



DRAFT LEGISLATION Toronto Municipal Code

CHAPTER 25 – CITY GOVERNMENT IN THE COMMUNITY TORONTO RESIDENT COMMUNITY BOARDS

P. Moulder, April 2014 / Rev. June 2019





Discussion Paper Toronto Resident Community Boards

Rev. June 2019

Part 2 contains the draft legislation for Toronto Community Boards and the clauses in the document are referenced in the FAQ section.

CHAPTER 25 – CITY GOVERNMENT IN THE COMMUNITY – TORONTO RESIDENT COMMUNITY BOARDS

An additional resource for residents review is the NYC 2010 Handbook for Community Board Members. It has been extensively expanded and edited over the many years since its first edition in 1978. Most importantly, it has been read and used as a reference by thousands of community board members over the past four decades. It, no doubt, will assist in the future creation of a Handbook for Toronto Resident Community Boards.

<http://www.nyc.gov/html/mancb3/downloads/resources/handbook%20for%20community%20board%20members.pdf>

Toronto Resident Community Boards will greatly assist residents and neighbourhood associations, as well as City Council and staff, through the legislated organization of input by residents directly into the Decision-Making Process by City Council that is coordinated, inclusive, transparent, efficient, well-informed and effective.

The Toronto Official Plan (OP), Zoning By-laws, Growth Plan for the Greater Golden Horseshoe (GPGGH) and Provincial Policy Statement (PPS) and other legislation are “plain language” legislation created with input from residents.

There are opportunities for online education on planning Legislation, together with classroom education, which would benefit residents, council members, planners, city staff, appeal board members, and developers.



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PART 1 – FREQUENTLY ASK QUESTIONS

A. WHAT ARE RESIDENT COMMUNITY BOARDS?

For each City Ward there shall be a resident community board which shall consist of:

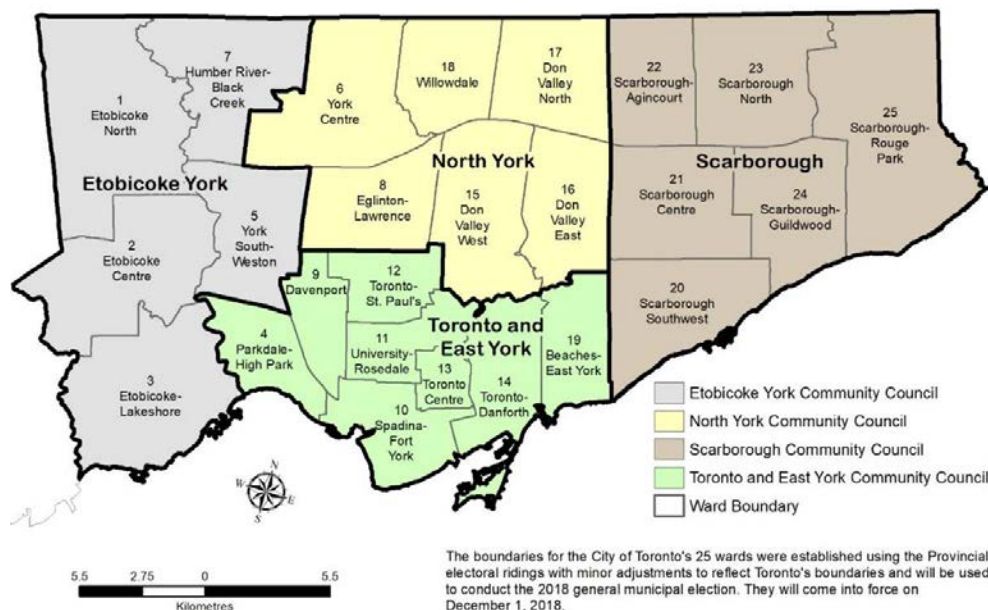
- (1) not more than fifty persons appointed by the council for staggered terms of two years, at least one-half of whom shall be appointed from nominees of residents of the Ward, and
- (2) the council member as a non-voting member of the board.

Community boards, civic groups, other community groups and neighborhood associations and individuals may submit nominations to council members.

Ref. §25-2 A

B. WHAT ARE BOUNDARIES OF THE CITY WARDS?

The map of twenty five City Wards, within the four community council areas, coincides with the map of Provincial Riding Boundaries as of December 1, 2018. There will be twenty five resident community boards, one for each Ward.





C. WHO CAN BE A MEMBER OF THE RESIDENT COMMUNITY BOARDS?

- a. No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the Ward. The council shall assure adequate representation from the different geographic sections and neighborhoods within the Ward. In making such appointments, the council shall consider whether the aggregate of appointments fairly represents all segments of the community.
- b. Members of resident community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board.
- c. Members of resident community boards shall declare in writing any and all apparent or real conflicts of interest concerning any matter coming before the board. The board shall be the final determiner of whether the member should be excluded from participating in any matter as a result of a conflict of interest.
- d. Prior to appointment, all members of the community boards shall undergo a Police Reference Check.

Ref. §25-2 A

D. WHAT ARE THE DUTIES OF RESIDENT COMMUNITY BOARDS?

1. Hold Public Meetings

- a. At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the Ward and its residents, but the board shall take action only at a meeting open to the public;
- b. Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests, and inquiries from residents of the Ward;
- c. Conduct substantial public outreach, including identifying the organizations active in the community board Ward, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request;

Ref. §25-2 D 3, 20, and 21



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- d. Except during the months of July and August, each resident community board shall meet at least once each month within the Ward and conduct at least one public hearing each month. Notwithstanding the foregoing, a community board shall be required to meet for purposes of reviewing the scope or design of a capital project located within such community board's Ward when such scope or design is presented to the community board. Such review shall be completed within sixty days after receipt of such scope or design.
- e. Each board shall give adequate public notice of its meetings and hearings and shall make such meetings and hearings available for broadcasting and cablecasting, and prepare a written report for the Public Record. At each public meeting, the board shall set aside time to hear from the public. The area community council shall provide each board with a meeting place if requested by the board.

Ref. §25-2 H

2. Work with City Agencies and City Council

- a. Cooperate with, consult, assist and advise any public officer, city agency, local administrators of agencies, legislative body, or the community council with respect to any matter relating to the welfare of the Ward and its residents;
- b. Assist city departments and agencies in communicating with and transmitting information to the residents of the Ward;
- c. Request the attendance of city agency representatives at meetings of the resident community board;
- d. Assist city agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the community board Ward and review such statements;
- e. Evaluate the quality and quantity of services provided by city agencies within the community board Ward;
- f. Each city agency shall furnish promptly to each community board on request any information or assistance necessary for the board's work. Each agency shall also report periodically to each board on its service activities, programs and operations within the community board Ward.

Ref. §25-2 D 2, 4, 8, 18, 19 and E



3. Work with resident community boards of other Wards

- a. Cooperate with the boards of other Wards with respect to matters of common interest.

Ref. §25-2 D 5

4. Prepare and Submit Reports

- a. Render an annual report to the mayor, the council and the community council within three months of the end of each year and such other reports to the mayor or the community council as they shall require (such reports or summaries thereof to be published in the Public Record);
- b. Prepare comprehensive and special purpose plans for the growth, improvement and development of the community board Ward;
- c. Prepare and submit to the mayor on or before a date established by the mayor, an annual statement of community board Ward needs, including a brief description of the Ward, the board's assessment of its current and probable future needs, and its recommendations for programs, projects, or activities to meet those needs;

Ref. §25-2 D 6, 9 and 10

5. Elect Officers, appoint a Board Manager, Employ Staff

- a. Elect its own officers; adopt, and make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its community board manager and other appointed professional staff, and keep a Public Record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be made available, in accordance with law, to elected officials upon request and for reasonable public inspection;
- b. One of the community board members shall be elected by the other members to serve as chairperson. The chairperson shall use no title other than chair or chairperson of the community board and the other members shall use no title other than member of the community board or community board member, except for any member who is elected or appointed to an official position on the board, including but not limited to, vice-chairperson, secretary, treasurer, or chair of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity.



