October 8, 1999) from Mr. Peter Milczyn, Chair, Lakeshore Planning Council, advising that the Planning Council generally supports the recommendations contained in the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services with the exception of changes and additional recommendations as outlined in the communication.

The following persons appeared before the Etobicoke Community Council in connection with the foregoing matter:

- Mr. Jerry Hartman, President, Humber Valley Village Residents’ Association;
- Mr. Wes Peaker, Etobicoke; and
- Mr. Ken Lopez, President, Royal York Community Association.

The Planning and Transportation Committee also had before it the following transmittal letter (October 13, 1999) from the City Clerk, Scarborough Community Council:

Recommendation:

The Scarborough Community Council recommends that:

(1) the composition of the East District Panel be 6 members, composed as follows:

- 2 from East York; and
- 4 from Scarborough;

with a review of the East District Panel composition to take place during the first year of the next term of Council;

(2) the City Solicitor be requested to report to Planning and Transportation Committee on the appeal process timelines, taking into consideration the new composition of the Committee of Adjustment; and

(3) the City Solicitor and the Acting Commissioner of Urban Planning and Development Services be requested to report to Planning and Transportation Committee on a procedure for requesting the Province to enact special legislation to exempt the City of Toronto from the appeal process respecting Committee of Adjustment decisions.

The Community Council further advises Planning and Transportation Committee that it does not support the following Recommendations contained in the report of the Acting Commissioner of Urban Planning and Development Services:

- (a) Recommendation No. (2) (iv): “each Hearing be conducted by three of the respective District Panel members, the sitting members to be assigned on a rotational basis;” as it applies to the East District Panel; and
- (b) Recommendation No. (2) (v): “each Committee Hearing be held during regular business hours.”

Recorded Votes:

Upon the question of the adoption of Community Council Recommendation No. (1):

Yeas: Councillors Ashton, Balkissoon, Cho, Duguid, Kelly, Mahood - 6

Nays: Councillors Altobello, Berardinetti, Moeser, Shaw, Tzekas - 5

Upon the question of the adoption of Community Council Recommendation No. (3):

Yeas: Councillors Altobello, Balkissoon, Duguid, Mahood, Moeser, Tzekas - 6

Nays: Councillors Ashton, Berardinetti, Kelly, Shaw - 4

Background:

The Scarborough Community Council, at its meeting on October 12, 1999, had before it:

- (1) a communication (September 14, 1999) from the City Clerk (Planning and Transportation Committee) referring Recommendations Nos. (2) to (6) in the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services respecting the Organizational Structure for the New Committee of Adjustment, and motions by Councillors McConnell and Berger related thereto, and requesting that Community Council forward its comments thereon to the Planning and Transportation Committee meeting scheduled to be held on November 1, 1999; and
- (2) a report (September 24, 1999) from the Acting Commissioner of Urban Planning and Development Services providing further information respecting this issue, as requested by the Planning and Transportation Committee at its meeting held on September 13, 1999.

Mr. James Henderson, a Member of the Scarborough Committee of Adjustment, appeared before the Community Council in connection with the foregoing matter.

The Community Council also received written submissions from Mr. Henderson, and Mr. Clancy Delbarre, President, Highland Creek Community Association, a copy of which is appended hereto for the information of Planning and Transportation Committee.

The Planning and Transportation Committee also had before it the following transmittal letter (October 19, 1999) from the City Clerk, Toronto Community Council:

Recommendations:

The Toronto Community Council recommends that:

- (1) the Committee of Adjustment meetings be held in the evening in the South District;
- (2) the panels for the North, East and West Districts determine the times of the Committee of Adjustment meetings in their areas;
- (3) the member of the South District Committee of Adjustment panel be increased to 9; and
- (4) the honoraria for members of the Committee of Adjustment reflect the present scale of the larger former municipalities.

