

Authority: Executive Committee Item EX13.1, adopted as amended, by City of Toronto Council on March 31 and April 1, 2016

## CITY OF TORONTO

Bill 300

BY-LAW -2017

### **To amend the City of Toronto Municipal Code to adopt a new Chapter 142, Local Appeal Body, to constitute a local appeal body to hear minor variance and consent appeals.**

Whereas under subsection 115(1) of the *City of Toronto Act, 2006* the City may by by-law constitute and appoint one appeal body for local land use planning matters, composed of such persons as the City considers advisable, subject to the restrictions set out in the *City of Toronto Act, 2006*; and

Whereas under subsection 115(5) of the *City of Toronto Act, 2006*, the City may by by-law empower the appeal body to hear minor variance appeals under subsection 45(12) of the *Planning Act* or consent appeals under subsections 53(14), (19) and (27) of the *Planning Act*, or empower the appeal body to hear both minor variance appeals and consent appeals under the *Planning Act*;

The Council of the City of Toronto enacts:

1. The City of Toronto constitutes and appoints an appeal body to hear both minor variance appeals pursuant to subsection 45(12) of the *Planning Act* and consent appeals pursuant to subsections 53(14), (19) and (27) of the *Planning Act* and The City of Toronto Municipal Code is amended by introducing a new Chapter 142 as follows:

## CHAPTER 142

### LOCAL APPEAL BODY

#### **§ 142-1. Creation of the Local Appeal Body.**

The Local Appeal Body is constituted for the City of Toronto under Section 115 of the *City of Toronto Act, 2006* and has the powers of a local appeal body under that section.

#### **§ 142-2. Mandate.**

The Local Appeal Body is an independent quasi-judicial tribunal that hears appeals of Committee of Adjustment decisions for minor variances and consents (land severances). Subject to *City of Toronto Act, 2006* subsections 115(10) and (14), the Local Appeal Body assumes all the powers and authority of the Ontario Municipal Board for hearing appeals to Committee of Adjustment decisions for minor variance and consent applications under subsections 45(12), 53(14), 53(19) and 53(27) of the *Planning Act*.

#### **§ 142-3. Procedures.**

The Local Appeal Body must establish and adopt its own rules of practice and procedure to govern its proceedings. The Local Appeal Body hearings are conducted in accordance

with the rules of practice and procedure adopted by the Local Appeal Body and the *Statutory Powers Procedure Act*.

**§ 142-4. Composition.**

The Local Appeal Body shall be composed of seven (7) members inclusive of a Chair of the Local Appeal Body.

**§ 142-5. Member responsibilities.**

Local Appeal Body members are responsible for conducting mediations, presiding over hearings and rendering a written decision on hearings based on the evidence presented in accordance with the Procedure By-law and the *Statutory Powers Procedure Act*.

**§ 142-6. Term.**

The term of the Local Appeal Body members is subject to the City's Public Appointment Policy and is four (4) years, or until successors are appointed.

**§ 142-7. Staff support.**

The Court Services Division administers the Local Appeal Body.

2. This by-law comes into force on May 3, 2017.

Enacted and passed on March , 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)