

MM23.1.1

From: [Eileen Denny](#)
To: [councilmeeting](#)
Subject: MM23.1 Temporary Delegation of Council Authority over Summer Recess re Committee of Adjustment Decisions
Date: July 29, 2020 11:42:34 AM
Attachments: [8D7C188D4DA24AE493E1578CF6D9F69B.png](#)

To: Mayor John Tory and
25 Member City Council
Toronto City Hall,
100 Queen Street, M5H 2N2

c/o Ms. Marilyn Toft, Council Secretariat
councilmeeting@toronto.ca

SENT VIA EMAIL

MM23.1 Temporary Delegation of Council Authority to Staff via Ward Councillor for private appeals and appeals initiated by the City under the delegated Authority of Decisions made by the City's Committees of Adjustment during Council's summer recess

City Council Meeting No. 23 via Video Conference – July 28, 29, 2020
Held during the COVID-19 Emergency Measures, as modified by Stage 2

I write during the Covid-19 Emergency Measures, as modified by Stage 2 measures, to raise my objection to the Members' Motion (MM23.1) requesting temporary delegation of Council's authority from the end of July to the end of September 2020 to a Ward Councillor to exercise broad authority after consulting with the Chief Planner to engage City legal services, including authority to retain outside consultants, and use planning staff to attend hearings from private appeals or from the delegated authority of City-initiated appeals, to the Toronto Local Appeal Board (TLAB) or the Local Planning Appeal Tribunal (LPAT) from Committee of Adjustment Decisions.

Should Council decide to delegate this broad authority, I ask that Council consider requesting a report be returned to Planning and Housing at its first meeting after the end of September 2020 disclosing all delegations exercised, including the consultants retained and associated cost, and the results of intervening. In addition, a complementary report from Committee of Adjustment by District of the activity and decisions, including deferrals, made by each Panel over the period in which the appeal arises and where the temporary delegation is exercised.

I contend the high level of involvement from Councillors, Planning staff and Legal Services at all stages of the Committee of Adjustment decision-making process, whether delegated or not, has become far too intrusive suggesting that the applications currently received by the District Committees in the first place ought to be zoning amendments instead. And that power, to amend zoning by-laws, cannot be delegated in this way.

Respectfully submitted,
Eileen Denny

Attached below is an extract of the agenda item MM23.1

EXTRACT FROM CITY COUNCIL AGENDA:

Tracking Status

- This item will be considered by [City Council](#) on July 28, 2020.

City Council consideration on July 28, 2020

Notice of Motion

MM23.1	ACTION			Ward: All
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Temporary Delegation of Authority During the Summer Recess to Direct Attendance on Appeals of Committee of Adjustment Decisions - by Councillor Ana Bailão, seconded by Councillor Paula Fletcher

** Notice of this Motion has been given.*
** This Motion is subject to referral to the Planning and Housing Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Ana Bailão, seconded by Councillor Paula Fletcher, recommends that:

1. City Council direct the City Solicitor to attend at hearings on appeals of Committee of Adjustment decisions or to appeal a Committee of Adjustment decision on behalf of the City of Toronto at the request of the Ward Councillor after consultation with the Chief Planner and Executive Director, City Planning, or designate, during the period from the completion of City Council's July 28 and 29, 2020 meeting to the start of City Council's September 30 and October 1, 2020 meeting; the delegation shall include the authority to direct appropriate City staff to attend at the hearing and for the City Solicitor to retain outside consultants as necessary; and shall authorize the City Solicitor to take all steps necessary to bring resolution to the matter in consultation with the Ward Councillor and Chief Planner and Executive Director, City Planning.

Summary

At the conclusion of the City Council meeting scheduled for July 28 and 29, 2020, City Council will be recessing until its meeting of September 30 and October 1, 2020. During that period it is likely that there will be decisions arising from applications to the Committee of Adjustment which will be matters of concern to the City and would warrant the City's attendance at the Toronto Local Appeal Body (or the Local Planning Appeal Tribunal where there is a related appeal) either on an appeal by the City itself or on the applicant's appeal to the tribunal.

The purpose of this Motion is to delegate temporary authority during this period to the Ward Councillor to instruct the City Solicitor, and appropriate City staff, to attend at the Toronto Local Appeal Body (or the Local Planning Appeal Tribunal where there is a related appeal) on the application, provided the Ward Councillor has first consulted with the Chief Planner and

Executive Director, City Planning, or designate. This would include the authority to direct the City Solicitor to file an appeal of a decision and retain outside experts as necessary. It also authorizes the City Solicitor to resolve matters in consultation with the Ward Councillor and the Chief Planner and Executive Director, City Planning.

Background Information

Member Motion MM23.1

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-152614.pdf>)

Source: Toronto City Clerk at www.toronto.ca/council

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