

Providing the Committee of Adjustment with Flexibility in Establishing Hearing Panels during a Declared Emergency

Date: April 29, 2020

To: City Council

From: City Solicitor

Wards: All

SUMMARY

The purpose of this supplemental report is to provide the Committee of Adjustment with flexibility in establishing panels for its decision-making if it chooses to proceed with hearings in light of the COVID-19 emergency. As a result of the ongoing public health emergency, this matter is urgent.

City Planning and the City Clerk have been consulted in the preparation of this supplementary report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council resolve that, notwithstanding Section 4-2 of the Toronto Municipal Code Chapter 4, Adjustment, Committee of, and By-law 1134-2019, where the Committee of Adjustment holds hearings during a declared emergency pursuant to section 3 of the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, S.O. 2020, c. 5, Sched. 3, all members appointed to the Committee of Adjustment shall be deemed to be cross-appointed to all Districts and Panels for those hearings.

FINANCIAL IMPACT

The recommendations in this Report have no financial impact.

DECISION HISTORY

This is a new issue.

COMMENTS

The Committee of Adjustment has recently been empowered under the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020* (the "TMA") to hold alternative hearing types, such as virtual hearings, if the Committee considers it appropriate to do so. This temporary legislation was recently enacted as a result of the COVID-19 public emergency in order to allow tribunals to have flexibility in their decision-making power taking into consideration the ongoing restrictions against public gatherings. The TMA is already set to be repealed on a date to be proclaimed.

The Committee of Adjustment will be considering whether it is appropriate to hold alternative forms of hearings. Currently, Chapter 4 of the Toronto Municipal Code describes the composition of the membership of the four Districts of the Committee of Adjustment, assigning certain numbers of members to each District. Further, the appointment by-law (By-law No. 1134-2019) specifies to which Panel a member is appointed. If the Committee chooses to proceed with hearings, there may be difficulty in constituting panels if appointed members are unable or unwilling to participate in the current circumstances.

If adopted, this recommendation would give the Committee more flexibility to establish panels should the need arise by deeming all appointed members to be cross-appointed to all Districts and Panels for any period in which the Committee of Adjustment holds hearings pursuant to the TMA. Since the powers given to tribunals under the TMA are set to be repealed, this change would similarly sunset on that date because the Committee would no longer be able to conduct hearings pursuant to those powers.

CONTACT

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SIGNATURE

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