



April 21, 2021

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Dear Chair Ana Bailão and Members, Planning and Housing Committee

RE: PH 22.7 UPDATE ON COMMITTEE OF ADJUSTMENT VIRTUAL PUBLIC HEARINGS

We are SERRA, The South Eglinton Ratepayers' and Residents' Association, representing the Davisville Village and South Eglinton neighbourhood in Toronto. Our area includes the Davisville and Soudan apartment neighbourhoods and the residential and Midtown cores between the intersections of Yonge/Eglinton, Yonge/Davisville, Eglinton/Mt Pleasant and Eglinton/Bayview.

SERRA is an active member in the Federation of North Toronto Residents' Associations (FoNTRA) and we have participated together on various ongoing initiatives related to improvements in the CofA and TLAB processes.

We read with interest the City Planning report that provided an 'Update on Committee of Adjustment Virtual Public Hearings' dated April 6, 2021. We would like to focus and comment on 'Participation at Virtual Public Hearings.'

To aid our analysis, we looked at four other municipalities in the Province of Ontario to see how they are handling participation at their virtual public hearings. Note, that municipalities who have handled in-person meetings (pre-COVID) well in the past, seem to be coping well with virtual meetings today.

Let's look closely at four of these municipalities:

Best Practices: Committee of Adjustment Rules of Procedure (Oakville)

Residents are struggling to understand existing (and changed) rules in a virtual hearing setting. New rules such as limiting the speaking time for some participants to three minutes should not be arbitrarily imposed, unless allowed for through emergency powers.

The City of Oakville has an excellent set of rules that was recently updated in 2016 through a procedural bylaw. Here is the full text of the bylaw.

<https://assets.oakville.ca/blis/BylawIndexLibrary/2016-066.pdf>

These published rules are clearly written and describe the detailed procedures that the Committee is to follow. One of the rules (see item 7.2.1) even instructs members to follow the rules.

The City of Toronto would benefit from an updated set of rules modelled on the City of Oakville's procedural by-law.

Best Practices: Procedures for Participants (Hamilton)

Residents are often confused on how to participate and the deadlines for providing their written submissions.

The City of Hamilton provides a simple document that describes participation procedures.

<https://pub-hamilton.escribemeetings.com/FileStream.ashx?DocumentId=265197>

The participation rules are clearly stated and the deadlines for submission are described in bold text. Note that the deadline for submission is **by noon two days before the Hearing**. Interested parties **must register by noon the day before the hearing**.

The City of Toronto should provide a clear statement of Participant Procedures. City Staff should contact their colleagues in Hamilton to learn how they work to handle written decision submissions and registrations in such an efficient manner.

Best Practices: Publication of Complete Record of Decisions (Kingston)

Residents are often confused by the decision making of the Committee Panels and want to see the written reasons for the decisions that directly impact them.

The City of Kingston provides public records on all aspects of the hearings including Agendas, Reports and Minutes. These records are available for public viewing for up to seven years.

<https://www.cityofkingston.ca/city-hall/committees-boards/committee-of-adjustment>

Public access to the complete records in normal standard for most public meetings except where confidential information is discussed (e.g., some portions of a hearing may be held in camera). Openness and accessibility builds trust within the community who attend administrative tribunals. Most approved applications will proceed to construction, but sometimes the construction may start several years after approval. Access to historical public records that describe the approved variances can allow residents to check for conformance with the approved design.

The City of Toronto should provide accessible and open records for a period time that would facilitate review and monitoring approved applications. Building inspections are less frequent during the pandemic and important details of the required construction may be missed.

Best Practices: Access to Decisions through Open Data

Residents who choose to respond to a proposed new development often require access to historical data to assist in their analysis. Many municipalities in Ontario (including Toronto) have supported the federal governments Open Data initiative designed to provide public records to support the public interest. Open Data information is to be provided at no charge.

The City of Waterloo is displaying leadership with Open Data by providing a record of all applications through an online open portal. Summary data is immediately available in a spreadsheet format and there is no charge for this Open Data.

<https://data.waterloo.ca/datasets/KitchenerGIS::committee-of-adjustment-1?>

Summary data on committee of adjustment is useful for many purposes that support good planning for our communities. This data can be used to assist participants at a Committee of Adjustment hearing, but can also be used to understand trends of adjudicative outcomes by planning district and by COA panel.

The City of Toronto used to provide summary decision data through the City's Open Data Portal in a manner similar to the City of Waterloo. The last year of complete summary records for Committee decisions in Toronto was 2016. The City of Toronto should return to this practice and provide other useful datasets that can support the public interest.

Summary

The City Planning department's report is incomplete in that it takes only a narrow look at the operational aspects of the Committee of Adjustment. The effort of City staff and Panel member appears to be focussed on clearing the backlog.

Instead, we would encourage the city planners to consider the essential procedures that must be in place, and the practices necessary to support these procedures. There are many examples of best practices and innovated methods happening today in other municipalities that surround the City of Toronto.

The key question here is 'if smaller cities can do all of these things, what is stopping the City of Toronto.' Numerous benefits will arise from adopting these best practices, the most important of which is ... better planning for our communities and renewed trust in the integrity of the process.

It is essential to ensure procedural fairness for all participants whether they appear at in-person and virtual hearings. If this cannot be done, it may be time for a comprehensive review of the activities of the Committee of Adjustment.

Yours sincerely,



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