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- c. The chairperson of the community board or his or her representative shall be a member of any city agency or service department committee for the Ward.
- d. Each community board, within the budgetary appropriations therefore, shall appoint a manager and shall be authorized to utilize the services of such other professional staff and consultants, including planners and other relevant experts, as it may deem appropriate, all of whom shall serve at the pleasure of the community board and shall provide the board with the staff support and technical assistance it requires to fulfill the duties assigned to it by this by-law or any other applicable law. The community board manager shall:
 - (i) Have responsibility for processing service complaints,
 - (ii) Preside at meetings of any city agency or service department committee for the Ward.
 - (iii) Perform such other duties as are assigned by the community board in accordance with the statement of duties required of community boards.
- e. Each community board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose. Any funds appropriated by the city to enable the community boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each board subject to the terms and conditions of such appropriations. The basic budget appropriation for the personal service and other than personal service needs of each community board shall not include rent. Within reasonable limits appropriate to each board's location, rent shall be separately appropriated for the board.

Ref. §25-2 F and G

6. Participate in Budgetary Planning

- a. Consult with city agencies on the capital needs of the Ward, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;
- b. Conduct public hearings and submit recommendations and priorities to the mayor, the council and the city planning department on the allocation and use within the Ward of funds earmarked for community development activities under city, provincial or federal programs;

Ref. §25-2 D 11 and 12



- c. Consult with city agencies on the program needs of the Ward to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;
- d. Assist in the planning of individual capital projects funded in the capital budget to be located in the Ward and review scopes of projects and designs for each capital project provided, however, that such review shall be completed within sixty days after receipt of such scopes or designs;

Ref. §25-2 D 13 and 14

7. Evaluate Land Use Planning Projects

- a. Evaluate the progress of capital projects within the community board Ward based on status reports to be provided to the board;
- b. Be authorized to assign a representative to attend any meeting held by a city agency to determine, in advance of drafting, the form and content of any environmental impact statement required by law for a proposal or application for a project in such board's Ward;
- c. Exercise the initial review of applications and proposals of public agencies and private entities for the use, development, modification or improvement of land located in the Ward, including the conduct of a public hearing and the preparation and submission to the city planning department of a written recommendation;

Ref. §25-2 D 15, 16 and 17

8. Create Committees

- a. Each community board may create committees on matters relating to its duties and responsibilities. It may include on such committees persons with a residence or significant interest in the community who are not members of the board, but each such committee shall have a member of the board as its chairperson. Except as otherwise provided by law, meetings of such committees shall be open to the public.

Ref. §25-2 I



E. WHAT GOVERNMENT FUNDING IS AVAILABLE FOR COMMUNITY BOARDS TO CARRY OUT THEIR DUTIES AND RESPONSIBILITIES?

The City of Toronto 2019 operating budget provides for total expenditures by City Council of \$21,578,000 or approximately \$863,120 for each of the 25 members of City Council.

A \$200,000 start-up budget can be contributed by each of the 25 Councillors for each of the 25 resident community boards (\$200,000 x 25 = \$5,000,000). From the \$200,000 budget, funds will be used initially by the community boards to hire a community board manager, commence the business of the board, and create a website.

In turn, each council member will be able reduce the total number of the councillor's office staff to reflect the transfer of certain duties and responsibilities to the community board for the Ward.

The city will be responsible for providing and bearing the cost of public meeting spaces, office space and equipment and for each of the 25 resident community boards.

Ref. §25-2 G

F. WHAT ARE THE RESPONSIBILITIES OF CITY AGENCIES AND SERVICE DEPARTMENTS TO RESIDENT COMMUNITY BOARDS

1. City agencies and service departments will communicate and coordinate with the chair and manager of the resident community boards concerning:
 - a. Planning, and the development and recommendation of programs to meet the needs and priorities of Wards and Community Council areas and their residents;
 - b. Publically consult with residents of the Ward and their community board representatives about local service problems and activities; and
 - c. Keep a public record of its activities and transactions, including minutes of its meetings.
2. Each agency providing services in the Wards and community council areas shall prepare annually a statement of its service objectives, priorities, programs and projected activities within each Ward and each area for the new fiscal year, if requested by the respective community board or community council.

Ref. §25-2 E and G



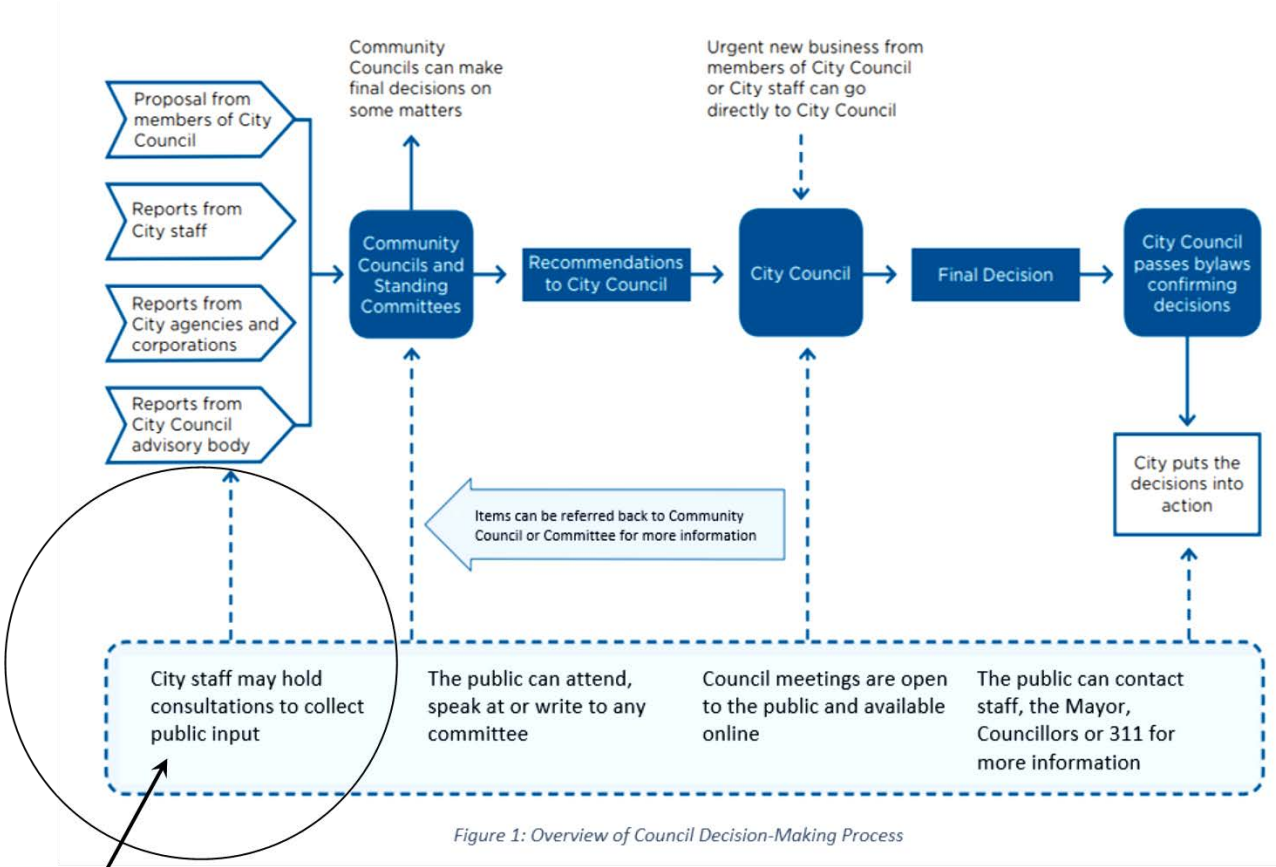
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3. Within four months after the end of the fiscal year, each city agency providing services in the Wards and areas shall report to the respective community boards and community councils the amount of expenditures in the Ward for the preceding year.



