



May 20, 2021

10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention: Nancy Martins

RE: **PH23.13 Toronto Local Appeal Body - Chair's 2020 Annual Report**

Dear Deputy Mayor Ana Bailão, and Members of Planning and Housing Committee,

The Federation of North Toronto Residents Association (FoNTRA) includes over 30 residents associations in the area bounded by Bloor, Sheppard, Bathurst and the Don Valley. Given the number of Committee of Adjustment applications in our members' neighbourhoods, many residents and residents associations have been actively involved in TLAB appeals since its inception in 2017. The TLAB appeal process is important to residents as it greatly affects their homes and the character of their neighbourhoods,

We appreciate the comprehensive review and report by TLAB Chair, Dino Lombardi. However, it is apparent that while the report reports on various matters related to the ongoing operation of the TLAB, it fails to look deeper into some of the matters that concern residents. TLAB Public Business Meetings have been established, but these are largely ineffective as mechanisms to provide input from residents. Procedure and rules continue to be added to the processes without effective input from residents.

The TLAB deals with appeals of Committee of Adjustment decisions on minor variances and severance. While there was much to object to with the former OMB, in fact OMB hearings for minor variances were much shorter and residents were able to provide their comments without prior registration or documentation and their comments were taken into consideration in decision-making. Why such timelines and complexity for what should be minor issues? Why are decisions made mainly in favour of applicants?

1. The rules and procedures are complex

The rules greatly favour applicants who can afford to pay for counsel and consultants to prepare documentation for the hearings and to represent the applicants in the hearings.

The complex set of rules and procedures creates major barriers for the effective participation of residents in the hearings. The changes add more requirements, without improving the

ability of residents to present their concerns about appeals that affect their property and that of their neighbours, and neighbourhood.

It is much more difficult for residents with public and perhaps some private interest to raise the needed funds to hire consultants than the applicant with self interest. Residents should not have to hire experts or become technical experts to be heard; they only participate for applications in their neighbourhood, and for most residents it is a one-off experience.

It is appreciated that there has been an effort to accord some witnesses as “local knowledge experts” hopefully this will not serve to create another level of “rug rank” in the hierarchy of privilege at the tribunal.

2. Wide disparity in decision outcomes compared with CofA decisions

We have observed that there is a wide disparity in decision outcomes between the CofA and TLAB. Unfortunately the Annual Report does not address this. In our experience the TLAB is overturning CofA decisions to an extent far beyond what one would reasonably expect in a fair process. The TLAB should report this data publically.

During the last year we have attempted to engage with TLAB through its quarterly Public Business Meetings. It is apparent that the TLAB Members honestly believe that they are truly offering fair opportunity to residents. From a residents perspective we would confirm that these issues are not personal, they do not relate to members’ commitment to fair process or diligence, but the problem is structural. We were hoping that this matter would be addressed with the recent establishment of an Evaluation Sub-Committee within TLAB, but the slow progress of this Sub-Committee makes this unlikely.

As such, we would reiterate the recommendation made last year with regard to the 2019 report:

- **that City Council direct the City Manager to review the operations of the TLAB relative to its original intent, with public engagement, with a view to simplifying the hearing process, removing barriers to resident participation, and reducing cost of operations.**

Yours truly,

Geoff Kettel
Co-Chair, FoNTRA
129 Hanna Road
Toronto, Ontario
M4G 3N6
gkettel@gmail.com

Cathie Macdonald
Co-Chair, FoNTRA
57 Duggan Road
Toronto, ON
M4V 1Y1
cathie.macdonald@sympatico.ca

Attachment: TLAB 2020 Annual Report - Selected Performance Metrics

C.C. TLAB

Susan Garossino, Director, Court Services

Gregg Lintern, Chief Planner and Executive Director, City Planning Division

Michael Mizzi, Director, Committee of Adjustment and Zoning

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.

Attachment

TLAB 2020 Annual Report

Selected Performance Metrics

	2017*	2018	2019	2020
Total # of Appeals	314	419	279	227
Total # of Motions	28	95	70	28
Total # of Hearings	253	318	361	174
Average length of hearing (hours/days)	3 hours and 52 minutes	1.3 days	1.46 days	5 hours
Average time from hearing to issuance of decision** (# days)	18	26	50	49 (62)
Average Disposition time*** (# days)	142	137	191	236 (256)
Requests for Review of decision	?	10	24	7

* from 2018 Annual Report

** target 14 days

*** target 120 days