The Toronto Community Council reports, for the information of the Planning and Transportation Committee, having requested:

- (1) the Commissioner of Urban Planning and Development Services to report to the Planning and Transportation Committee, for its meeting to be held on November 1, 1999 on:

- (a) the provision of adequate staff resources necessary to evaluate Committee of Adjustment applications before they are heard;
- (b) the adoption of a process by the Committee of Adjustment that would automatically grant an adjournment and an evening hearing once for each application, should the Ward Councillor or the applicant request such an evening hearing;
- (c) holding hearings in local communities on controversial matters (ie. matters that are likely to involve a number of witnesses);
- (d) amending the criteria for appointments by:
 - (i) replacing the word, “broad” with the word, “demonstrated”, and adding the word, “typical” before the words, “planning issues”, so that the additional second criterion would read:

“Any person applying for appointment shall have a demonstrated awareness of the range of community concerns and typical planning issues in the District for which s/he is a Panel candidate.”
 - (ii) adding a third additional criterion to read:

“Any person applying for appointment shall have demonstrated verbal and written skills as required for applicants for the Toronto Licensing Tribunal.”
- (2) the Chief Administrative Officer to submit the previously requested report for per diems and honoraria for citizen members of Agencies, Boards and Commissions, before the end of 1999.

Recommendation No. (1) was carried on the following division of votes:

Yeas: Councillors McConnell, Adams, Bossons, Bussin, Korwin-Kuczyski, Miller and Walker - 7

Nays: Councillors Disero, Fotinos, Jakobek, Pantalone and Silva - 5

The Toronto Community Council further reports that the ruling of the Chair in declaring the following motion by Councillor Fotinos out of order, was upheld on the following division of votes:

“That the Commissioner of Urban Planning and Development Services, in consultation with appropriate officials, report to the appropriate Committee, in camera if necessary, on the establishment of a shift-work program which would provide staff support to the Committee of Adjustment.”

Yeas: Councillors McConnell, Bussin, Miller, Pantalone and Walker - 5

Nays: Councillors Adams, Bossons, Disero and Fotinos - 4

Background:

The Toronto Community Council, on October 12, 1999, had before it a report (September 14, 1999) from the City Clerk, Planning and Transportation Committee, respecting Organizational Structure for the New Committee of Adjustment.

The Toronto Community Council also had before it the following report/communications:

- (September 24, 1999) from the Acting Commissioner of Urban Planning and Services - Further Report;
- (October 4, 1999) from Mr. Douglas Lee;
- (October 8, 1999) from Mr. William J. Phillips, The South Rosedale Association;
- (October 8, 1999) from Mr. William H. Roberts, Swansea Area Ratepayers Association;
- (October 9, 1999) from Mr. Eric Douville, The Annex Residents' Association;
- (October 8, 1999) from Ms. Diane Lea Coutts, ABC Residents' Association; and
- October 12, 1999) from Mr. Peter de Auer, The North Rosedale Ratepayers' Association.

The following persons appeared before the Toronto Community Council in connection with the foregoing matter:

- Mr. Peter DeAuer, North York Rosedale Ratepayers' Association;
- Mr. William Phillips, South Rosedale Ratepayers' Association;
- Mr. Douglas H. Lee, Committee of Adjustment; and
- Mr. George Hislop, Committee of Adjustment.

The Toronto Community Council's actions are noted above.

The Planning and Transportation Committee also had before it the following transmittal letter (October 18, 1999) from the City Clerk, York Community Council:

Recommendation:

The York Community Council on October 12, 1999, recommended to the Planning and Transportation Committee that:

- (1) the Panel for the West District consist of :
 - 5 members all nominated by York Community Council; and
 - 5 members all nominated by Etobicoke Community Council;
- (2) the Committee of Adjustment Hearings for the West District be held in the evenings at the respective York and Etobicoke Civic Centre locations in the interest of accessibility and convenience to applicants and members of the community;
- (3) the current fees charged by Committees of Adjustment be either maintained or lowered so as to provide a stimulus for renovations and re-development;
- (4) the requirement that all panelists conduct site visits with respect to assessing applications be continued;
- (5) that the Nominating Committee's role regarding the interviewing of candidates for Committee of Adjustment panels be delegated to the Community Councils to:
 - (a) interview only candidates to be nominated as panelists for the Committee of Adjustment in their respective geographic districts; and
 - (b) submit recommendations to City Council with respect to these appointments;
- (6) the organizational structure for the Committee of Adjustment and its District Panels be re-visited after the matter relating to the structure of Community Councils is dealt with; and
- (7) the Committee of Adjustment structure follow the principle of a Committee of Adjustment panel for each Community Council area.