G. FLOW OF COMMUNICATIONS FROM COMMUNITY BOARDS TO COUNCIL



PROCESS TO BE MODIFIED TO REFLECT IMPLEMENTATION OF LEGISLATED RESIDENT COMMUNITY BOARDS.

Source: City of Toronto Website— May 25, 2019

Current Council Decision-Making Process

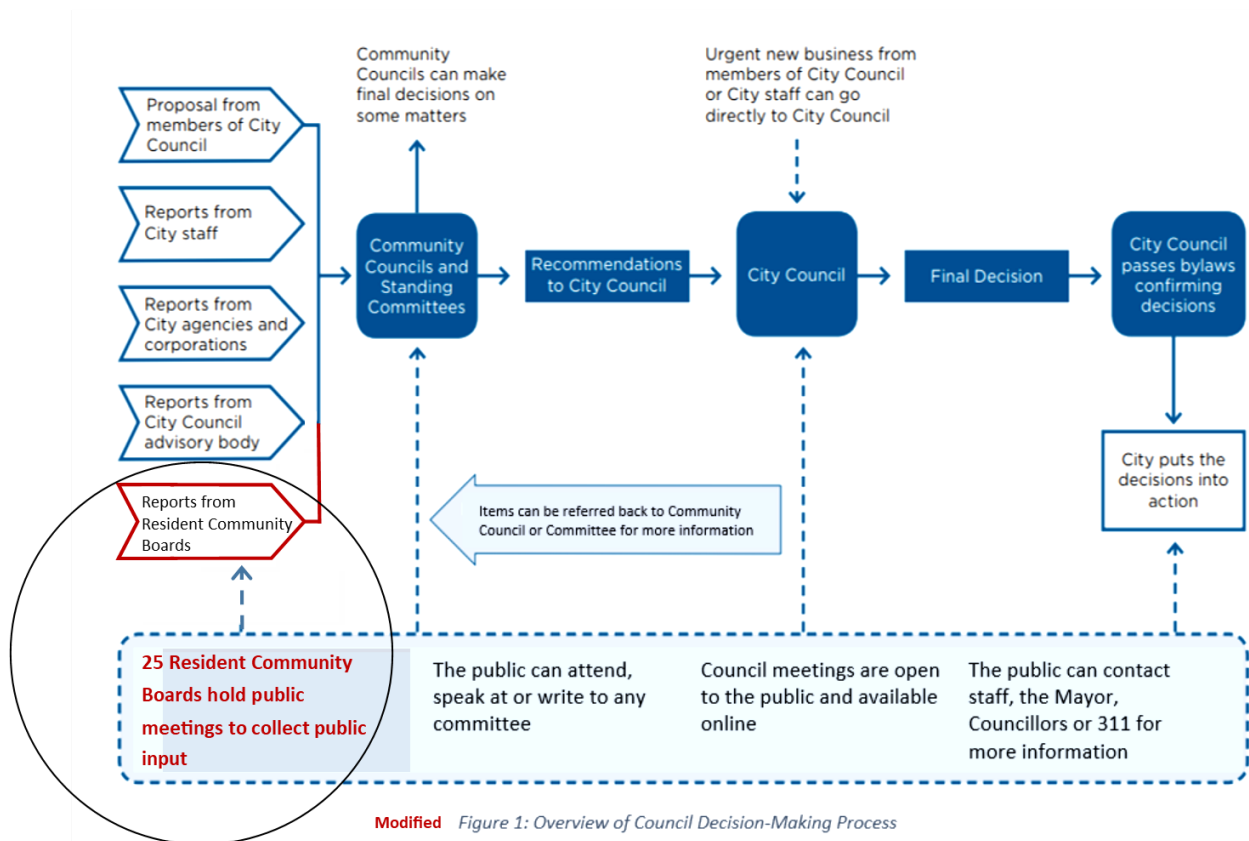
The creation of legislated resident community boards, with responsibility to hold public consultation meetings to collect public input and submit reports, will provide residents with formal, direct input into City Council decisions.

See the modified chart on next page.



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PROCESS MODIFIED TO REFLECT IMPLEMENTATION OF LEGISLATED RESIDENT COMMUNITY BOARDS.

REVISED Council Decision-Making Process

The community boards will hold public meetings and submit reports directly to Community Council and City Council. Public meetings will be video-taped and minuted.

The reports from community boards will reduce the number of email, letters and oral submissions to Community Councils and Committees, and will substantially, comprehensively and efficiently consolidate the views of many residents into one report for the public record.

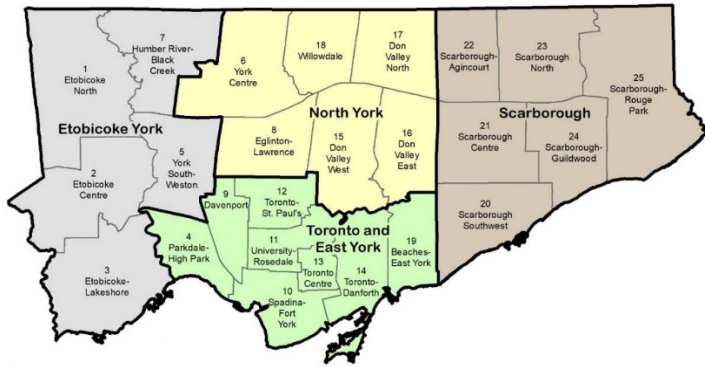
Legislated resident community boards will conveniently fit into the existing flow of communications from various entities to City Council.



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H. COMPARISON OF TORONTO AND NEW YORK CITY COMMUNITY BOARDS



4 Community Council Areas – 25 Wards

Land Area: 243 SQM or 640 SQKM

Total Population (Census 2016): 2,731,575

Etobicoke York:	5 Wards – pop. 589,860
North York:	6 Wards – pop. 865,140
Toronto & East York:	8 Wards – pop. 644,685
Scarborough:	6 Wards – pop. 631,890
Average pop/Ward:	109,263



The five boroughs of New York City:

- 1. Manhattan
- 2. Brooklyn
- 3. Queens
- 4. The Bronx
- 5. Staten Island

5 Boroughs – 59 Community Districts

Land Area: 303 SQM or 784 SQKM

Total Population (NYC June 2017): 8,622,298

Manhattan:	12 Districts - pop. 1,664,727
Brooklyn:	18 Districts - pop. 2,648,771
Queens:	14 Districts – pop. 2,358,582
The Bronx:	12 Districts – pop. 1,471,160
Staten Island:	3 Districts – pop. 479,458
Average pop/District:	146,147



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PART 2 – DRAFT LEGISLATION FOR TORONTO COMMUNITY BOARDS

DRAFT LEGISLATION - TORONTO MUNICIPAL CODE
CHAPTER 25 - CITY GOVERNMENT IN THE COMMUNITY

§ 25-1. Definitions.

