



March 28, 2016

Councillor Christin Carmichael Greb councillor_carmichaelgreb@toronto.ca

RE: EX 13.1 Follow-Up Report on a Local Appeal Body for Toronto

The South Armour Heights Ratepayers Association ("SAHRA") is an incorporated non-profit association founded in 1988 that represents residents in the Ward 16 area from the 401 down to Brooke and from Yonge Blvd over to Avenue Road. SAHRA is actively involved in Committee of Adjustment hearings as well as Ontario Municipal Board appeals as we try to deal with both residential and commercial development within our area.

As our Ward 16 Councillor, we would like to make you aware of SAHRA's opinions on the introduction of a Local Appeal Body (LAB).

SAHRA is in agreement with FoNTRA's support in principle for the introduction of a Local Appeal Body (LAB) to replace the Ontario Municipal Board (OMB) for Committee of Adjustment (CofA) matters as an opportunity to better serve residents of the City when making or opposing appeals regarding CofA decisions.

We support FoNTRA's four key concerns about the current proposal.

1. The proposed \$500 appeal fee.

We do not support the proposed appeal fee of \$500. Why should delegation of the process to the City result in a 400 percent increase in the cost to Toronto residents and applicants compared to elsewhere in the province? The cost of the LAB should be considered as a cost of the entire minor variance/severance review process not related only to appeals. As such, if there is a net deficit related to the establishment of the LAB then the application fees for committee of adjustment should be increased, rather than an increase in the LAB appeal fee. The fee increase would act as a significant barrier to access to justice for residents wanting to appeal a CofA decision. It is a daunting process today even at the \$125 fee level for neighbours or a residents' association to consider taking on the OMB appeal process - in addition to the costs for lawyers and planners as well as the personal time and energy that will be involved. A \$125 fee or a \$500 fee is insignificant to the developers!

2. The independence of the LAB

Given the City's existing responsibility for the committee of adjustment, the addition of the LAB responsibility presents the City with major challenges to ensure its independence of City Council. It is unclear whether the proposed selection and recruitment process involving three members of the public will assure the necessary independence. How will the three members of the public be selected?

3. Alternative Processes (Mediation)

We agree with FoNTRA that the mediation process must be independent and managed by suitably qualified professionals. We also agree with the South Eglinton Ratepayers' & Residents' Association (SERRA) that the pilot project should focus on improving planning outcomes and that the effectiveness of the program should be measured using planning metrics such as number of mediation sessions, reduction in the number and/or size of minor variances and the frequency and nature of side agreements.

SAHRA



South Armour Heights Residents' Association

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4. Transparency of LAB Decision-making.

A major issue currently with the OMB is the unevenness and inconsistency of decision-making among Members, leading to low public credibility of the Board. We agree with FoNTRA that LAB hearings should be recorded and LAB procedural rules should be subject to public review.

The LAB is only part of the minor variance and consents "system" for minor site-specific amendments to the zoning by-laws. Other concerns with this system remain such as CofA operational procedures; the need for greater planning attention and support to Neighbourhoods by City Planning; the need for design guidelines for established neighbourhoods, and the need for review of the Zoning By-law.

As FoNTRA has stated, the City also needs to implement the provision in Bill 73 Smart Growth for our Communities Act that enables municipalities to develop additional criteria (in addition to the "four tests") in regulation as to what is "minor". Such clarification would be helpful to the LAB and would improve CofA decision-making. As well, Bill 73 requires that the CofA decisions are supported by reasons. This should help focus consideration of appeals by the LAB.

Approval of Bill 39 Planning Statute Law Amendment Act, 2014

In addition, we are also aware that at the present time, the City of Toronto is prevented from dissolving any Local Appeal Body once it is established. We would therefore ask that the matter be deferred until such time as Bill 39 Planning Statute Law Amendment Act, 2014 is passed.

Yours truly

Sheila Dunlop (Secretary)

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