

Status Update on Committee of Adjustment

Date: November 10, 2021

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report provides an update to City Council direction, further to a City Planning report titled Update on Committee of Adjustment Virtual Public Hearings, dated April 6, 2021. This update focuses on the retention of an independent consultant to review the End-to-End Review of the Development Review Process Final Report, dated August 15, 2019, as it applies to the Committee of Adjustment as well as additional matters associated with virtual Committee of Adjustment public hearings.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning, recommends that:

1. Planning and Housing Committee receive this report for information.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications.

DECISION HISTORY

At its meeting on May 5, 2021, through item PH22.7, City Council directed the Chief Planner and Executive Director, City Planning, to report back to the Planning and Housing Committee in the fourth quarter of 2021 on the challenges of conducting virtual public hearings and an overview of current processes; a review of best practices and potential technological improvements; recommendations respecting the establishment of an advisory committee; undertaking public engagement; promoting good conduct by applicant and general public participants; scoping of supporting materials and information that would help applicants and the general public prepare for an effective

representation at hearings; and review of the Committee of Adjustment procedures and processes based on tribunal best practices and to ensure they support panel members in achieving procedural fairness and natural justice. See <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH22.7>

At its meeting on February 2, 2021, through item PH20.6, City Council requested the Chief Planner and Executive Director, City Planning, to report back to the Planning and Housing Committee in the second quarter of 2021 on potential improvements to virtual public hearings with regard to: feasibility of sending notices to all residential mailboxes within a 60 metre radius from the subject property; including a clearly stated deadline for comment submission on posted notices; reviewing the feasibility of moving the deadline for public submissions closer to the meeting date, from five business days to three business days prior to the meeting; and reviewing the feasibility of extending the deadline for elected officials, providing a period of one business day after the notice (written comments) deadline. See <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH20.6>

At its meeting on December 16, 17 and 18, 2020, through item MM27.27, City Council directed the Chief Planner and Executive Director, City Planning, to report back through the Planning and Housing Committee in the first quarter of 2021, with a review of the public participation issues related to comment submission deadlines and the public notification approach. City Council also requested the Chief Planner and Executive Director, City Planning, to develop and implement protocols for virtual Committee of Adjustment hearings to address technical issues and support, and for altering the agenda and returning to an application once technical issues have been resolved. See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.MM27.27>

At its meeting of September 30, October 1 and 2, 2020, through item PH16.4, City Council resolved that the Committee of Adjustment appointed members deemed to be cross-appointed to all Districts and Panels to help reduce the backlog in Toronto and East York District until December 31, 2020 and directed that cross appointment be used only as necessary from January 1, 2021 to November 14, 2022, and in these instances, panels shall be comprised of a majority of previously appointed members for those hearings. In addition, City Council requested the Chief Planner and Executive Director, City Planning, to report back through the Planning and Housing Committee in the first quarter of 2021, on improvements to virtual hearings related to: expanded notification timelines; ensuring Application Information Centre documents are online for general review in a timely manner before a hearing; ensuring written comments are part of the Committee of Adjustment's review of applications; and ensuring deputants in online meetings are provided sufficient time to address the Committee of Adjustment members. See: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH16.4>

At its meeting on June 29 and 30, 2020, through item MM22.21, City Council directed the Chief Planner and Executive Director, City Planning, to report to City Council, through the Planning and Housing Committee in September 2020, on increasing the capacity of the Committee of Adjustment to support clearing the backlog of applications caused by the COVID-19 service disruptions. City Council also directed that action items form the "End-to-End Review of the Development Review Process" that will have

immediate or near-term impact in improving capacity for processing Committee of Adjustment applications, and that Committee of Adjustment Chairs be invited to speak to the Planning and Housing Committee when the Chief Planner and Executive Director's report is before the committee. See:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.MM22.21>

COMMENTS

Retaining a Consultant

In response to City Council direction, City Planning staff have been in consultation with the City Solicitor, the Chief Building Official and Executive Director, and the Ombudsman on the retention of an external consultant to review the End-to-End Review of the Development Review Process Final Report as it applies to the Committee of Adjustment and to report back.

