



April 3, 2019

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

RE: PH4.5 Committee of Adjustment Panel Size and Structure

Dear Members, of the Planning and Housing Committee

I am here today on behalf of the Long Branch Neighbourhood Association to offer some additional suggestions regarding Committee of Adjustment Panel Size and Structure.

By way of background, according to the City's own statistics and our direct experience, Etobicoke - and Long Branch, in particular - has become ground zero for Consent and Minor Variance applications in the City. Over the 9-year period from 2010 to 2018, the Long Branch neighbourhood has had 93 applications to sever residential properties – more than any other neighbourhood in the City.

We have three principal issues with the Committee of Adjustment that have an impact on its size and structure.

1. Equal Access to Justice for Residents
2. Panel Size
3. Training

We would like to maximize resident participation in the planning process but, because Committee of Adjustment hearings are held during what for most people is the working day, it can be challenging for people to take a day off to attend and participate in a hearing. For those who are not on a salary, and Long Branch has a history of blue collar workers, it can mean giving up a day's income to do so. On the other hand, City staff, the lawyers and planners involved all are being remunerated for their time at such hearings.

We feel that this represents an inequality in terms of access to justice by offering a disincentive for blue collar residents to participate in the planning process.

We agree with holding committee hearings at Etobicoke Civic Centre because it has good access from roads and highways, has ample parking and, since properties in Etobicoke predominate, it is very convenient for Etobicoke residents.

We would like to propose dispensing with a morning session and instead hold hearings in the afternoon and evening. In addition, we propose that the evening session be set aside, as much as possible, to hear consent applications.

Consent applications are by far the most complex applications the committee must deal with. This can best be illustrated by the fact that most consent hearings take 45 minutes to an hour to be heard. By comparison, at TLAB, consent hearings are routinely running as many as 5 or 6 days. Currently, consents tend to get pushed to the end of an afternoon session, when everyone – including panel members – is fatigued, which does not create a good environment for good decisionmaking.

By holding consent hearings in the evenings, it will allow more residents to participate in these important matters without financial penalty. It also means that panel members will be fresher and more alert to be able to hear arguments and to render sound decisions. While it may not be as convenient for planners and lawyers, they'll still be paid for their time.

We would prefer ONE hearing per month to ease the burden for residents associations, such as ours, that are actively involved in leading, organizing and presenting to committee hearings. If that is not possible, we would recommend holding one hearing per month for Etobicoke matters and another for York matters.

Too often, we have seen only three panel members presiding over a hearing, which is a concern.

We therefore applaud the proposal to increase the pool of panel members from 5 to 8 to help ensure we have a full complement of 5 members.

Over the 9-year period from 2010 to 2018, the Etobicoke York panel approved over 75% of the residential consent applications it heard. In some cases, variances on FSI were approved that were between double and triple what the bylaws permit, and yet the variances were considered minor.

We have considerable concern regarding the training COA members receive on the Official Plan policies, the Zoning By Law, and, in the case of Long Branch, the Long Branch Neighbourhood Character Guidelines that were passed by Council in January 2018, and request that this training be strengthened.

What we have learned is that panel members receive relatively little training on the regulatory framework they are supposed to be interpreting and no evaluation of the effectiveness of the training is undertaken.

To illustrate, the reasons recorded in the Decision Order explaining the Committee's rationale for their decisions, consist of boilerplate text instead of reasons that are unique to the matter at hand. While the boilerplate text may, on the surface, seem to satisfy the requirements of The Planning Act Section 45.8.1, it is not in keeping with the spirit of this section of the act.

Panel members also appear to have little or no understanding of environmental policies in the Official Plan, Section 3.4., From our experience, tree issues are consistently disregarded by the Etobicoke York panel, even where there are Forestry reports recommending refusal of the application because of the detrimental impact on trees. So, we routinely hear and see "subject to Urban Forestry Conditions" cited in a decision.