Background:

At its meeting held on October 12, 1999, the York Community Council gave consideration to the following reports and communications:

- (i) (September 24, 1999) Further Report from the Acting Commissioner of Urban Planning and Development Services to the Planning and Transportation Committee and Community Councils, advising that this further report was requested by the Planning and Transportation Committee at its meeting held on September 13, 1999; and that the Planning and Transportation Committee requested that a report on additional information be prepared for its meeting of October 4, 1999; and recommending that the August 26, 1999 report titled "Organizational structure for the new Committee of Adjustment (All Wards)" be adopted;
- (ii) (September 14, 1999) from the City Clerk, Planning and Transportation Committee to the Community Councils, advising that on September 13, 1999, the Planning and

Transportation Committee referred Recommendations (2) to (6) of the August 26, 1999 report from the Acting Commissioner of Urban Planning and Development Services, together with two motions by Councillors McConnell and Berger, to Community Councils for review and comment to the Planning and Transportation Committee for its November 1, 1999 meeting;

(iii) (October 5, 1999) from Mr. Vincent J. Santamaura, Chair, York Committee of Adjustment, submitting comments and concerns in response to the following Recommendations in the report dated August 26, 1999 from the Acting Commissioner of Urban Planning and Development Services (see letter attached as Appendix A):

1. Geographic Districts
2. Composition of the Committee
3. Time of Committee Hearings
4. Location of Committee Hearings
5. Member Qualifications
6. Financial Implications
7. Corrections to the Appendices
8. Committee Operations
9. Consultation Process; and
10. Integrity of the Committee;

(iv) (October 8, 1999) from Mr. William H. Roberts, Director and former President, Swansea Area Ratepayers Association to the Toronto and York Community Councils, advising that the Association does not support the decision to exclude citizens from the process by holding daytime meetings; that the former City of Toronto took great pride in supporting “participatory planning” which involved citizens in the process not just the stakeholders (i.e. lawyers, agents, architects, builders) who because of their profession can attend daytime meetings; that it is often neighbours who draw to the Committee’s attention inconsistencies in what may otherwise appear to be a minor variance; that they fail to see how access would be improved by requiring the citizens of York or East York to travel outside their communities to Etobicoke or Scarborough respectively; that this would require travelling by car not public transit given the existing connections and times to travel; and that the creation of four panels would appear to be a pre-emptive strike to end the existence of East York and York and to move to a four community council structure and preclude the recommendations of the Miller committee of having more, not fewer community councils (see letter attached as Appendix B);

(v) (October 8, 1999) from Ms. Sandra Melville, Co-Chair, Warren Park Ratepayers Association; requesting that the hearings of the York Committee of Adjustment be maintained at the civic centre, 2700 Eglinton Avenue West; that moving the meetings will be less convenient for the residents of York and would further dilute and eliminate its local autonomy; and requesting that the meetings for the York district continue to be held at the York Civic Centre.

The following persons appeared before the Community Council in connection with the foregoing matter:

- Mr. Vincent Santamaura, Chair, York Committee of Adjustment;
- Mr. Rod Bissell, Chair, Etobicoke Committee of Adjustment;
- Mr. William Roberts, Director, Swansea Area Ratepayers' Association; and
- Ms. Marjorie, Mt. Dennis Ratepayers' Association.

The Planning and Transportation Committee also had before it the following transmittal letter (October 18, 1999) from the City Clerk, North York Community Council:

Recommendation:

The North York Community Council on October 12, 1999, recommended the following to the Planning and Transportation Committee:

(1) that the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services be adopted, subject to the following amendments:

(a) Recommendation (2) (iii) be amended by deleting the words, "the Committee appoint a city-wide Chair to provide leadership for the Committee" and in inserting in lieu thereof, the following words, "that there be a total of four District Chairs and" so that the recommendation now reads:

"(2) (iii) That there be a total of four District Chairs and each panel appoint a District Chair to guide the process at the local level."

