

From: [LPCC-Lakeshore Planning Council Corp.](#)
To: [Special Governance](#)
Subject: GV4.2 - PRESENTATION TO GOVERNANCE COMMITTEE MTG SEP 25, 2019
Date: September 24, 2019 3:50:42 PM
Attachments: [Presentation to Gov Comm Mtg Sep 25, 2019.pdf](#)

TO: Nydia Robin, Committee Secretary

Hi, Nydia:

Please include the attached PDF Presentation as a further Communication on the City website under GV4.2 , for viewing by Councillors and residents.

I will not be able to attend the meeting in person tomorrow or depute, and would appreciate this Presentation being published under GV4.2.

In addition, it is our understanding **Social Planning Toronto** and a number of other non-profit residents' groups will be asking for a 12-month extension for the public consultation period and final decision of City Council on any changes to the City Governance structure (from the current deadline of Feb 2020, extended to Feb 2021), since more residents require more information before they can finalize their input into this very important question concerning the future structure of City Governance (decision-making).

We support this request for an extension of time for review.

Thank you in advance.

Peggy Moulder
Secretary
Lakeshore Planning Council Corp.

SLIDE - 1

GOVERNMENT IN THE COMMUNITY

PART (A) TORONTO RESIDENT COMMUNITY BOARDS

PART (B) CITY OF TORONTO PLANNING COMMISSION



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- ✓ A senior City Solicitor has said that “while the City may hold public consultations to obtain input, they are not obliged to consider any of it”; i.e., the input is “informal”.
- ✓ In May 2019, the Toronto Chief Planner went on record as supporting further restrictions on third-party (residents) appeals of “stand-alone plans of subdivision and condominiums” (CC7.3 Report for Action Bill 108, May 8, 2019, page 11).
- ✓ This is in addition to the removal of the right of residents to appeal Council Decisions under the new Ontario/Toronto Development Permit system.
- ✓ The message from the City and Province is that residents and taxpayers are to be provided with “token” (not real) participation in City Planning decisions.



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SLIDE – 3 – Part (A) 25 Resident-based Community Boards

- ✓ The City of Toronto Act, Sections 141 through 147, provide the “Power to establish city boards”.
- ✓ **Resident-based Community Boards**, established and legislated by the City, will formalize public input, to go on the Public Record in an official advisory capacity for consideration by City Council.
- ✓ Resident Community Boards will be included as official committees or advisory boards to City Council.
- ✓ Resident Community Boards, one for each Ward, will be open to all residents, both groups and individuals, and will not focus primarily on neighbourhood associations.



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- ✓ Resident Community Boards are not an “experiment” in democracy. New York City created legislated Resident Community Boards, strongly influenced by the ideas of Jane Jacobs, more than 60 years ago, which continue to operate today.
- ✓ NYC's population is slightly more "diverse", and Toronto residents are not less intelligent or less capable of running their own public meetings than residents of New York City.
- ✓ Since views concerning the public interest can affect, or even eliminate, jobs of City Staff, City Staff are in a fundamental conflict of interest. Therefore, advice to Council from the public must come directly from the public, represented and reported by the CB Directors and not through City Staff.
- ✓ Reports of CB Directors do not substitute for, or prevent residents from deputing or communicating directly to Councillors as they do now; but CBs encourage discussion and collaboration among all residents.



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- ✓ 25 Resident-based Community Boards (CB) would be created, one for each Ward.
- ✓ Each CB will consist of not more than 50 resident members as Directors of the CB, which will hold public consultation meetings on any matter of public interest. The goal is “inclusive and participatory” governance – not exclusion.
- ✓ The Ward Councillor will sit as a non-voting member of the CB.
- ✓ Toronto consists of 140 neighbourhoods, with approximately 5 to 6 neighbourhoods per Ward.
- ✓ Council shall ensure adequate representation on the CB from the different neighbourhoods in the Ward. No person shall be appointed by Council to a CB who does not have a residence, business or other significant interest in the Ward.



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- ✓ Duties of the CBs will be to:
 1. hold public meetings
 2. work with City Agencies and City Council
 3. work with CBs of other Wards
 4. prepare and submit reports
 5. elect officers of the CB, appoint a Board Manager, employ staff
 6. participate in budgetary planning
 7. evaluate land use planning projects
 8. create committees

- ✓ The CBs will hire a Board Manager and one staff member to assist the CB Directors, at an annual cost of less than \$5,000,000 or \$200,000 per Ward from the current budget of \$21,589,000 for Toronto City Council members.



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✓ City agencies and service departments will communicate and coordinate with the Chair and Manager of the Resident CBs concerning:

1. the development of programs to meet the needs of Ward residents and area Community Councils
2. public consultations with residents of the Ward and CB representatives about City services, activities and City planning matters
3. keeping a public record of activities and transactions, including minutes of meetings between agencies and service departments and the CB.

