

From: [Development LPRA](#)
To: [Clerk](#)
Cc: [Councillor Jaye Robinson](#); Lovekin@LovekinLaw.com
Subject: LPRA commentsfor 2016.EX13.1 on March 31, 2016 City Council
Date: Wednesday, March 30, 2016 10:44:59 AM

To the City Clerk:

Please add my comments to the agenda for the March 31, 2016 City Council meeting on item 2016.EX13.1, Follow-Up Report on a Local Appeal Body (LAB) for Toronto

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines.

Comments:

The Lawrence Park Rate Payers Association supports in principle the introduction of a Local Appeal Body (LAB) to replace the Ontario Municipal Board (OMB) for Committee of Adjustment (CofA) matters to improve the service to residents of the City when making or opposing appeals regarding CofA decisions.

However the LPRA has 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 CofA 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 C of A decision.

2. The independence of the LAB

Given the City's existing responsibility for the C of A, 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)

The current adversarial process of the Board often impedes of residents' ability to adequately participate in a hearing. As such we welcome the Mediation Pilot. However, the mediation process must be independent, and managed by suitably qualified professionals.

4. Transparency of LAB Decision-making.

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

As noted previously although appeals are a critical part of the minor variance and consents “system” of minor site-specific amendments to the zoning by-laws, the LAB is only part of improving the Numerous concerns that remain inherent tow this system, such as: unfair C of A 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. In addition the City 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 C o fA decision- making. As well, Bill 73 requires that the C of A decisions are supported by reasons. This should help focus consideration of appeals by the LAB.

The annual number of applications to the Committee and the number of appeals are huge and costly for the City, the applicants and residents. We hope that the new LAB will help meet the objectives of increased fairness, openness and accessibility

Many thanks for your diligent consideration of these issues

Sincerely

Janet C Griffin

Director, Development

Lawrence Park RatePayers Association