

EX13.1 - Attachment 1 adopted as amended by City Council on March 31 and April 1, 2016

Governance Structure for Toronto's Local Appeal Body

1. Mandate

The Local Appeal Body is an independent quasi-judicial tribunal that hears appeals of Committee of Adjustment decisions for minor zoning variances and land severances (consents).

The Local Appeal Body is a local board of the City established under the *Planning Act* and the *City of Toronto Act, 2006*. The Local Appeal Body assumes all the powers and authority of the Ontario Municipal Board for hearing appeals to Committee of Adjustments decisions for minor variance and consent applications. Local Appeal Body hearings will be conducted in accordance with the *Statutory Powers Procedure Act*.

2. Member Responsibilities

LAB members are responsible to:

- Review materials filed with each application they hear;
- Conduct site inspections of the subject property to assess the impacts the proposal may have on the surrounding area;
- Conduct mediations;
- Preside over hearings and render a written decision based on the evidence presented;
- Attend business meetings of the Local Appeal Body; and
- Attend training sessions.

3. Chair Responsibilities

In addition to the member responsibilities identified in Section 2, the Chair of the Local Appeal Body is responsible to:

- Ensure that hearing practices of the Local Appeal Body are fair and effective;
- Ensure quality and consistency of Local Appeal Body decisions;
- Act as the lead representative and spokesperson for the Local Appeal Body;
- Obtain external legal advice as needed;
- Prepare the Annual Report to City Council on the Local Appeal Body activities;
- Chair the Business Meetings of the Local Appeal Body;
- Liaise with City staff on administrative support matters;
- Coordinate member training and professional development; and

- Lead the response to information and privacy related matters respecting the Local Appeal Body

4. Board Size and Composition

The Local Appeal Body consists of seven members, including a Chair. Each hearing is conducted by one member.

5. Eligibility Requirements

Citizen members are eligible for appointment to the Local Appeal Body, and eligible to remain on the Local Appeal Body after appointed, if they satisfy the eligibility requirements for appointment as set out in the City's *Public Appointments Policy*. Former Council Members who served in the immediately preceding term of Council are ineligible for appointment.

The LAB members will be required to meet the eligibility requirements pursuant to the *City of Toronto Act, 2006*. The Act provides that the City shall not appoint a City employee, Member of City Council, a land division committee, or member of a committee of adjustment or planning advisory committee member to the Local Appeal Body.

A member of the Local Appeal Body cannot act as an agent for applicants before the Committee of Adjustment, Local Appeal Body and other City administrative tribunals and would be required to resign from the Local Appeal Body before doing so. Individuals who act as agents for applicants are not eligible for appointment.

6. Member Qualifications

Local Appeal Body members shall have the following skills and expertise:

- Experience in adjudication and mediation;
- Knowledge and experience with land use planning and planning law;
- Excellent listening skills and ability to analyze complex evidence;
- Sound judgement, tact, fairness and decorum;
- Ability to write clearly and concisely;
- Demonstrated high ethical standards and integrity;
- Ability to work under pressure to ensure timely hearing decisions; and
- Respect for access to justice, diversity and accommodation.

7. Chair Qualifications

In addition to Member Qualifications the Chair shall also exhibit

- Demonstrated leadership and administrative skills;

- Highly developed chairing and facilitation skills;
- Demonstrated ability to work effectively with others;
- Knowledge of access to information and privacy legislation; and
- The ability to effectively represent the Local Appeal Body and communicate with City Council, City committees, the media and the general public.

8. Citizen Appointments Process

The Chair and the Members are recruited through the following process. Applicants will need to indicate whether they are applying for recruitment as a member or as Chair.

City Council, on the recommendation of the City Clerk, will approve the selection of a Nominating Panel of three citizens and their Terms of Reference. The Nominating Panel will review applications, determine which candidates are to be interviewed, conduct the interviews and assessments, and make a recommendation to City Council on which members and a Chair should be appointed to the Local Appeal Body.

A search consultant may be used to recruit applicants for the Member and Chair positions. The City Clerk may administer a written test to help assess the competencies of the candidates to be used by the Nominating Panel.

9. Hearings

Hearings are subject to notification requirements of the *Planning Act* and any Procedure By-law requirements that the Local Appeal Body may adopt. Hearings are open to the public.

10. Remuneration

Members

\$500 per diem for full day hearing or mediation

\$250 for a ½ day hearing or mediation

\$200 for a written decision

\$200 for attendance at a business meeting

Chair

In addition to receiving the remuneration for a member, the Chair shall receive \$60,000 annually for performing their duties as Chair.