



May 30, 2017

10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention: Nancy Martins

Dear Councillor Shiner, Chair and Planning and Growth Management Committee Members

RE: PG21.5 Work Plan for the Review of the Development Review Process

This item provides a work plan to implement City Council's direction from January 2017 to conduct a review of the Development Review Process. As residents and ratepayers we support the overall goal of the Review "to examine opportunities to streamline and simplify the development review process and to ensure consistency across Divisions in reporting on their development application activity", we do however have serious concerns about the complete absence of reference to resident engagement or public involvement.

The development review process includes a wide variety of applications from committee of adjustment to zoning by-law amendments and official plan amendments. However recent "improvement" exercises have not always benefitted residents. An example which was brought to this committee at the previous meeting as a "demonstration", i.e. not for approval) is the Committee of Adjustment Online Research Request Portal Summary. As explained in our submission at that time (see attached) the service would benefit applicants and their agents, not residents.

In addition, the report mentions that "As part of the recent budget announcement, the Province will be creating a Land Development Facilitation Team to work with the development industry and municipalities to review the development process to determine ways to streamline the process. The City's end to end review will provide an opportunity for input into this process and aligns the City with the Province's intent."

So again, residents need to have a voice in the City's (as well as the Province's) review of the Development Review Process. It is critically important that the desire for efficiency does not extinguish important opportunities for residents input.

Yours truly,

Geoff Kettel
Co-Chair, FoNTRA
129 Hanna Road
Toronto, Ontario
M4G 3N6
gkettel@gmail.com

Cathie Macdonald
Co-Chair, FoNTRA
57 Duggan Road
Toronto, ON
M4V 1Y1
cathie.macdonald@sympatico.ca

Attachment: FoNTRA letter re PG19.1 Demonstration of Committee of Adjustment Online Research Request Portal Summary

Cc: Jennifer Keesmaat, Chief Planner and Executive Director, City Planning Division
John W. Livey, Deputy City Manager (Cluster B)
Giuliana Carbone, Deputy City Manager (Cluster A)
Roberto Rossini, Deputy City Manager & Chief Financial Officer
Wendy Walberg, City Solicitor, Legal Services
Neil Cresswell, Director of Community Planning, Etobicoke York District

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.



April 4, 2017

Nancy Martins
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Email: pgmc@toronto.ca

RE: PG19.1 Demonstration of Committee of Adjustment Online Research Request Portal Summary

Dear Councillor Shiner, Chair and Members of Planning and Growth Management Committee:

This is to provide comments regarding the Committee of Adjustment On-line Research Request Portal Summary (ORRPS). The Agenda indicates that

“City staff will demonstrate a new on-line research request portal that will allow members of the public to search Committee of Adjustment decisions for a fee. With this new tool, users will be able to search for a property and request the last 10 years of Committee of Adjustment Decisions within a 500m or 1000m radius of the subject property for a fee of \$150+HST or \$300+HST respectively”.

The agenda item is shown as a “demonstration” without any recommendations.

Property owners submit applications to the Committee of Adjustment for "minor variances" of the zoning by-laws (increased length, density, height, etc.). Residents of the area (up to 60M radius of the location of the application) are notified of applications a minimum of 10 days before, and can express their comments verbally at the hearing and/or in writing. Information on the Hearings agendas and the decisions are posted on the respective Committee of Adjustment web site.

There appear to be several issues here

1. Committee of Adjustment applications currently involve an application fee that (is supposed to) relate to the cost of both the planning analysis, and adjudicative hearings elements of the process. The "new" ORRPS simply summarizes the results of the hearings, which information is available for individual properties now (for free) by going through the hearing decisions on the website. There may be a cost of producing and summarizing the proposed data summary but it is unclear why the cost cannot be

covered by the CofA application fee (or the new service may be a justifiable reason to raise it) rather than by a separate charge?

2. On the one hand the proposal amounts to a new “revenue tool” (sometimes called a “cash grab”). On the other hand the charge may create a financial barrier for those who do not have the resources (especially individual residents or resident associations). As such the fee may tend to assist developers more than residents as they would be more willing and able to pay the \$300 plus HST and get 1000M (a kilometre!!) and will present information from the data base (anywhere within the 1km radius) to show that there are similar or greater variances in their defined neighbourhood.
3. The use of 500M and 1000M (1 kilometer) may give the **impression** that the Committee (and on appeal the OMB) is willing to accept comparables located at those distances. The Planning Act specifies four tests of minor variances and does not encourage the use of precedents. Particularly at the OMB the definition of “neighbourhood” is critical to the case and so-called “expert witnesses” will frequently cite examples from a significant distance from the subject site. The presence of the distances in a city mandated summary may encourage the expansive delineation of a “neighbourhood”.
4. It appears that the tool provides an “information product” that is counter to the intent of the City’s Open Data approach, and perhaps the Open Data Policy itself¹. Although it would be a lot of work to search address by address to get the proposed results of 500m/1000m, this data was previously available for free if you were willing to do the work. As such we wonder whether in future the existing method of free access (search the web site) will still be available? Have the software/systems been changed to manage this?

In summary, here are key points of concern from a resident perspective:

1. 95% of Committee of Adjustment applications are for properties located in Neighbourhoods so what this service provides is important to residents who need to understand about the variances requested in an application.
2. However it does not meet residents’ needs. The service would benefit applicants and their agents, not residents. As the users will be mainly agents for applicants an alternative could be that they pay for an annual subscription.
3. 1000m is not relevant for Neighbourhoods as the application has to be considered in its local context. 1000 M may be more relevant depending on the built form character of the area.
4. The cost of \$150 is too high for a resident to pay for comparable variance information related to one application. This information should be provided for free. (Could note FoNTRA has a member who already does this but this could conflict with the request the info should be provided for free.)

¹ The existing City policy on open data is at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=7e27e03bb8d1e310VgnVCM10000071d60f89RCRD>

The matter of what the service should include and its costs should be discussed by the Planning and Growth Management Committee with an opportunity for public deputation, and with its recommendations approved by Council.

Given these concerns **we strongly recommend that the item be referred back to staff for further review.**

Yours truly,

Geoff Kettel
Co-Chair, FoNTRA
129 Hanna Road
Toronto, Ontario
M4G 3N6
gkettel@gmail.com

Cathie Macdonald
Co-Chair, FoNTRA
57 Duggan Road
Toronto, ON
M4V 1Y1
cathie.macdonald@sympatico.ca

Cc: Jennifer Keesmaat, City Planner and Executive Director, City Planning Division
Sarah Rogers, Acting Secretary Treasurer and Director, Committee of Adjustment
Deputy Secretary-Treasurers, Committees of Adjustment
Denis Carr, Lead, Open Data, City of Toronto
Bianca Wylie, Head, Open Data Institute

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