

# THE CHRISTOU GROUP

PLANNING POLICY DEVELOPMENT MANAGEMENT

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To the Mayor and members of Council

February 22, 2015

**RE: PG-4 AND PG-5, Committee of Adjustment reports in Planning and Growth Management agenda of February 2015-02-21**

Dear Council Members:

Your Committee of Adjustment (COA) panels have been a matter of concern to Toronto residents over the past few years. Of particular concern is the uneven and inconsistent level of decision-making the panels deliver. In essence, the majority of the members do not appear to understand their legal role and responsibility under the laws of Ontario – The Planning Act and other relevant statutes, policies and by-laws that they are required to fully understand, consider and weigh in their deliberation.

As a planning professional with over 40 years of practice and experience, I appear before your committee panels on a regular basis. I have witnessed on many occasions not only the lack of comprehension of the applications before them, but also their gross misunderstanding of the facts. This results in appallingly bad and indefensible decisions. These dreadful decisions of your COA are not only irresponsible, but also lead to very protracted and expensive appeal procedure and resolution by the OMB.

One of the problems I have observed over the years is the obvious unrelated knowledge base and experience that COA appointees bring to the table. In today's complexity in urban planning and development, people with no background in the complexity and interpretation of planning policy and law are not an appropriate choice for decision makers.

However, we cannot solely blame these COA member appointees for their very low level of knowledge or understanding on the subject they have been appointed to make rational decisions on development. Rather, it would appear that the City administration in general, has failed to provide the necessary training and support tools needed to make these people "eligible" and responsible as independent adjudicators. As I can attest, having been appointed to the COA a few years ago (but subsequently resigned before taking office), the one hour speech from the City's Legal Department given after the new members have been appointed, is sorely lacking in substance and depth that is required to assist these people to act responsibly. Most of the appointees from diverse backgrounds do not understand what the four tests of s. 45 or s. 51 of The Planning Act mean, nor do they comprehend the Official Plan and the zoning By-laws they need to consider.

I am glad to see that the City is finally contemplating offering these appointees some increased level of training, to assist them in carrying their obligations. It is certainly needed.

Furthermore, it appears that the COA is regularly and consistently given misinformation and misdirection from the Planning Department. I have noticed that many reports, hurriedly written by junior planners in the Department, contain incessantly bad advise to the committee. This has very serious implications for the development of the City. At issue, I believe is the lack of experience of your junior planning staff. They generally misuse and misinterpret the City's Official Plan and do not appear to comprehend the complexity of the zoning By-laws. They have no apparent understanding of the Planning Act and its requirements. This arbitrary and unreasonably bad advice, which is sanctioned by the Planning Department management, leads to unscrupulous and bad decision making by the COA.

I look forward to hearing your deliberation on the improvements to the COA and urge you to consider the information I have given you in this letter; and take the appropriate action to improve your Planning Department's actions.

Sincerely

Aristotle Christou