§25-2. Resident Community Boards.

§ 25-3. Actions of community boards.

§ 25-1. Definitions.

AGENCY – Refers to any municipal department or agency.

AREAS - Are the particular urban geographical areas.

COMMUNITY COUNCIL - A council committee whose members represent the Wards located in a particular urban geographical area.

COUNCIL – The elected members of Toronto City Council.

THE MAP OF WARDS - The map of twenty five City Wards, within the four community council areas, coincides with the map of Provincial Riding Boundaries as of December 1, 2018, and shall be continued until modified pursuant to this chapter.

WARDS – Each Ward has the same boundaries as the provincial riding, and lies within the boundaries of a particular urban geographical area.

§25-2. Resident Community Boards.

A. For each Ward there shall be a community board which shall consist of:

- (1) not more than fifty persons appointed by the council for staggered terms of two years, at least one-half of whom shall be appointed from nominees of residents of the Ward, and
- (2) the council member as a non-voting member of the board.

Community boards, civic groups and other community groups and neighborhood associations in the relevant Ward may submit nominations to council members.

One-half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one half of the members appointed to any community board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after the expiration of his or her original term unless reappointed by the council.

No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the Ward. The council shall assure adequate representation from the different geographic sections and neighborhoods within the Ward. In making such appointments, the council shall consider whether the aggregate of appointments fairly represents all segments of the community.

Members of resident community boards shall declare in writing any and all apparent or real conflicts of interest concerning any matter coming before the board. The board shall be the final determiner of whether the member should be excluded from participating in any matter as a result of a conflict of interest.

Prior to appointment, all members of the community boards shall undergo a Police Reference Check.

B. An appointed member may be removed from a community board for cause, which shall include substantial nonattendance at board or committee meetings over a period of six months, by the council or by a majority vote of the community board. Vacancies among the appointed members shall be filled promptly upon the occurrence of the vacancy by the council for the remainder of the unexpired term in the same manner as regular appointments.

C. Members of community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board.

D. Each community board shall:

- (1) Consider and address the needs of the Ward which it serves;
- (2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body, or the community council with respect to any matter relating to the welfare of the Ward and its residents;
- (3) At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the Ward and its residents; but the board shall take action only at a meeting open to the public;
- (4) Assist city departments and agencies in communicating with and transmitting information to the residents of the Ward;
- (5) Cooperate with the community boards of other Wards with respect to matters of common interest;
- (6) Render an annual report to the mayor, the council and the community council within three months of the end of each year and such other reports to the mayor or the community council as they shall require (such reports or summaries thereof to be published in the public record);
- (7) Elect its own officers; adopt, and make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its board manager and other professional staff appointed pursuant to subdivision F of this section; and keep a public record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be

made available, in accordance with law, to elected officials upon request and for reasonable public inspection;

- (8) Request the attendance of agency representatives at meetings of the community board;
- (9) Prepare comprehensive and special purpose plans for the growth, modification, improvement and development of the Ward;
- (10) Prepare and submit to the mayor on or before a date established by the mayor, an annual statement of Ward needs, including a brief description of the Ward, the board's assessment of its current and anticipated future needs, and its recommendations for programs, projects, or activities to meet those needs;
- (11) Consult with agencies on the capital needs of the Ward, review departmental estimates, hold public hearings on such needs and estimates and prepare and submit to the mayor capital budget priorities for the next fiscal year and the three succeeding fiscal years;
- (12) Conduct public hearings and submit recommendations and priorities to the mayor, the council and the city planning department on the allocation and use within the Ward of funds earmarked for community development activities under city, provincial or federal programs;
- (13) Consult with agencies on the program needs of the Ward to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates, and prepare and submit to the mayor expense budget priorities for the next fiscal year;
- (14) Assist in the planning of individual capital projects funded in the capital budget to be located in the Ward and review scopes of projects and designs for each capital project provided, however, that such review shall be completed within thirty to sixty days after receipt of such scopes or designs;
- (15) Evaluate the progress of capital projects within the Ward based on status reports to be furnished to the board;
- (16) Be authorized to assign a representative to attend any meeting held by a city agency to determine, in advance of drafting, the form and content of any environmental impact statement required by law for a proposal or application for a project in such board's Ward;
- (17) Exercise the initial review of applications and proposals of public agencies and private entities for the use, development, modification or improvement of land located in the Ward, including the conduct of a public hearing and the preparation and submission to the city planning department of a written recommendation;
- (18) Assist agencies in the preparation of service statements of agency objectives, priorities, programs and projected activities within the Ward and review such statements;
- (19) Evaluate the quality and quantity of services provided by agencies within the Ward;
- (20) Within budgetary appropriations for such purposes, disseminate information about city services and programs, process complaints, requests, and inquiries of residents of the Ward; and
- (21) Conduct substantial public outreach, including identifying the organizations active in the

Ward, maintaining a list of the names and mailing addresses of such community organizations, and making such names and, with the consent of the organization, mailing addresses available to the public upon request.

E. Each agency shall furnish promptly to each community board on request any information or assistance necessary for the board's work. Each agency shall also report periodically to each board on its service activities programs and operations within the Ward.

F. Each community board, within the budgetary appropriations therefor, shall appoint a board manager and shall be authorized to utilize the services of such other professional staff and consultants, including planners and other experts, as it may deem appropriate, all of whom shall serve at the pleasure of the community board and shall provide the board with the staff support and technical assistance it requires to fulfill the duties assigned to it by this by-law or other law. The board manager shall:

- (1) have responsibility for processing service complaints,
- (2) preside at meetings of any agency or service department committee for the Ward, and
- (3) perform such other duties as are assigned by the community board in accordance with the statement of duties required by paragraph seven of subdivision D of this section.

One of the board members shall be elected by the other members to serve as chairperson. The chairperson shall use no title other than chair or chairperson of the community board and the other members shall use no title other than member of the community board or community board member, except that any member who is elected or appointed to an official position on the board, including but not limited to, vice-chairperson, secretary, treasurer, or chair of a committee or subcommittee of the board shall be allowed to use such title when acting in such capacity.

The city auditor shall investigate any allegations concerning the misuse of a community board title and shall report its findings to the mayor, the council and the community council in whose area the community board is located. The knowing and intentional use of an improper title by any member of a community board shall be punishable by a civil penalty of not less than one hundred dollars nor more than two hundred and fifty dollars for every infraction thereof.

The chairperson of the community board or his or her representative shall be a member of any agency or service department committee for the Ward.

A member of a community board shall be eligible for appointment to the position of board manager provided that such member does not participate in any manner in the selection of the board manager by the board and resigns as a member of any board prior to or upon assuming the duties of Board manager.

G. Each community board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose. Any funds appropriated by the city to enable the community boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each board subject to the terms and conditions of such appropriations. The basic budget appropriation for the personal service and other than personal service needs of each community board shall not include rent. Within reasonable limits appropriate to each board's location, rent shall be separately appropriated for the board.

H. Except during the months of July and August, each community board shall meet at least once each month within the Ward and conduct at least one public hearing each month. Notwithstanding the foregoing, a community board shall be required to meet for purposes of reviewing the scope or design of a capital project located within such community board's Ward when such scope or design is presented to the community board. Such review shall be completed within thirty to sixty days after receipt of such scope or design. Each board shall give adequate public notice of its meetings and hearings and shall make such meetings and hearings available for broadcasting and cablecasting, and prepare a written report for the public record. At each public meeting, the board shall set aside time to hear from the public. The area community council shall provide each board with a meeting place if requested by the board.