In addition, we request that some, amongst the newly appointed members on each Panel, have an understanding of and expertise in matters related to Trees, Green Infrastructure and the Environment so that these factors can be given appropriate consideration in deliberations on Minor Variance and Consent applications. Experience in the Environment should be included as a skill set in recruiting panel members to help the City preserve its tree canopy and towards realizing its goal of 40% tree canopy.

Therefore, we recommend panel members receive training about environmental policies and to give more consideration to Urban Forestry's reports in making their decisions.

The Planning Act, Section 45.8.1

(8.1) The decision of the committee, whether granting or refusing an application, shall be in writing, shall be signed by the members who concur in the decision and shall,

- a) set out the reasons for the decision; and
- b) contain a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (8.2) had on the decision. 2015, c. 26, s. 29 (3).

“ Reasons” Cited in Etobicoke York Committee of Adjustment Decisions

99 TWENTY SEVENTH ST- June 21, 2018

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

27 THIRTY NINTH ST - August 2, 2018

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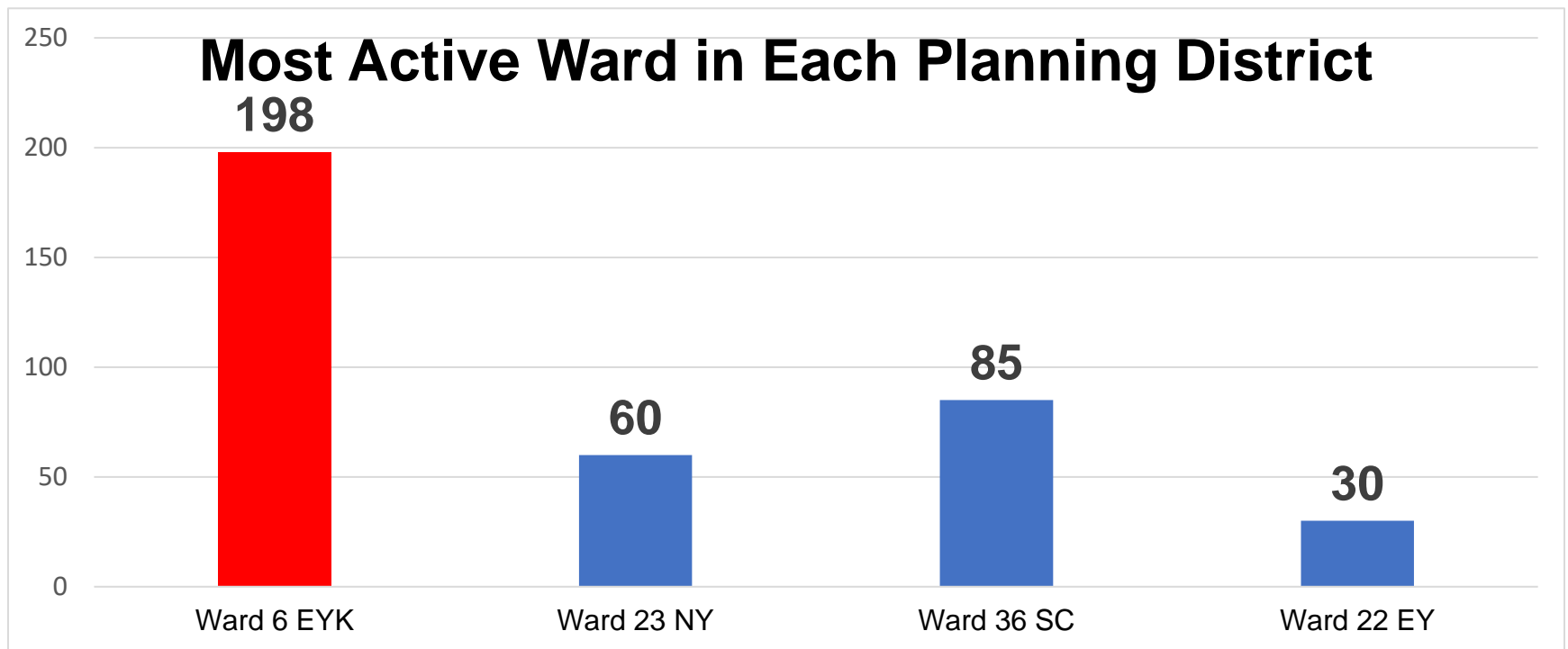
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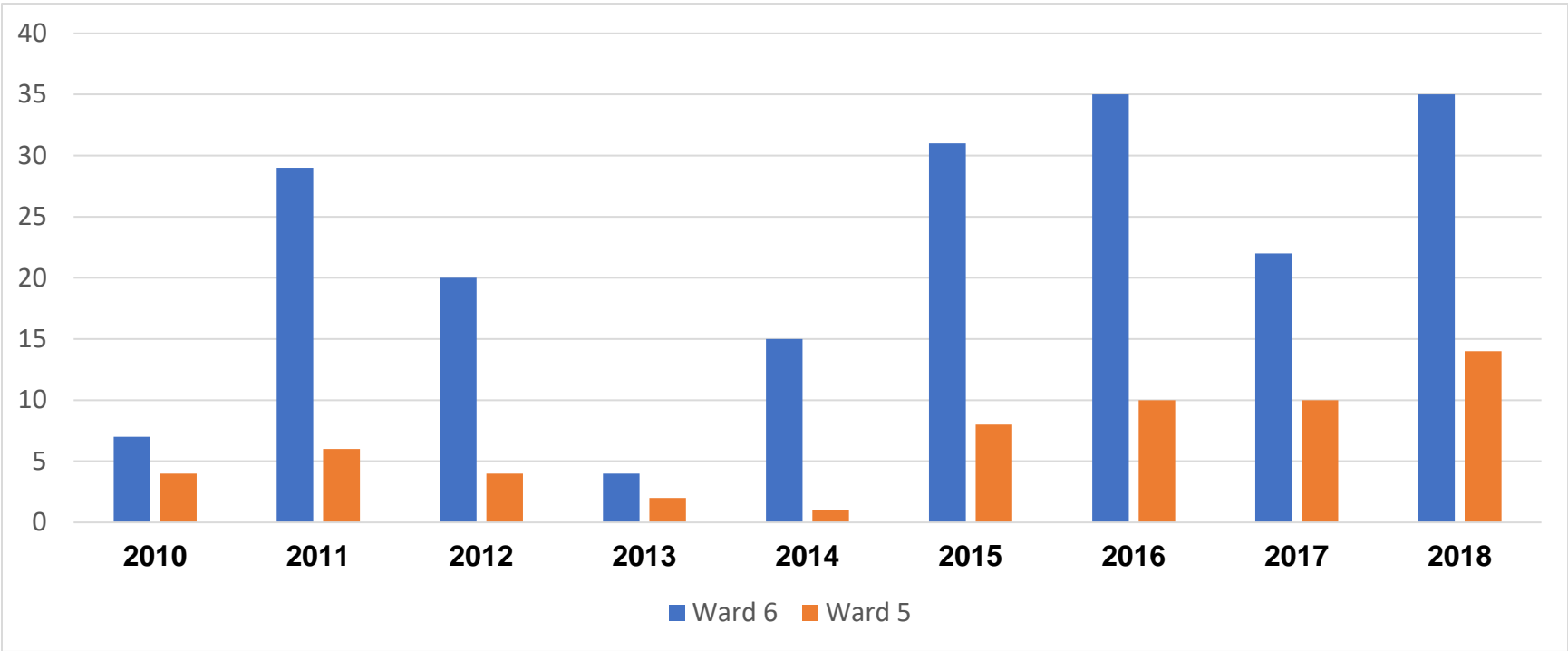
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Residential Severances – 2010 - 2018



