

SB7.1 - Attachment 1

Authority: Sign Variance Committee Item SBX.X adopted at its meeting held on Month, XX, 2020

Enacted by the Sign Variance Committee: Item SBX.X on Month, XX, 2020.

CITY OF TORONTO SIGN VARIANCE COMMITTEE

BY-LAW No. 4

Amendments to the Rules of Procedure for the Sign Variance Committee, with respect to Electronic participation

BACKGROUND

- A. As set out in Article VI, subsection 694-32, of Chapter 694, Signs, General, of The City of Toronto Municipal Code, a Sign Variance Committee, a local board of the City, is established for the City of Toronto.
- B. Under subsection 189(1) of the *City of Toronto Act, 2006* every local board must adopt a procedure by-law for governing the calling, place and proceedings of meetings.
- C. Subsections 189(4), (4.2) and (4.3) of the *City of Toronto Act, 2006*, establish that the procedure by-law of local boards may and establishes regulations concerning the participation in electronic meetings of a local board.
- D. The *Statutory Powers Procedure Act* establishes that tribunals may hold electronic hearings if the procedural rules of the tribunal establish rules for electronic hearings.
- E. Under subsection 6(5) of the *Statutory Powers Procedure Act*, notice of an electronic hearing must provide notice of the time and purpose of the hearing, and details about the manner in which the hearing will be held, the procedure to satisfy the tribunal that holding the hearing as an electronic hearing is likely to cause the party significant prejudice and require an oral hearing, and that if the party notified neither acts to obtain an oral hearing, if applicable, nor participates in the hearing in accordance with the notice, the tribunal may proceed without the party's participation and the party will not be entitled to any further notice in the proceeding.
- F. Due to the issues relating to COVID-19 which was declared to constitute an emergency within the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, and the continuing effects of this emergency, and on-going efforts to address COVID-19 the Sign Variance Committee believes that amendments to the rules of procedure should be modified to allow for electronic hearings, as may be required.

The Sign Variance Committee of the City of Toronto enacts as follows:

1. Subsection 4 of By-law No. 1, of the Sign Variance Committee is amended by adding the phrase "(either notice of an oral meeting or electronic meeting, as applicable)" after the word notice where ever it appears in in subsection 4.2, so that subsection 4.2 now reads as follows:

- 4.2 The Deputy Secretary gives notice (either notice of an oral meeting or electronic meeting, as applicable) of each meeting of the Committee together with an agenda of the matters to be considered so that the notice "(either notice of an oral meeting or electronic meeting, as applicable) and agenda will reach the Members at least five days, where feasible, in advance of the meeting.
2. Subsection 5 of By-law No. 1, of the Sign Variance Committee is amended by adding the following as subsection 5.9:
 - 5.9 Meetings shall be held, at the discretion of the Committee, either as in an oral meetings, or electronic meetings held in accordance with the electronic meeting requirements adopted by the Committee.
3. Subsection 6 of By-law No. 1, of the Sign Variance Committee is amended by adding the following as subsection 6.4:
 - 6.4 Members participating in accordance with the electronic meeting requirements adopted by the Committee shall be counted in determining whether or not a quorum of members is present at any point in time.
4. Subsection 8 of By-law No. 1, of the Sign Variance Committee is amended by deleting the subsection and replacing it with the following subsection:
 - 8. Meetings open to the public.**
 - 8.1 Except for meetings described in Subsection 9(1) (or Subsection 9(1.2) for electronic meetings held in accordance with the electronic meeting requirements adopted by the Committee) of the Statutory Powers Procedure Act and Chapter 27 of the Toronto Municipal Code, Subsection 27.38, all meetings are open to the public.
 - 8.2 Members of the committee can participate electronically in a meeting which is closed to the public.
 - 8.3 All Parties and members of the committee shall be required to utilize video transmission, in accordance with the electronic meeting requirements adopted by the Committee, while addressing, or otherwise making submissions, to the Committee, or another Party to a Hearing.
5. Subsection 11 of By-law No. 1, of the Sign Variance Committee is amended by adding the following as subsection 11.1(a.1):
 - (a.1) Where the Appeal is proceeding by electronic means, the Committee Chair requests Interested Parties to an Appeal to identify themselves and, to confirm all parties have registered their name with the Deputy Secretary, in accordance with the electronic meeting requirements adopted by the Committee.