City Council requested that a consultant review the following areas: the challenges of conducting virtual public hearings and an overview of current processes; a review of best practices and potential technological improvements; recommendations respecting the establishment of an advisory committee; undertaking public engagement; promoting good conduct by applicant and general public participants; scoping of supporting materials and information that would help applicants and the general public prepare for an effective representation at hearings; and review of the Committee of Adjustment procedures and processes based on tribunal best practices and to ensure they support panel members in achieving procedural fairness and natural justice.

Staff have since had discussion with the consultant retained for the End-to-End Review and have scoped-out a proposed work program that responds to the required areas of review, with the expectation that, when retained, the consultant can complete the work by the end of Q1 of 2022 and staff will be in a position to report soon after. In the interim, staff are processing the request for retaining a consultant through the City's procurement process, which is expected to be finalized in the coming weeks.

Continuous Improvements

In the meantime, staff continue to evolve and implement improvements for Committee of Adjustment processes and practices.

Hearing Backlog

The application backlog of minor variance and consent applications has been significantly reduced in the last year due to a combination of efforts such as an increase in the number of overall hearings scheduled and by occasionally assigning panel members to attend hearings on a cross-district basis.

Public Notice Signage

A complete redesign of the public hearing property sign has been rolled out across the city as of July 1, 2021. This followed a pilot project initiated in the Scarborough district since January 2020. The sign has been updated to include the written submission deadline date information, the content printed in a larger format for improved legibility and on durable weather-proof material. The sign has evolved from the neon coloured background in a hand-written format, to a white sign background with blue print and the City's logo for a more official and coherent appearance.

Documents / Application Checklist Form / Webpage Updates

Staff are in the process of updating the Notice of Public Hearing to provide streamlined and clearer language around the prescribed hearing date and deadline requirements. Also, updates are being undertaken with the public decision notice to improve appeal instructions.

In addition, staff are in the process of updating the application checklist form to assist the public with the preparation and submission of minor variance and consent applications with relevant information and guidance. With respect to consent application requirements, staff have updated the City's Terms of Reference webpage under the 'Planning Rationale' section providing clearer expectations on submission material requirements.

Virtual Public Meetings - Technology related Improvements

Staff have made technical improvements to the virtual public hearing format towards enhancing public participation. For instance, a timer clock and agenda items are now displayed on the YouTube hearing screens at all district meetings. This provides added transparency as the public are able to observe the allotted speaker time and the ability to keep track of the agenda items. Also, the Notice of Public Hearing and its list of minor variances is also displayed as each item is introduced to provide convenience for the public as a quick reference.

In the Toronto and East York district, technical equipment updates have been installed for improved audio performance and an additional meeting room is fully equipped to hold a second hearing simultaneously, thereby creating additional hearing capacity. Finally, the City has retained a new vendor for file transfer service, which allows for the committee agendas to be sent directly to the panel members in a timely and secure manner.

Staff intend to continue to identify and implement technology related improvements. The consultant's scope of work is intended to build on existing technological improvements of virtual public hearings to enhance the public's user experience.

Access to Open Data

Modernization efforts have been made to the City's Open Data Portal. The portal webpage has been upgraded to include Committee of Adjustment application data and it is refreshed on a weekly basis.

Improvements to the Integrated Business Management System (IBMS)

Given that the Final and Binding letters do not require signatures, the issuance of these letters are now completely automated, resulting in a more efficient process. Also, an internal business system report process has recently been updated by Toronto Building staff to generate a list of all Committee of Adjustment decisions on a weekly basis for each district. This will better facilitate Toronto Building Plan Review staff to complete their reviews as quickly as possible, by reducing the time spent manually querying the status of related Committee of Adjustment folders.

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SIGNATURE

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