I. Each community board may create committees on matters relating to its duties and responsibilities. It may include on such committees persons with a residence or significant interest in the community who are not members of the board, but each such committee shall have a member of the board as its chairperson. Except as otherwise provided by law, meetings of such committees shall be open to the public.

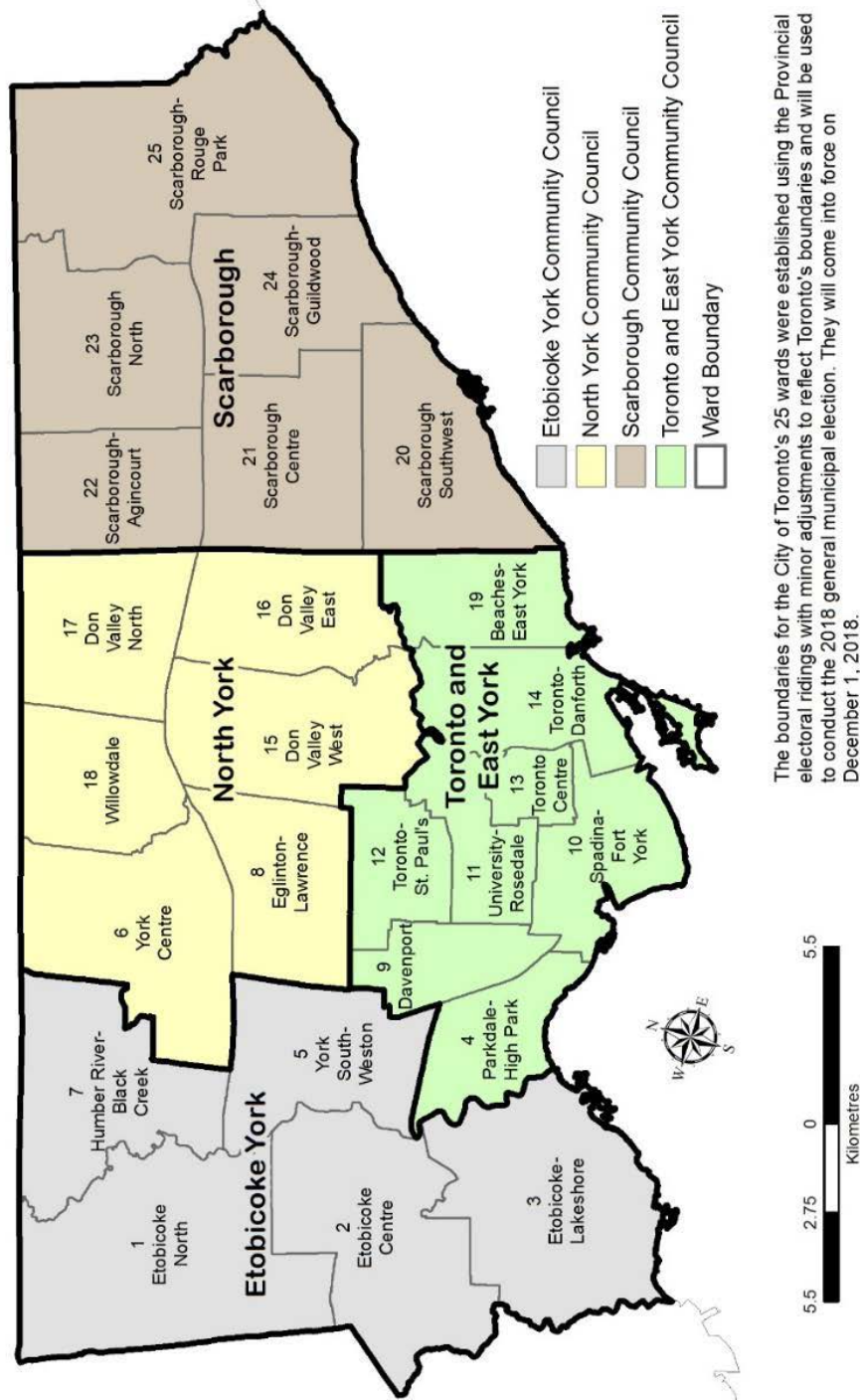
§ 25-3. Actions of community boards.

A. A majority of the appointed members of any community board shall constitute a quorum of such board.

B. Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of such board.

APPENDIX A.

The map of twenty five City Wards, within the four community council areas, coincides with the map of Provincial Riding Boundaries as of December 1, 2018. There will be twenty five resident community boards, one for each Ward.



The boundaries for the City of Toronto's 25 wards were established using the Provincial electoral ridings with minor adjustments to reflect Toronto's boundaries and will be used to conduct the 2018 general municipal election. They will come into force on December 1, 2018.

APPENDIX B.

The four Community Council geographical areas, 25 Wards and Populations as at December 1, 2018.

