



April 30, 2019

10th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2  
email: phc@toronto.ca

Dear Chair Ana Bailao and Members, Planning and Housing Committee

**RE: PH 5.7 Toronto Local Appeal Body – Chair’s Report**

The Federation of North Toronto Residents’ Associations (FoNTRA) is a non-profit volunteer organization comprised over 30 member organizations. Given the number of Committee of Adjustment applications in our member’s neighbourhoods, many of our members have been actively involved in TLAB hearings since its inception.

The increasingly complex set of rules and procedures create barriers for the effective participation of residents in the hearings. It appears that the only change to these procedures is to add more requirements, with no improvements to procedures to improve the ability of residents to present their concerns about appeals that affect their neighbourhoods.

The rules favour applicants who can afford to pay for consultants to prepare documentation for the hearings and to represent the applicants in the hearings. Given the number of applications in the neighbourhoods, it is difficult for residents to raise the needed funds to hire consultants. Residents should not have to do this or become technical experts to be heard; they only attend for applications in their neighbourhoods and for most it is a one off experience. The TLAB office does offer help to residents but this is not enough. The former OMB hearings were much shorter and residents were able to provide their comments without providing any prior documentation and their comments were taken into consideration in decisionmaking.

We have observed that there is a wide disparity in decision outcomes between the CofA and TLAB. In our opinion the TLAB is overturning CofA decisions to an extent far beyond what one would reasonably expect in a fair process. This situation must be reviewed by the City including conducting an analysis to examine this problem, identify the reasons for it and report its findings in a public forum.

Last year, FoNTRA submitted comments to TLAB and hoped that the Chair’s commitment to a review would produce positive changes for residents. However, all the review produced was 1. some revisions to the time lines for submissions, and 2. more forms to be filled in. We were disappointed. Then, recently, in response to PH4.5. “Committee of Adjustment Panel Size and Structure”, we submitted our concerns to City Council, for its meeting of April 16, 17, 2019,

regarding the neighbourhood planning process that includes the Committee of Adjustment and TLAB. Council approved the following motion by Councillor Robinson:

“1. That City Council direct the Chief Planner and Executive Director, City Planning, to report back to the Planning and Housing Committee by the third quarter of 2019 on the ongoing review of the Committee of Adjustment and related processes as directed by Executive Committee on item EX35.7 at its June 19, 2018 meeting, including any related recommendations identified in the comprehensive departmental assessment of the development review process at the discretion of the Chief Planner.”

This “End to End Review” will include Neighbourhood Planning and Zoning By-law Policy (City Planning), Application Intake (Toronto Building) to Zoning Examination Review (Toronto Building) to Hearings Policy, Procedures and Services (City Planning), to Appeals of CofA decisions (TLAB), and Construction (Toronto Building). The review of the role and procedures of the TLAB is a critical part of this overall process, given the barriers created by TLAB procedures to effective participation of residents.

We therefore recommend that the Planning and Housing Committee refer PH 5.7 “Toronto Local Appeal Body – Chair’s Report” to the Chief Planner and Executive Director, City Planning, for consideration in the “End to End Review” of Committee of Adjustment and related processes including TLAB, that was requested in recommendation 1. of City Council’s decision of April 16, 17, 2019 regarding PH4.5. “Committee of Adjustment Panel Size and Structure”.

Respectfully submitted.

Yours truly,

Geoff Kettel, Co-Chair  
129 Hanna Road  
Toronto, Ontario  
M4G 3N6  
[gkettel@gmail.com](mailto:gkettel@gmail.com)

Cathie Macdonald, Co-Chair,  
57 Duggan Avenue  
Toronto, Ontario  
M4V 1Y1  
[cathie.macdonald@sympatico.ca](mailto:cathie.macdonald@sympatico.ca)

c.c. Mayor John Tory, Councillors Matlow, Colle, Filion and Layton  
Gregg Lintern and Michael Mizzi, City Planning