



Committee of Adjustment Panel Size and Structure

Date: March 20, 2019

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report recommends various changes to the Committee of Adjustment (CoA) panel size and structure prior to the appointment of new panel members for the 2018-2022 CoA term.

City Planning recommends increasing the CoA membership from 30 to 35 members, with two of the additional members assigned to the Toronto and East York (TEY) district and three to the Etobicoke York (EY) district. City Planning also recommends that panel members be assigned to a district rather than a particular panel within a district.

Further, staff recommend that all CoA hearings in the Etobicoke York district be held at the Etobicoke Civic Centre, rather than be split between the Etobicoke Civic Centre and the York Civic Centre. The practice of holding hearings at two locations, which began as a pilot project, should be discontinued. The Etobicoke York panel is the only panel required to attend public hearings at two separate facilities and it is difficult to maintain customer service standards and provide equitable treatment to all CoA applicants in the Etobicoke York district, given the decreasing proportion of applications in the former municipality of York.

The changes recommended in this report will improve customer service and lead to administrative efficiencies.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend the composition of the Committee of Adjustment in Chapter 4 of the City of Toronto Municipal Code by:

- a. increasing the number of panel members to 35; and

b. eliminating specific panels per district while stipulating the number of panel members per district as follows:

1. Etobicoke York: 8 panel members
2. North York: 10 panel members
3. Toronto and East York: 12 panel members
4. Scarborough: 5 panel members

2. City Council authorize and direct the City Solicitor to introduce any necessary bills needed to give effect to the amendments to Chapter 4 of the City of Toronto Municipal Code.

3. City Council direct that all meetings of the Etobicoke York panel(s) of the Committee of Adjustment be held at the Etobicoke Civic Centre.

FINANCIAL IMPACT

Increasing the number of panel members will have a minimal financial impact. There is only a nominal cost associated with adding panel members per se because most of the panel member costs are incurred as a result of holding a hearing, rather than from the actual number of members appointed to the committee. The majority of panel member costs (per diem remuneration, mileage and parking reimbursement) are only incurred when a meeting is held. The number of meetings per year is based on the number of CoA applications received, the City's ability to accommodate those meetings, and the availability of CoA members.

If five new panel members are appointed, there will be an additional \$7500 in annual stipend costs based on the new remuneration rate of \$1500 per member. If a new panel is established, there will be an additional annual stipend of \$2500 per chair.

For 2019, any financial impact will be absorbed by the approved 2019 City Planning budget. Expenditures associated with remuneration will also be reviewed during the 2020 budget process.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its October 26, 27 and 28, 2004 meeting, City Council directed staff to hold CoA public hearings in the Etobicoke York district at both the Etobicoke Civic Centre and the York Civic Centres as a pilot project:

See: <https://www.toronto.ca/legdocs/2004/minutes/council/cc041026.pdf>

At its meeting on June 10, 11 and 12, 2015, City Council appointed 28 members to the CoA for the 2014-2018 term of Council:

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC7.8>

At its May 3, 4 and 5, 2016 meeting, City Council amended the composition of the North York panel by increasing the number of panel members from eight to 10 and increasing the number of panels from one to two:

See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM18.7>

At its March 7, 2019 meeting, City Council adopted a report standardizing and updating the rate of remuneration for Public Members of City Tribunals, which includes CoA panel members:

See: <https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-130089.pdf>

COMMENTS

The recommendations in this report are a response to increased CoA application volume, evolving development trends across the city, and the new 25 ward and Community Council boundary structure.

Upcoming Appointments

The Public Appointments Secretariat in the City Clerk's Office is preparing for the appointment of CoA members for the 2018-2022 term of City Council. Currently, staff expect the appointments to be considered by City Council at its June 18 and 19, 2019 meeting.

Increasing Number of Panel Members

Based on an assessment of current and future workload and capacity, City Planning recommends increasing the CoA membership from 30 to 35 members.

CoA application volume has increased significantly in the last 10 years. Application volume increased 54% from 2008 to 2017 (2973 applications in 2008 to 4592 applications in 2017), with a decrease in volume in 2018 (3847 applications). In order to help improve service levels with this increased volume, the number of CoA panel members should be increased.