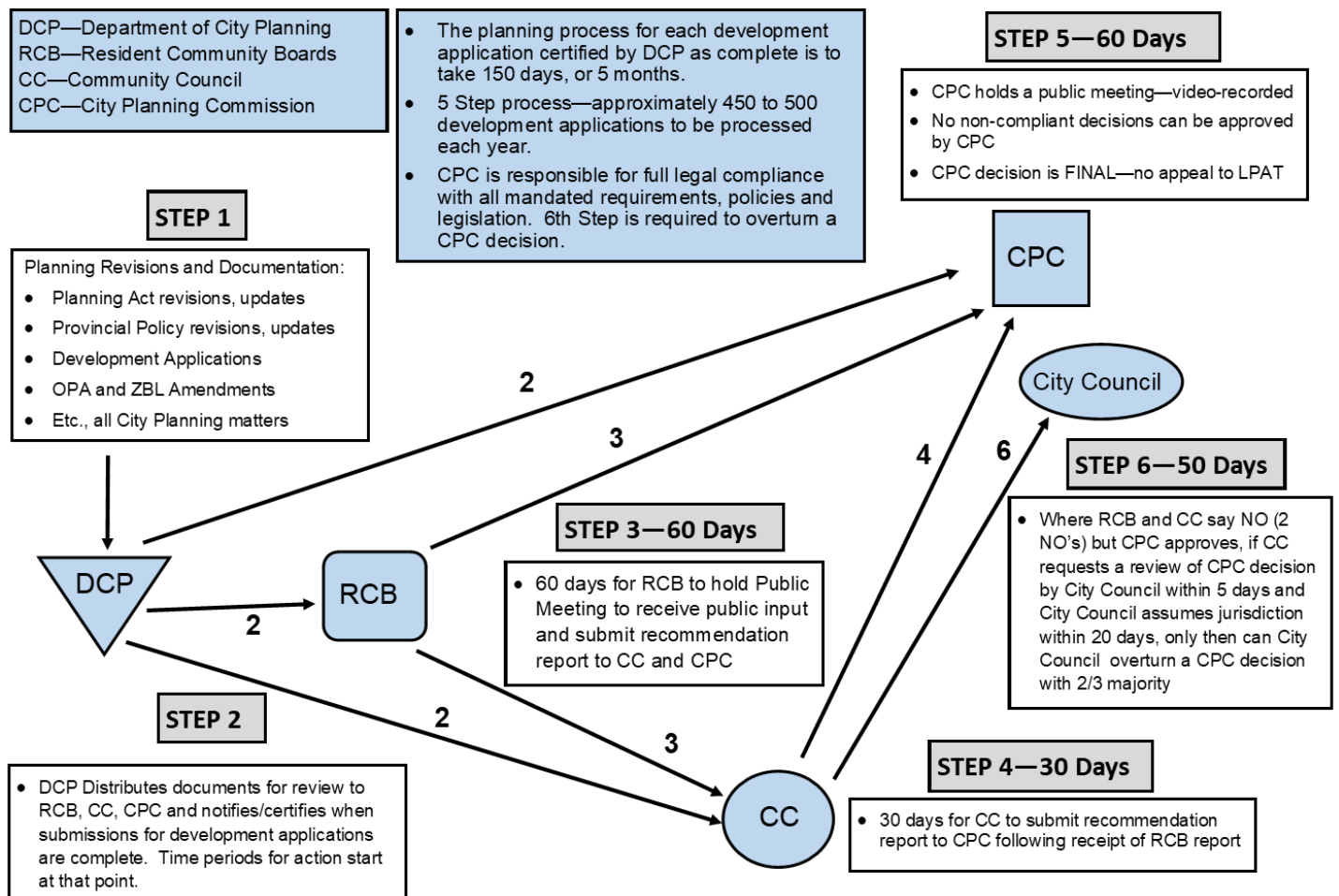
	(2016 Census) Population	Total	Average
Etobicoke York Community Council			
Ward 1 - Etobicoke North	118,040		
Ward 2 - Etobicoke Centre	118,020		
Ward 3 - Etobicoke-Lakeshore	129,080		
Ward 5 - York South-Weston	116,685		
Ward 7 - Humber River-Black Creek	108,035	589,860	117,972
Toronto and East York Community Council			
Ward 4 - Parkdale-High Park	108,805		
Ward 9 - Davenport	108,470		
Ward 10 - Spadina-Fort York	115,510		
Ward 11 - University-Rosedale	104,310		
Ward 12 - Toronto-St. Paul's	107,900		
Ward 13 - Toronto Centre	103,805		
Ward 14 - Toronto-Danforth	106,875		
Ward 19 - Beaches-East York	109,465	865,140	108,143
North York Community Council			
Ward 6 - York Centre	104,320		
Ward 8 - Eglinton-Lawrence	114,395		
Ward 15 - Don Valley West	102,510		
Ward 16 - Don Valley East	94,580		
Ward 17 - Don Valley North	110,080		
Ward 18 - Willowdale	118,800	644,685	107,448
Scarborough Community Council			
Ward 20 - Scarborough Southwest	110,280		
Ward 21 - Scarborough Centre	112,605		
Ward 22 - Scarborough-Agincourt	105,540		
Ward 23 - Scarborough North	98,800		
Ward 24 - Scarborough-Guildwood	102,390		
Ward 25 - Scarborough-Rouge Park	102,275	631,890	105,315
TOTAL	2,731,575	AVERAGE	109,263

CITY PLANNING COMMISSION

City of Toronto

Rev. June 24, 2019

CITY OF TORONTO PLANNING REVIEW FLOW CHART



CITY PLANNING COMMISSION (CPC)

City of Toronto

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INTRODUCTION – CITY OF TORONTO PLANNING COMMISSION

Planning for the City of Toronto needs expert, independent oversight. The activities of City Planning Staff must be directed and reviewed by an expert, independent, qualified body, whose mandate is protection of the public interest.

Politicians are not experts in planning matters, and are subjected to continuous “lobbying” by parties whose primary interest is profits. This exposes the public interest to potential corruption, together with incompetent planning and a failure of good governance for the residents of the City of Toronto.

The Local Planning Appeal Tribunal (LPAT) constitutes a failed, unfair, outdated component of the City planning process, which favours moneyed Parties, who purchase the services of lawyers and planners. The decisions of a single Adjudicator can only be over-turned by Divisional Court, another costly venue. LPAT ‘litigation’ constitutes a serious barrier for the public, and represents an unnecessary, expensive and undemocratic process that is not in the public interest.

City and Provincial governments exist for one purpose only: to manage and protect public assets and the public interest.

Residents are always the primary stakeholders.

Unfortunately, the situation presently exists where residents are expected to pay taxes BUT otherwise be ignored by Municipal and Provincial Governments.

Governments that accommodate only “special interest groups” or their “personal” interests and opinions, or “pet projects” are failing their mandate to fairly manage and protect the public interest – the “public” includes all residents, not just a few.

Toronto is the 4th largest city in North America with more than 2.7 million residents, while New York City is the 2nd largest city in North America with more than 8.6 million residents.

In the 1960’s and 1970’s, New York City addressed the issues of potential corruption in the planning process; the requirement for expert, independent oversight of planning matters; and democratic input by residents. Strongly influenced by the ideas of Jane Jacobs, the NYC Planning Commission (CPC) and 59 NYC resident-based Community Boards, implemented many decades ago, continue to operate satisfactorily in 2019. On an annual basis, approximately 450-500 planning applications are reviewed by the CPC within five months (150 days), with direct input from residents through their Community Boards, and no appeal of CPC decisions, which are final.

The following pages include a demonstration of incoherence of the current LPAT system with the objectives of good governance; a summary description of how a City of Toronto Planning Commission will interact with City Planning, City Council and residents; and draft legislation for a Toronto City Planning Commission inclusion in the City of Toronto Municipal Code.

It is time for residents of the City of Toronto to work together to remedy the
and democracy in our City.

An online copy of this PDF document can be downloaded at:

www.lakeshoreplanningcouncil.com/city-planning-commission-cpc/

Please send in your letter of support for this proposal to the City of Toronto Governance Committee by July 26, 2019.

**COMPARISON of the CITY PLANNING COMMISSION versus LPAT
And the
CHARACTERISTICS OF GOOD GOVERNANCE**

CPC		LPAT
Efficient – Cost savings in time, resources and money		Inefficient - With time, resources and money
1.	Process takes 150 days. Between 450 and 500 applications can be processed per year.	Process takes many years, costly and time-consuming
2.	The cost of the CPC is borne by the City Planning Department	The cost of LPAT is borne by the Province
Democratic and Consensus Oriented		Undemocratic and Adversarial
3.	No litigation.	Expensive, litigated process which pits Parties against one another.
Inclusive/Participatory		Not Inclusive or Participatory
4.	Democratic, impartial process. No direct fees, incorporation fees, Directors & Officer Insurance costs, legal or professional representation fees, or other barriers for members of the public to participate and provide input to the CPC.	Discriminatory process that requires tens or hundreds of thousands of dollars for litigant Parties to hire lawyers and professional planners, in order to be fairly represented against other Parties; the process favours the wealthy.
Transparent		Not Transparent
5.	Transparent, public hearing, where input is recorded and documented.	Behind closed doors “settlement negotiations” on planning details and agreements are routinely held by the lawyers and the Parties, which exclude the public, and which often do not comply with the law.
Accountable/Following Rule of Law		Not Accountable/Often Not Following the Rule of Law
6.	Affirmative decisions by a minimum of five professional CPC members ensure peer review and good planning that is compliant with all the required Planning regulations.	Decisions are usually made by one member, where mistakes are easily and often made, and which excludes peer review.
Effective and Efficient		Ineffective and Inefficient
7.	Decision of the CPC is final and can only be overturned by two-thirds vote of City Council.	LPAT decisions can be appealed to Divisional Court, another costly and slow process, where Divisional Court often refers the matter back to LPAT for review.