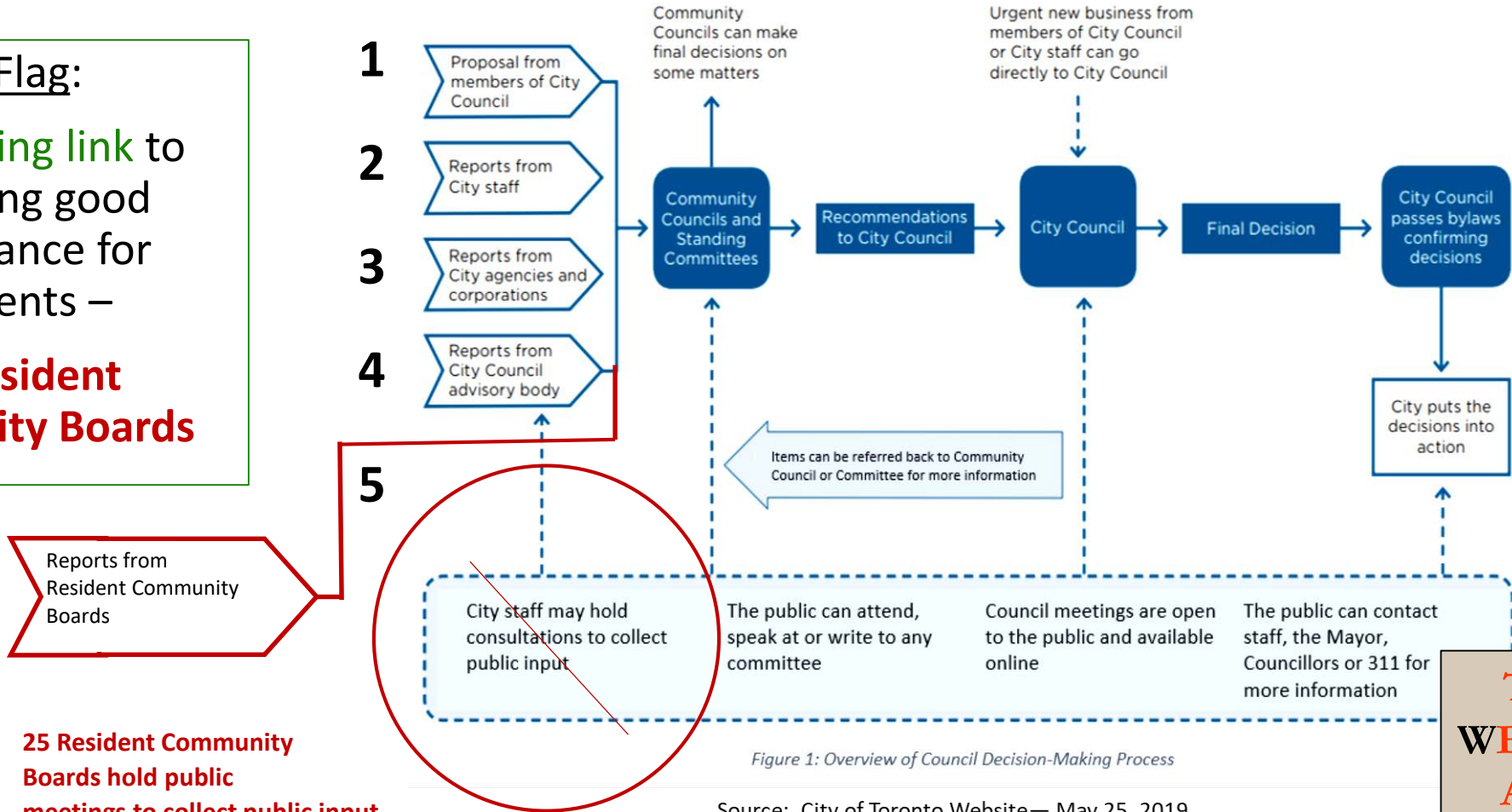


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- ✓ CBs readily fit into the current organization of the City Council decision-making process, to replace the informal consultation with formal input and advice from residents through CBs.