(b) Recommendation (2) (iv) be amended by deleting the words, "by three of the respective District members, the sitting members to be assigned on a rotational basis" so that the recommendation now reads:

"(2) (iv) each Hearing be conducted by the following District Panel Members:

North District: Five permanent District Panel Members, three of which shall constitute a quorum.

East District: Five permanent District Panel Members, three of which shall constitute a quorum.

West District: Five permanent District Panel Members, three of which shall constitute a quorum.

South District: Seven District Panel Members the sitting members to be assigned on a rotational basis.

- (c) Recommendation (5) be amended by deleting the words, “the City Planning Executive Director/Chief Planner or delegate(s) as its Secretary-Treasurer” and inserting in lieu thereof, the following words, “a total of four Secretary-Treasurers, being one for the South District, one for the North District; one for the East District and one for the West District” so that the recommendation now reads:
- “(5) the Committee of Adjustment, when constituted, be requested to appoint a total of four Secretary-Treasurers, being one for the South District, one for the North District; one for the East District and one for the West District.”
- (d) adding a further recommendation (6) to read as follows:
- “(6) City Council extend, for the remainder of this Council term or until successors are appointed, the terms of appointment of the present members of the Committee of Adjustment for the former City of North York;”
- (e) the second “Basic Qualification for Appointment to the Committee of Adjustment” contained in Appendix 3 of the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services be amended by deleting the words “and/or municipal property taxpayer in”, so as to read:
- “Any person applying for appointment shall be, and must maintain status throughout their term of office as:
- a resident of the City of Toronto
 - a Canadian citizen or landed immigrant
 - at least 18 years of age”.

Background:

The North York Community Council had before it the following:

- (a) communication (September 14, 1999) from the City Clerk (Planning and Transportation Committee), referring Recommendations Nos. (2) to (6), in the report (August 26, 1999) from the Acting Commissioner of Urban Planning and Development Services, and motions by Councillors McConnell and Berger related thereto, respecting the Organizational Structure for the new Committee of Adjustment, to the Community Council for review and comment thereon to the Planning and Transportation Committee meeting scheduled to be held on November 1, 1999;
- (b) report (September 24, 1999) from the Acting Commissioner of Urban Planning and Development Services, responding to the request by the Planning and Transportation Committee that a further information report be provided to Committee and Community Councils, and recommending that the August 26, 1999 report be adopted; and

- (c) communication (October 7, 1999) from Mr. Paul Graham, Chair, Committee of Adjustment, North District, commenting on the proposed organizational structure for the new Committee of Adjustment.

The following persons appeared before the North York Community Council in connection with the foregoing matter:

- Ms. Evelyn Dewar, President, Bay-Cal Residents Association;
- Mr. Morry Smith, President, Lansing Community Association;
- Ms. Marion Lick, President, Willowdale Central Ratepayers' Association; and
- Mr. George Belza.

The Planning and Transportation Committee also had before it the following communications, which were forwarded to all Members of Council with the agenda of the Planning and Transportation Committee for its meeting of October 4, 1999, and copies thereof are on file in the office of the City Clerk:

- appendices A to D appended to the report ((September 24, 1999) from the Acting Commissioner, Urban Planning and Development Services;
- communication (October 8, 1999) from Peter Milczyn, Chair, Lakeshore Planning Council, appended to the transmittal letter ((October 14, 1999) from the City Clerk, Etobicoke Community Council;
- communications (October 12, 1999) from J.F. Henderson and (October 5, 1999) from Clancy Delbarre, President, Highland Creek Community Association, appended to the transmittal letter (October 13, 1999) from the City Clerk, Scarborough Community Council;
- appendix A (October 5, 1999) from the Chairman, Committee of Adjustment York Services and communication from William H. Roberts, Director, Swansea Area Ratepayers Association, appended to the transmittal letter (October 18, 1999) from the City Clerk, York Community Council;
- communication (October 27, 1999) from Robin Fraser, President, Rathnelly Area Resident's Association strongly supporting the continuation of the practice of evening meetings for the Committee of Adjustment; and
- communication (October 31, 1999) from Agnes Vermes, President, Leaside Property Owners' Association Incorporated requesting that the Committee of Adjustment meetings be held in the evenings and at the same location (East York) as in the past.