SUMMARY: The City of Toronto CITY PLANNING COMMISSION (CPC) Process

1. The City Planning Commission (the “Commission”) shall be responsible for oversight and implementation of the Toronto Official Plan and conduct of urban planning relating to the orderly growth, improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population, in compliance with all Ontario Provincial Acts and regulations.
2. The role of the Commission is to ensure full legal compliance by the City of Toronto with all mandated planning requirements, policies and legislation in the public interest.
3. The Commission of nine members will be chaired by the qualified Chief Planner of the City of Toronto, with four qualified members to be appointed by City Council and four qualified members to be appointed by the Province of Ontario.
4. Members of the Commission, except for the Chair, will not be considered regular employees of the City of Toronto. The role served by the members of the Commission shall be deemed to be both the Commission and the Department of City Planning.
5. Salaries of the members of the Commission shall be included and paid under the City of Toronto budget for the Department of City Planning.
6. City Council will delegate all planning decisions to the Commission, as the independent and impartial body to oversee and direct City planning matters.
7. Because City Councillors are not certified as knowledgeable or competent with respect to planning matters, the delegation of such responsibility to this planning body will avoid the considerable time spent by Councillors and Councillors’ staff reviewing complex details of development applications and similar planning matters.
8. Having delegated planning decisions to the Commission, City Councillors will have no need to meet with development application Lobbyists, which include Solicitors/Lawyers and Professional Planners, who often request to meet with Councillors to lobby on behalf of their development applicant clients.
9. The Commission will receive written recommendations on planning applications and other planning matters from the affected Resident Community Board¹ and Community Council.

¹ Resident Community Boards are to be created to formalize and legislate public consultation and democratic input into government decisions. A detailed proposal has been previously submitted to the Premier of Ontario.

10. The Commission will conduct a public meeting for review of development applications which are certified as complete by the Department of City Planning, and other planning matters, as necessary. The public meetings will be video-recorded and a written report documenting the proceedings will be made available to the public within 15 days.
11. The reports and decisions of the Commission will address all the concerns and points raised by the Resident Community Board and Community Council.
12. The decisions of the Commission will be transparent and accountable to the residents of the City of Toronto, to the City and the Province of Ontario.
13. The public review by the Commission is not litigation before a tribunal. The Commission reviews the facts of the application with regard to the applicable law, and may approve, approve with modifications, or disapprove an application according to requirements for compliance.
14. Quorum for the Commission will be not less than five members, and final actions of the Commission will be made by an affirmative vote of not less than five members.
15. The decision of the CPC will be final, unless the Community Council requests a review of the decision by City Council.
16. Community Council may request a review of a decision for a development application or other planning matter only when the Resident Community Board¹ and Community Council do not recommend approval “no” (2 no’s), and the CPC decision is “yes” to approve.
17. City Council will have the right to overturn any Commission decision with a two-thirds vote.
18. The planning process for each development application certified as complete by the City Planning Department will take a maximum of five months, or 150 days, unless a review is undertaken by City Council.
19. If after six months the City Planning Department has not certified a development application as complete, the applicant may appeal directly to the Commission for certification.
20. The members of the Commission shall perform their duties according to the requirements of the Public Service Act, Province of Ontario.
21. No “lobbying” of members of the Commission by residents, applicants, Council or any person or party shall be permitted. Any reported transgressions shall be investigated by the Integrity Commissioner. The professional independence and impartiality of the members of the Commission is paramount.

TORONTO OFFICIAL PLAN—Section 5.5.—The Planning Process—Policy 5.5.2—Complete Applications.

Applications to amend the Official Plan, to amend the Zoning By-law and applications for Plan of Subdivision, Plan of Condominium or Consent to Sever will comply with the statutory complete application submission requirements of the *Planning Act* and the requirements identified in Schedule 3.

DEPARTMENT OF CITY PLANNING (DCP) Application and Pre-Certification	RESIDENT- BASED COMMUNITY BOARD (RCB)	CHAIR FOR COMMUNITY COUNCIL (CC)	CITY PLANNING COMMISSION (CPC)
<ul style="list-style-type: none"> Receives application and related documents. Forwards application and documents within 5 days to RCB, Chair of the CC, and CPC. Certifies application when it is complete. 	<ul style="list-style-type: none"> Notifies public the application is complete. Holds public hearing. Submits recommendation report to CPC, Chair of CC. 	<ul style="list-style-type: none"> Chair submits recommendation of CC to CPC, or waives right to do so If the project affects more than one RCB, the Chair may hold a public hearing and submit recommendation report to CPC or waive right to do so. 	<ul style="list-style-type: none"> Holds a public meeting Approves, modifies or disapproves application. Files approvals and approvals with modifications with City Council. Disapprovals are final.
→ → →	→	→	→
No specific time limit (after 6 months applicant may appeal to CPC for certification if all documentation is submitted).	60 DAYS	30 DAYS	60 DAYS
TOTAL DAYS TO REVIEW AN APPLICATION	60 DAYS	90 DAYS	150 DAYS

AFTER CPC APPROVES APPLICATION

TRIPLE “NO” - AUTOMATIC REVIEW BY CITY COUNCIL:

- RCB recommended disapproval (No #1)
- Chair of CC recommended disapproval (No #2)
- Chair of CC files objection with City Council and CPC within 5 days of CPC approval (No #3)

CITY COUNCIL

- Can review application, hold a public hearing, and vote to approve, approve with modifications, or disapprove.
- Refers any proposed modifications to CPC for an additional 15-day review.
- If City Council does not act (or does not assume jurisdiction on items it must elect to review), CPC decision is final.
- Must assume jurisdiction within 20 days, requires majority vote, completed within 50 days (excluding 15-day review).**
- 2/3 vote required to overturn CPC decision.**

IF CPC DISAPPROVES APPLICATION, THE DECISION IS FINAL; UNLESS

- Action requires 2/3 vote. Action is final.
- Jurisdiction, 20 days; completion 50 days.

Chapter 21

CITY PLANNING COMMISSION

§ 21-1. Reserved.

§ 21-2. Mandate.

§ 21-3. Composition.

§ 21-4. Term.

§ 21-5. Duties and Responsibilities.

§ 21-6. The Planning Process.

§ 21-1. Reserved.

§ 21-2. Mandate.

The purpose of the City Planning Commission is:

(1) To provide professional, accountable and independent formulation, review, oversight and implementation of planning matters for the City of Toronto by nine (9) publicly-appointed commissioners, who are qualified and will be chosen for their expertise, independence, integrity and civic commitment.

(2) To replace the Local Planning Appeal Tribunal (LPAT) – formerly the Ontario Municipal Board (OMB) - as the final determiner of planning matters in the City of Toronto.

§ 21-3. Composition.

The members of the City Planning Commission are:

(1) The Director of the Department of City Planning shall serve as the Chair of the Commission, as determined by City Council.

(2) Four qualified (4) members of the Commission shall be appointed by Toronto City Council, and four qualified (4) members shall be appointed by the Province of Ontario.

(3) A quorum shall consist of five members. Final action by the Commission shall be the affirmative vote of not less than five members.

(4) The Director of the Department of City Planning shall provide staff assistance to the City Planning Commission in all matters under its jurisdiction.

(5) Members of the Commission, except for the Chair, will not be considered regular employees of the City of Toronto. The role served by the members of the Commission shall be deemed to be both the Commission and the Department of City Planning.

(6) No member, while serving as a member, shall appear directly or indirectly before the department, the Commission, or any other city agency where such appearance creates a conflict of interest with the duties and responsibilities of the member. No firm in which a member has an interest may appear directly or indirectly before the Department or the Commission.