5th Flag:
 The **missing link** to achieving good governance for residents –
25 Resident Community Boards



25 Resident Community Boards hold public meetings to collect public input

Figure 1: Overview of Council Decision-Making Process

Source: City of Toronto Website— May 25, 2019



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- ✓ A detailed 23-page report on CBs, including draft legislation, can be downloaded from our website, or you can ask that a copy be emailed to you.
- ✓ **You can send a letter of support to the City.** If residents, through their silence, support what is not working, and don't ask for necessary changes and improvements, then residents will continue to get what is not working for them.
- ✓ A copy of the **letter of support** can also be emailed to you.

lpcc.lakeshoreplanningcouncil@gmail.com

<http://lakeshoreplanningcouncil.com/community-boards/>

Continue to next Slide for information on a City of Toronto Planning Commission



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SLIDE – 10 – Part (B) City of Toronto Planning Commission

- ✓ 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.
- ✓ The Local Planning Appeal Tribunal (LPAT) constitutes a failed, unfair, outdated component of the City planning process, because it favours moneyed Parties, who purchase the services of lawyers and planners.



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- ✓ Developers appeal to LPAT to increase the size of their projects for increased profits.
- ✓ The costs for residents, in tens of thousands of dollars, to participate at LPAT are: rental halls for meetings, membership dues, incorporation fees, Directors' insurance, LPAT appeal fees, fund-raising for fees for Planners and Solicitors, and many weeks and months of time (is money) spent working on the appeal, along with the fear of having costs awarded against them when developers win.
- ✓ When residents win (rarely) at LPAT (or TLAB), the developers often appeal to Divisional Court, requiring more time, work and money from residents.



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- ✓ LPAT ‘litigation’ constitutes a serious barrier for the public, and represents an unnecessary, expensive and undemocratic process that is not in the public interest; e.g., behind closed door settlements, which often do not comply with Provincial law, and essentially ignore all previous public input.
- ✓ 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.



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- ✓ On an annual basis, approximately 450-500 planning applications are reviewed by the NYC CPC within five months (150 days), with direct input from residents through their Community Boards, and no appeal of CPC decisions, which are final.
- ✓ It is proposed that a City Planning Commission (CPC) be implemented for the City of Toronto, which will remove Toronto from the jurisdiction of LPAT.
- ✓ The CPC will be comprised of 8 independent planning experts, plus the City of Toronto Chief Planner, who will be the Chair of the CPC.



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SLIDE – 14

- ✓ 4 CPC members will be appointed by the City and 4 appointed by the Province.
- ✓ Salaries of the members of the CPC shall be included and paid under the City of Toronto budget for the Department of City Planning.
- ✓ Members of the CPC, except for the Chair, will not be considered regular employees of the City of Toronto.
- ✓ City Council will delegate all planning decisions to the CPC, as the independent and impartial body to oversee and direct City planning matters.



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- ✓ The CPC will receive written recommendations on planning applications and other planning matters from the affected Resident Community Board and Community Council.
- ✓ The reports and decisions of the CPC will address all the concerns and points raised by the Resident Community Board and Community Council.
- ✓ The public review by the CPC is not litigation before a tribunal. There will be no appeal to LPAT.
- ✓ The decision of the CPC will be final, unless both the CB and Community Council object, and Community Council then requests a review of the decision by City Council.



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- ✓ City Council will have the right to overturn any CPC decision with a two-thirds vote.
- ✓ The planning process for each development application certified as complete by the City Planning Department, including the public review by the CPC, will take a maximum of five months, or 150 days, unless a review is undertaken by City Council.
- ✓ No “lobbying” of members of the CPC by residents, applicants, Councillors or any person or party shall be permitted.
- ✓ The professional independence and impartiality of the members of the Commission is paramount.



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- ✓ The Mayors of Halton Region are also calling for the elimination of LPAT.
- ✓ While only the Province can eliminate LPAT, neither Divisional Court nor LPAT are obliged to hear an appeal. LPAT has refused to hear an appeal in the past.
- ✓ It would be essentially “redundant” for LPAT to hear a developer’s appeal of a planning review and decision issued by a 8-member independent, expert, planning panel plus the City Chief Planner. Consequently, Toronto would likely be removed from the jurisdiction of LPAT sooner rather than later, once the CPC is implemented.
- ✓ Residents will likely obtain the best possible planning for Toronto from a City Planning Commission (CPC) consisting of planning experts who cannot be lobbied, and have a mandate to act in the short and long-term public interest.



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- ✓ A detailed 15-page report on the CPC, including draft legislation, can be downloaded from our website, or you can ask that a copy be emailed to you.
- ✓ You can send a letter of support to the City. If residents, through their silence, support what is not working, and don't ask for necessary changes and improvements, then residents will continue to get what is not working for them.
- ✓ A copy of the letter of support can also be emailed to you.

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THANK YOU

- ✓ Toronto Governance is failing its democratic mandate for good governance that is *efficient, accountable, transparent, responsive, consensus-oriented, participatory, inclusive and follows the rule of law*. This can be effectively rectified with legislated:
 - ✓ Resident-based Community Boards, and a
 - ✓ City of Toronto Planning Commission

THANK YOU



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