The following persons addressed the Planning and Transportation Committee in respect of this matter:

- Robert Millward, Vice Chair, Planning and Development Committee, Toronto Board of Trade; and

- Justin J. Van Dette, Vice President, Parkview Hills Community Association.

(City Council on November 23, 24 and 25, 1999, had before it, during consideration of the foregoing Clause, the following report (November 16, 1999) from the Acting Commissioner of Urban Planning and Development Services:

Purpose:

This report provides additional comments requested by Planning and Transportation Committee on (1) combining Committee of Adjustment services for York, East York and Toronto; and (2) on conducting additional Public Hearings to alleviate backlog. The Chief Administrative Officer has also requested that I clarify the role of Nominating Committee in citizen appointments to the Committee of Adjustment panels.

Financial Implications:

The recommendations from the Planning and Transportation Committee and from the Community Councils will have budget implications for staffing and other operating costs.

Recommendation:

That this report be received by City Council for its information.

Comments:

(1) Merging Committee of Adjustment services for East York, York and Toronto

This would unbalance the workloads of the three affected planning Districts and result in considerable expense to realign staff and management complements. Further, it will undermine the rationale for retaining Committee of Adjustment services at the York and East York civic centres. Also, relocating Public Hearings to Toronto City Hall does not substantially improve community access. In summary, it could be done, at considerable cost with no apparent benefits.

(2) Conducting additional Hearings to alleviate backlog

Maintaining evening Hearings in Toronto, York and East York, while also meeting the 30 day turnaround standard set by the Planning Act, will require 8 additional staff (5 Clerks, 3 planners) at an estimated cost of \$350,000. Adding additional Hearings to alleviate backlog will have the same impact. The staff recommendation, to conduct a reasonable number of higher volume daytime Hearings with existing staff resources, is better.

(3) The role of Nominating Committee

My August 26, 1999 report did not clearly explain that the Nominating Committee will recommend nominees to the Community Councils, who will then submit their recommendations to City Council. This is in keeping with the new Policy for Citizens Appointments adopted by City Council in April 1999.

Conclusions:

The recommendations contained in my August 26, 1999 report remain the best option to “level up” the quality of service for this important planning function across the new City.)

(City Council also had before it, during consideration of the foregoing Clause, the following communication (November 10, 1999) from the City Clerk:

The Policy and Finance Committee on November 10, 1999, directed that the communication (November 3, 1999) from the City Clerk, respecting the Organizational Structure for the New Committee of Adjustment, be forwarded to Council without recommendation.

Background:

The Policy and Finance Committee on November 10, 1999, had before it a communication (November 3, 1999) from the City Clerk advising that the Planning and Transportation Committee on November 1, 1999, amongst other things recommended that Council adopt the following recommendation:

“That the Acting Commissioner, Urban Planning and Development Services, be requested to instruct his staff to conduct additional Committee of Adjustment meetings in order to try to alleviate the accumulated back log”.

and, in view of the staffing and financial implications inherent in this recommendation, forwarded the Committee’s action in this respect to the Policy and Finance Committee for its November 10, 1999, meeting for subsequent submission to Council on November 23, 1999.)

(City Council also had before it, during consideration of the foregoing Clause, the following communications:

- (i) (November 16, 1999) from Mr. Justin J. Van Dette, Vice-President, Parkview Hills Community Association, requesting that the current organizational structure of the Committee of Adjustment be retained; and*
- (ii) (undated) from C. M. Stickley, Secretary, York Federation of Ratepayers Associations Inc., advising that the York Federation of Ratepayers Associations objects to the amalgamation of the York Community Committee of Adjustment with that of the former City of Etobicoke.)*