(7) One of the members other than the Chair will be designated by the Mayor as Vice-chair and shall serve as Vice-chair at the pleasure of the Mayor. The Vice-chair shall possess the powers and perform the duties of the Chair when the Chair is absent or while a vacancy exists in the office of the Chair, and shall at such times serve as Director of City Planning.

(8) A member of the Commission other than the Chair may be removed by the appointing official only upon proof of official misconduct, neglect of official duties, conduct in any manner connected with his or her official duties which tends to discredit his or her office, or mental or physical inability to perform his or her office, or mental or physical inability to perform his or her duties. Before removal, any such member shall receive a copy of the charges and shall be entitled to a hearing on record by the Toronto Office of the Integrity Commissioner, which shall make final findings of fact, recommend a decision and submit such findings and recommended decision to the appointing official for final action.

(9) The members of the Commission shall perform their duties in accordance with the requirements of the Public Service Act, Province of Ontario.

§ 21-4. Term.

Members other than the Chair shall be appointed for a term of four years

§ 21-5. Duties and Responsibilities.

The duties and responsibilities of the City Planning Commission are:

(1) The City Planning Commission shall be responsible for oversight and implementation of the Toronto Official Plan and conduct of planning relating to the orderly growth, improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population, in compliance with all Ontario Provincial Acts and regulations.

(2) Not later than the 31st day of December, 2019, and every four years thereafter, the Commission shall file with the Mayor, City Council, the Ombudsman, the Community Council Chairs, and Resident-based Community Boards¹, a zoning and planning report. The report shall include:

(a) a statement of the planning policy of the Commission, which policy shall take into consideration, among other things, the ten-year capital strategy, the four-year capital program, the Mayor's report² on the social, economic and environmental health of the City, the Mayor's strategic policy statements³,

(b) a summary of the significant plans and studies completed or undertaken by the department of city planning in the preceding four years;

(c) an analysis of those portions of the Official Plan or Zoning regulations that merit reconsideration in light of the planning policy of the Commission, the Growth Plan for the Greater Golden Horseshoe, and other applicable Provincial Acts and regulations; and

(d) proposals for implementing the planning policy of the Commission and the policies of the Province whether by amendment of the Official Plan, Zoning Regulations, development of plans or otherwise.

¹ Resident Community Boards are to be created to formalize and legislate public consultation and democratic input into government decisions. A detailed proposal has been previously submitted to the Premier of Ontario.

² The mayor shall submit an annual report analyzing the social, economic and environmental health of the City, including any disparities among populations, a narrative discussion of the differences and the disparities, and the mayor's short and long term plans for responding to the significant problems and disparities evidenced by the data presented in the report.

³ The mayor shall submit a preliminary strategic policy statement for the city which shall include: (i) a summary of the most significant long-term issues faced by the city; (ii) policy goals related to such issues; and (iii) proposed strategies for meeting such goals.

(3) The City Planning Commission shall adopt rules establishing minimum standards for the form and content of plans. All proposed plans shall be referred to the Department of City Planning for circulation by the Department to all affected Resident-based Community Boards and all affected Community Councils for review and written recommendation. All affected Resident-based Community Boards and Community Councils to which such a plan is referred shall hold a public hearing on any such plan.

(4) The City Planning Commission shall establish rules providing (a) guidelines, minimum standards, and procedural requirements for Resident-based Community Boards, Chairs of Community Councils, Community Councils, and the Commission in the exercise of their duties and responsibilities, (b) minimum standards for certification of applications, and (c) specific time periods for review of applications prior to certification.

(5) Within a reasonable time period following review and recommendation of a plan, the City Planning Commission shall (a) review such plan, (b) hold a public hearing on such plan, and (c) by resolution approve, approve with modifications or disapprove such plan by a majority vote of at least five members.

§ 21-6. The Planning Process.

The development, land-use and planning process will proceed as follows:

A. The Department of City Planning will be responsible for the following duties:

(1) Advance notice of all preliminary and final development proposals and plans filed with the City that relate to the use, development or improvement of land subject to City regulation shall be given to the affected Resident-based Community Boards and Community Council Chairs. The Department of City Planning shall forward a copy of any application materials it receives (whether or not such materials have been certified as complete) within five days to each affected Community Council, Resident-based Community Board and to the City Planning Commission.

(2) The Department of City Planning shall be responsible for certifying that applications are complete and ready to proceed through the land use review process. An application cannot be certified until the Department determines that the application includes all forms, plans and supporting documents that are necessary to address all issues related to the application.

(3) Upon certification of an application, the Department shall give notice of such certification to City Council. If an application under this section has not been certified within six months after filing, the applicant, if the land use proposed in an application is consistent with the land use policy or strategic policy statement, may at any time thereafter appeal to the City Planning Commission for certification. The Commission shall promptly, but in any event within sixty days of the filing of such an appeal, either

certify the application as complete, or state in writing what further information is necessary to complete the application.

B. The Resident-based Community Boards will be responsible for the following duties:

(1) Each affected Resident-based Community Board shall, not later than sixty days after receipt of an application that has been certified:

(a) notify the public of the application in a manner specified by the City Planning Commission, and

(b) conduct a public hearing thereon and prepare and submit a written recommendation directly to the City Planning Commission and to the affected Community Council.

(2) If any affected Resident-based Community Board shall fail to act, thirty days after the expiration of the time allowed for such Community Board to act, the Community Council may hold a public hearing on the application and any such recommendations and submit a written recommendation or waiver thereof to the City Planning Commission.

C. The Chair of Community Council will be responsible for the following duties:

(1) Not later than thirty days after the filing of a recommendation, or waiver, or if the Resident Community Board shall fail to act, the Chair of the Community Council shall submit a written recommendation or waiver thereof to the City Planning Commission.

D. The City Planning Commission will be responsible for the following duties:

(1) Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the City Planning Commission by the Chair of the affected Community Council, the Commission shall approve, approve with modifications, or disapprove the application.

(2) Any such approval or approval with modifications of the Commission shall require the affirmative vote of at least five of the members.

(3) The Commission shall conduct a public hearing on all applications that are subject to review and approval by the Commission. Any action of the City Planning Commission which modifies or disapproves a written recommendation of the Resident Community Board or Community Council shall be accompanied by a written explanation of its reason for such action.

(4) The City Planning Commission shall file with City Council and with the affected Community Council Chair and Resident-based Community Board a copy of its decisions to disapprove, approve or approve with modifications. Any such filing with the council shall include copies of all written recommendations of the Resident Community Board and Community Council with respect to the decision being filed.

E. City Council will be responsible for the following duties:

(1) Where any decision of the City Planning Commission to approve or approve with modifications a matter, if (i) both an affected Resident-based Community Board (after holding a public hearing) and the affected Community Council, within the time periods designated for their reviews, have recommended in writing against approval and (ii) the Chair of the affected Community Council, within five days of receiving a copy of the decision of the Commission, files with the Commission and the Council a written objection to the decision, Council may resolve by the majority vote of all the council members to review the decision of the Commission.

(2) Where Council resolves to review a decision of the Commission at request of the Chair of the Community Council where both the Resident-based Community Board and the Community Council do not agree with the approval by the Commission, the Council shall hold a public hearing, and the Council, shall take final action on the decision. The affirmative vote of a two-thirds majority of all Council members shall be required to approve, approve with modifications or disapprove such a decision.

CITY OF TORONTO PLANNING REVIEW FLOW CHART

