



June 20, 2011

MEMORANDUM

To: Planning & Growth Management Committee and Committee Manager

Re: Enhancing the Transparency and Accountability of the Committee of Adjustment

I respectfully submit the following new item of business and three motions for your consideration and support at the Planning & Growth Management Committee meeting of June 27, 2011.

Recommendations

1. The City Clerk, and Secretary-Treasurer of the Committee of Adjustment initiate the audio-visual recording of all Committee of Adjustments Panels in public session, subject to the availability of equipment.
2. That copies of the C of A recordings be made available to the public for an appropriate fee that allows for cost recovery for the making of the copy.
3. The Chief Planner, & Executive Director of City Planning, the Secretary-Treasurer of the Committee of Adjustment, and the City Solicitor report back to the P&GM Committee on the implementation of a Pilot project to require Committee of Adjustment Panels to issue written decisions that include detailed reasons for the basis of their findings.

Background

The Committee of Adjustment handles well over three thousand planning application annually. Most are non-controversial and of a truly minor nature. Many however are contentious and increasing numbers of residents are expressing concerns about the lack of transparency and accountability at the Committee of Adjustment.

Complaints arise about a lack of public discussion about applications, no reasons being given the decisions, and in some case inappropriate remarks being made to members of the public by Panel members. Also residents claim that factually incorrect or misleading information is provided by applicants to the Committee during their deliberations.

An audio-visual record of the proceedings should be created to ensure that the public has the ability to review, and even monitor the proceedings, after their completion. All of the Panels meet in City owned facilities where the recording equipment is already installed and available for use.

Courts have ruled that Committee of Adjustment decisions must be written, however the decisions being issued reveal little in terms of why applications have been approved or rejected. The four tests for the granting of a Minor Variance are quite clear and straightforward. Short crisp written explanations of how an application fulfills or fails to meet these four tests should be produced by the Panel members.

Cont.

This would not require additional staff resources as it can be made clear that as part of the Committee members' appointment that the production of these decisions in a timely manner is a fundamental requirement of their role.

These measures will improve the transparency, accountability, and discipline involved in the adjudication of applications by the Committee of Adjustment.

Respectfully submitted,

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

Peter Milczyn
Chair, Planning & Growth Management Committee