6. Subsection 11 of By-law No. 1, of the Sign Variance Committee is amended by adding the following as subsection 11.1(b.1):
 - (b.1) Where the Appeal is proceeding by electronic means, and all Interested Parties identified themselves and, all Parties have confirmed registration with the Deputy Secretary, in accordance with the electronic meeting requirements adopted by the Committee, the Committee shall hear from any Party to an Appeal who wishes to make:
 - i. a request for an adjournment of the Hearing
 - ii. a petition for an In-person Hearing; or,
 - iii. both.
7. Subsection 11 of By-law No. 1, of the Sign Variance Committee is amended by deleting subsection 11.1(f) and replacing it with the following:
 - (f) Adjournments of Hearings may be granted where the Committee is satisfied that the adjournment is required after considering all relevant matters, including, but not limited to:
 - i. the purpose of the adjournment;
 - ii. whether the Party seeking the adjournment made reasonable efforts to avoid the need for the adjournment;
 - iii. the position of other Parties concerning the adjournment and the reasonableness of their position with respect to the adjournment;
 - iv. the amount of notice, if any, which the party seeking the adjournment provided to the Deputy Secretary and the other Parties;
 - v. whether the Hearing has been adjourned previously;
 - vi. the seriousness of the harm to the Party seeking the adjournment which may arise from not granting the adjournment;
 - vii. the seriousness of the harm to other Parties which may arise from granting the adjournment;
 - viii. the ability to mitigate the harm to any Party which may arise from granting or refusing a request for an adjournment; and,
 - ix. where applicable, whether any issues related to conducting a Hearing by electronic means would adversely impact any Party to the Hearing, or the Hearing process itself.
8. Subsection 12 of By-law No. 1, of the Sign Variance Committee is amended by adding the following as subsection 12.1(a.1):
 - (a.1) Where the Application for a Variance from Chapter 694, is proceeding by electronic means, the Committee Chair requests Interested Parties to an Application to identify themselves and, to confirm all parties have registered their name with the Deputy Secretary, in accordance with the electronic meeting requirements adopted by the Committee.
9. Subsection 12 of By-law No. 1, of the Sign Variance Committee is amended by adding the following as subsection 12.1(b.1):

- (b.1) Where the Application is proceeding by electronic means, and all Interested Parties identified themselves and, all Parties have confirmed registration with the Deputy Secretary, in accordance with the electronic meeting requirements adopted by the Committee, the Committee shall hear from any Party to an Application who wishes to make:
- i. a request for an adjournment of the Hearing
 - ii. a petition for an In-person Hearing; or,
 - iii. both.
- 10.** Subsection 12 of By-law No. 1, of the Sign Variance Committee is amended by deleting subsection 12.1(f) and replacing it with the following:
- (f) Adjournments of Hearings may be granted where the Committee is satisfied that the adjournment is required after considering all relevant matters, including, but not limited to:
- i. the purpose of the adjournment;
 - ii. whether the Party seeking the adjournment made reasonable efforts to avoid the need for the adjournment;
 - iii. the position of other Parties concerning the adjournment and the reasonableness of their position with respect to the adjournment;
 - iv. the amount of notice, if any, which the party seeking the adjournment provided to the Deputy Secretary and the other Parties;
 - v. whether the Hearing has been adjourned previously;
 - vi. the seriousness of the harm to the Party seeking the adjournment which may arise from not granting the adjournment;
 - vii. the seriousness of the harm to other Parties which may arise from granting the adjournment;
 - viii. the ability to mitigate the harm to any Party which may arise from granting or refusing a request for an adjournment; and,
 - ix. where applicable, whether any issues related to conducting a Hearing by electronic means would adversely impact any Party to the Hearing, or the Hearing process itself.
- 11.** Subsection 13 of By-law No. 1, of the Sign Variance Committee is amended by deleting subsection 13(b) and replacing it with the following:
- (b) Adjournments of Hearings may be granted where the Committee is satisfied that the adjournment is required after considering all relevant matters, including, but not limited to:
- i. the purpose of the adjournment;
 - ii. whether the Party seeking the adjournment made reasonable efforts to avoid the need for the adjournment;
 - iii. the position of other Parties concerning the adjournment and the reasonableness of their position with respect to the adjournment;
 - iv. the amount of notice, if any, which the party seeking the adjournment provided to the Deputy Secretary and the other Parties;
 - v. whether the Hearing has been adjourned previously;
 - vi. the seriousness of the harm to the Party seeking the adjournment which may arise from not granting the adjournment;

- vii. the seriousness of the harm to other Parties which may arise from granting the adjournment;
- viii. the ability to mitigate the harm to any Party which may arise from granting or refusing a request for an adjournment; and,
- ix. where applicable, whether any issues related to conducting a Hearing by electronic means would adversely impact any Party to the Hearing, or the Hearing process itself.

12. By-law No. 1, of the Sign Variance Committee is amended by adding the following as subsection 17:

17. Petition for In-Person Hearing.

- 17.1 Any Party may upon receiving a notice that a Hearing is scheduled to proceed by electronic means, may seek a Petition for the Hearing to proceed as an oral in-person.
- 17.2 The Committee shall permit a Party, at the commencement of the Hearing, to make a Petition for an In-person or Oral Hearing, on the basis that proceeding by electronic means would cause the Party significant prejudice, and shall allow for all other Parties to make submissions on this point, by electronic means in accordance with the electronic meeting requirements adopted by the Committee.
- 17.3 If the Committee, either as result of submissions made in relation to a Petition for an In-Person Hearing, or on its own motion, decides that proceeding with the Hearing by electronic means shall cause a Party significant prejudice, the Committee shall direct that the Hearing be held as an oral Hearing, and may adjourn the Hearing to such date and time as the Committee believes appropriate.

ENACTED AND PASSED this _____ day of _____, 2020.

Chair

Deputy Secretary