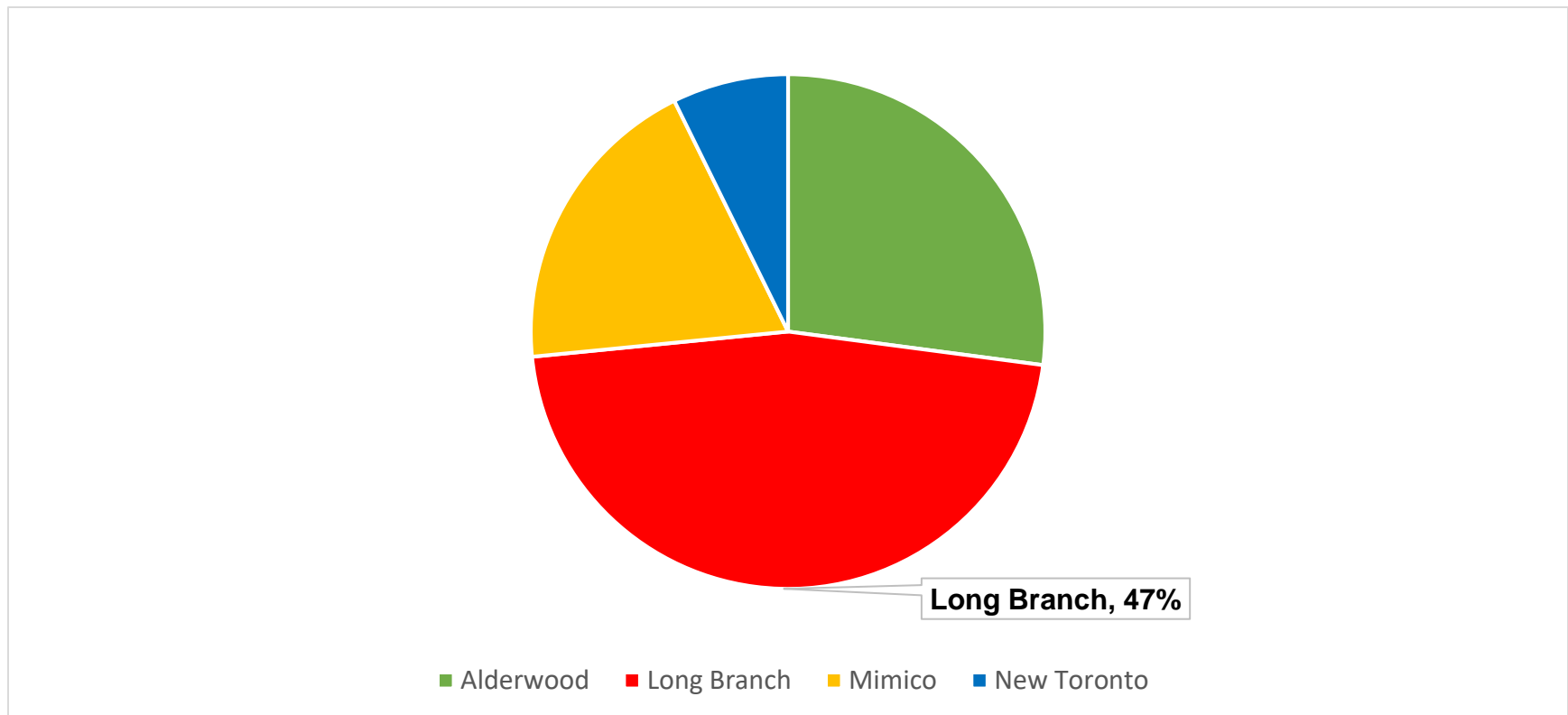
Source: City of Toronto Open Data Catalogue

Residential Consent Applications in EYK



Source: City of Toronto Open Data Catalogue

Ward 6 Consents by Neighbourhood 2010 - 2018



Source: City of Toronto Open Data Catalogue