If Council adopts the proposed increase, two new members would be added to the TEY and three to the EY panels, respectively. The members would be distributed across the four districts as follows:

- Etobicoke York: 8 panel members (up from 5)
- North York: 10 panel members (no change)
- Toronto and East York: 12 panel members (up from 10)
- Scarborough: 5 panel members (no change)

The additional members would be assigned to the TEY and EY district panels so the number of panel members in those districts better aligns with the proportion of total applications processed in these districts. In 2018, the number of applications received by district were as follows: Etobicoke York 1038 (27%), North York 940 (25%), Toronto and East York 1377 (36%), and Scarborough 492 (13%).

The TEY district office, in particular, has not been able to maintain service standards with its volume of applications. It currently takes approximately 12 weeks for a CoA application in TEY to advance from intake to a hearing date; however, the CoA's service level standard is that 75% of minor variance applications be heard within 60 days of receipt, and 75% of consent applications be heard within 90 days of receipt. The application volume in TEY will go up further with the 25-ward structure and the resulting revisions to Community Council boundaries. The TEY office has gained what had been two whole old wards from EY (old wards 13 and 17).

Increasing the number of panel members provides greater panel member availability for hearings, which potentially allows for more hearings to be scheduled. This could reduce the current wait-time for a hearing. Adding panel members and more hearing dates could also allow for CoA meetings with a more manageable volume of applications scheduled per agenda, which will benefit members, applicants, members of the public and staff.

District Based Assignment of Members

City Planning recommends that panel members be assigned to a district rather than a particular panel within a district for the 2018-2022 CoA term. This will give staff more flexibility in scheduling panel members to adapt to changes in application volumes and development patterns.

Additionally, while panel members will be assigned to particular districts, they may also be asked to sit on panels in other districts as required. City Planning staff are not recommending that panels have fewer than five members; however, panels may be comprised of three or four members if necessary for operational reasons.

With Council's approval, Chapter 4 of the Municipal Code will be amended accordingly.

Hearing Locations in the Etobicoke York District

In October 2004, City Council directed staff to implement a pilot project whereby CoA applications for then wards 7, 11, 12, 13 and 17 (the "York Wards") would be heard at the York Civic Centre, with the applications from then wards 1-6 (the "Etobicoke Wards") to be heard at the Etobicoke Civic Centre. The practice of holding hearings at the York Civic Centre continued and staff never reported back on the pilot.

Staff recommend that CoA hearings in the Etobicoke York district no longer be held at the York Civic Centre. Eliminating the second hearing location will improve customer service by allowing applicants from any location in the district to be scheduled for the

next available hearing, as well as result in administrative efficiencies, which are described below.

By scheduling applications by ward and location, usually only one hearing per month has been held for the Etobicoke and York Wards, respectively. This is a lower meeting frequency when compared to other districts. In North York and TEY, meetings are held approximately every two weeks, and in Scarborough meetings are held every three to four weeks. If meetings at the York Civic Centre are eliminated, all applications ready for a hearing can be scheduled for meetings held every two weeks at the Etobicoke Civic Centre, resulting in shorter wait-times for all applicants in the district.

Not only are meetings less frequent for all applicants in the Etobicoke York district as a result of this practice, it is difficult to schedule hearings equitably between both locations. This is because there are now more than three applications in the Etobicoke Wards for every one application in the York Wards.

Further, hearings at the York Civic Centre are the only CoA meetings in the city that are not video recorded because there is no recording equipment available at the York Civic Centre.

Eliminating hearings at the York Civic Centre will lead to administrative efficiencies. CoA staff do not have an office or equipment in the York Civic Centre, therefore, for each hearing they travel from the Etobicoke Civic Centre with the equipment and materials necessary to run a meeting. They do not have on-site departmental administrative support while conducting meetings at the York Civic Centre.

The Etobicoke York panel is the only panel that is required to attend public hearings at two separate facilities, and staff recommend this practice be discontinued.

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SIGNATURE

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