

July 12, 2022

To: Mayor Tory and City Council

From: Dino Lombardi, Chair, Toronto Local Appeal Body (TLAB)

RE: The Toronto Local Appeal Body Chair's 2021 Annual Report (PH35.8)

Mayor Tory and members of City Council:

I am the Chair of the Toronto Local Appeal Body (TLAB) and the author of the TLAB Chair's 2021 Annual Report.

I took the difficult stance of rebutting the Deputy City Manager's Report dated March 11, 2022, which responded to Council's direction on June 8, 2021, to review and report back on the recommendations in the TLAB Chair's 2020 Annual Report.

In a Memorandum to the Planning and Housing Committee, dated March 25, 2022, I responded to the Deputy City Manager's Report. In that Memorandum, I expressed my disappointment that as the TLAB Chair, I was not consulted or asked to provide input to that Report and was only provided with a copy after it was made public.

I must, again, stand in rebuttal of another City staff Report that is before Council today, the **Report for Action** from the Director, Court Services, dated June 20, 2022, and entitled **Toronto Local Appeal Body – Chair's 2021 Annual Report**.

It is clear to me from both that Report and the Deputy City Manager's March 11th Report that there is a disconnect or misunderstanding of the scope of the TLAB's mandate. This continues to be problematic, considering that an aspect of the TLAB's judicial independence is the maintenance of both an arms-length relationship with the City as well as the 'appearance' of that arms-length relationship.

I note that while City Council continues to be able to appeal Committee of Adjustment decisions and instruct the City's legal staff to argue its position before the TLAB, as was done before the former Local Planning Appeal Body, a Party before the TLAB cannot be seen to dictate the procedures to be adopted by the Tribunal or how those procedures are to be adopted or amended.

This contributes to a difference of opinion between the TLAB and City staff as to the interpretation of the TLAB's mandate and its place within the City's governance framework. In creating the TLAB and recognizing its independence, City Council explicitly acknowledged the broad scope of powers conferred to the TLAB under provincial legislation.

I can advise that in undertaking their duties, TLAB Members have identified and undertaken several service improvement initiatives in response to comments received from the public regarding

the TLAB's processes. Regrettably, in opinions provided by City staff, we have been advised that those initiatives are outside of the TLAB's mandate.

If the TLAB's mandate is understood by the City to be confined strictly to the transactional duties of hearing cases and issuing decisions, then that narrowly defined mandate must be communicated to the public by the city and the public's requests for improvements to the appeal process directed elsewhere.

I would be remiss if I did not further comment on the accompanying Report from Court Services. Historically, the TLAB Chair's Report has been accompanied each year by a Report from Court Services to Planning and Housing Committee which has traditionally not included commentary on the recommendations put forward in the Chair's Annual Report. That responsibility has been left primarily to Planning and Housing Committee and ultimately Council.

Recommendation 5 in the TLAB Chair's 2021 Annual Report advocates an increase in the annual stipend of the TLAB Chair and Vice-Chair. While providing commentary on all the other Recommendations, Court Services' Report is surprisingly silent on that recommendation.

The TLAB Chair's current annual stipend was established in early 2017 when the Member complement was seven (7) Members. Similarly, the Vice-Chair's stipend was established in 2019 when the Member complement was 10.

Doubling the TLAB Panel complement urgently warrants consideration of a corresponding increase in the annual stipend; doing otherwise would be unfair to the TLAB Chair and Vice-Chair given that they are solely tasked with supervising the growing complement thereby maintaining the reputational integrity of the Tribunal.

I respectfully submit that an increase in the TLAB Chair's annual stipend is critical to acknowledging and recognizing the significant responsibilities of that role, and the underlying importance of succession planning for the TLAB, and is necessary to incentive qualified and experienced Members to consider putting their names forward for consideration by Council to assume this titular role in the future.

In closing, the TLAB is grateful for the support from the City of Toronto and we will continue to work cooperatively with City staff to improve the functioning of the Tribunal.

Respectfully,

Dino Lombardi, RPP, MCIP, MLAI
Chair, Toronto Local Appeal Body

X 

Dino Lombardi
Chair, Toronto Local Appeal Body
Signed by: dlombar

c.c. Toronto Local Appeal Body Members
City Manager's Office
Court Services

