



February 28, 2023

Via Email

Chair Bradford and Members of the Planning & Housing Committee

Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair Bradford and Members of Committee:

Re: Item PH2.5 - Committee of Adjustment - Consultant Review

With over 1,300 members, the Building Industry & Land Development Association is the voice of the land development, home building and professional renovations industry in the Greater Toronto Area. As the voice of this industry, BILD has always sought to maintain a constructive working relationship with all levels of government in examining ways to better serve the communities in which it operates. It is in this spirit that we are writing to you today.

This letter has a particular focus on BILD's members in the professional renovation and infill housing industries, who service the residents of Toronto. Our renovators seek to improve the existing housing stock and provide many employment opportunities as a result. The renovation industry in the Greater Toronto Area is a substantial contributor to the economic growth and vitality of our city. In 2021, in the City of Toronto, professional renovation generated \$14.9 billion in investment value and 108,823 jobs paying \$7.4 billion in wages. Recent reports by the CMHC estimate the renovation industry represents over \$37.7 billion in the GTA alone and \$79.9-billion Province-wide.

BILD would again like to thank the City of Toronto for engaging KPMG to conduct a review of Committee of Adjustment matters, and would like to thank KPMG for their thorough consultation with our membership throughout the summer of 2022. BILD members appreciated the opportunity to be consulted on their common experiences with the CoA process and voiced their feedback and recommendations in the attached letter to KPMG to provide an industry perspective when writing their report.

Matters related to the Committee of Adjustment process have been a long-standing interest for BILD's renovator members. We have presented both in person and with correspondence for several consecutive years on issues specifically related to service delivery and the need to increase efficiency, transparency and predictability within the process.

The KPMG report produced 15 recommendations for implementation to improve the CoA process, of which several could help to address ongoing difficulties related to delays, inefficiencies and inconsistencies experienced by applicants navigating the process. BILD asks that the Committee support the recommendations made by KPMG, and offer our continued support for the City's ongoing work and implementation. In particular, we would like to highlight a few of the following recommendations that could address particular concerns consistently experienced by BILD members and opportunities to work together in improving these areas.

9. Address the technical challenges of the virtual public hearing process

BILD members have documented several difficulties and barriers to their participation in virtual CoA hearings. In the current virtual format, applicants are unable to see speakers, and consistently experience low sound or data quality. Additionally, members noted that applicants and other speakers are unable to display photos or documents relative to their dissertation. Adding a screen share feature and the ability to request to unmute would allow applicants to provide greater context to their presentations to address issues or confusion. The KPMG findings recommend a number of improvements to the virtual hearing process that would directly address the applicant experience.

13. Commenting guidelines to improve consistency and enable more effective participation

Once an application is submitted, it is circulated amongst various City departments for review and comment before it is returned to the applicant to address any feedback prior to going to a CoA hearing. A commonly shared experience amongst BILD members is that City departments will send back comments on applications that are in conflict with one another, which the applicant is then expected to address often shortly before a hearing is scheduled. Furthermore, comments rarely come back to the applicant within the provincially legislated timelines. A solution must be found to ensure the legislated timelines for review occur amongst City departments in order to allow applicants a sufficient amount of time to adjust their applications to respond to said comments before hearings. The KPMG recommendations to implement commenting guidelines, templates and deadlines for reporting partners would help to increase efficiencies, reduce confusion for applicants as well as length of time applications spend in review.

15. Conduct a comprehensive review of the CoA's service delivery model

The KPMG report documents “a compelling need for a comprehensive review” of the CoA’s current decentralized service delivery model, which they documented as having inconsistent processes, procedures and commenting practices, gaps between legislative and actual timelines, and barriers to participation. KPMG anticipates that such a review would take three to four months to complete and should include engagement with internal and external stakeholders. Given related transformation initiatives already underway across the City’s planning and development services, the CoA has a unique window of opportunity to undertake the proposed review. As partners to the City in improving the CoA process for both residents and applicants, BILD would appreciate the opportunity to be consulted in this comprehensive review.

BILD looks forward to ongoing dialogue with the City regarding improving the Committee of Adjustments process, and is pleased to assist in any way to achieve our mutual goals of greater efficiencies, transparency and improved service delivery. Renovators, infill builders and the City have an opportunity to work together to achieve better outcomes for our mutual customer: the homeowners and residents of Toronto, while also achieving housing supply goals. We look forward to continued partnering with the City as we work towards solutions to improve outcomes for constituents and the renovation industry together.

Sincerely,

Rebecca Bozzato
Director of RenoMark and Renovator Advocacy, BILD

July 15, 2022

Sent via e-mail to: aantar@kpmg.ca

Dear Mr. Antar, KPMG LLP Global Infrastructure Advisory,

On behalf of the renovator members of the Building Industry and Development Association, we submit the following comments and recommendations for your consideration.

BILD would first like to thank the City of Toronto for engaging KPMG to conduct a review of Committee of Adjustment matters, and would like to thank KPMG for their thorough consultation with our membership both through virtual consultation sessions and surveys. BILD members have felt this process to be productive and positive, and are optimistic that the findings of this review will reflect the feedback and recommendations voiced within this letter.

The current state of the Committee of Adjustment process is so broken that radical changes are essential, rather than the various incremental changes that have been implemented in the past. In order to streamline and simplify the process and conserve resources for the City, applicants and homeowners, we have compiled a number of comments and suggestions from BILD members and recommend that KPMG recommend these changes to the City of Toronto as part of their review of the Committee of Adjustment process.

Matters related to the Committee of Adjustment process have been a long-standing concern for BILD's renovator members. We have presented to the City both in person and through correspondence for several consecutive years on issues specifically related to service delivery and the need to increase efficiency and predictability within the process.

Length of time, delays in process and inconsistent communication

The foremost concern that all BILD renovator members expressed is that navigating the CoA process from beginning to end takes much longer now than it did several years ago, with the overall experience being opaque, contradictory and extremely delayed.

One member shared a current scenario in which he is building a home next door to another home he built on the same street over 15 years ago. While at that time the whole approval process took 3-4 weeks, it has now taken over 15 months for an almost identical build. While this is only an anecdote, it illustrates how much longer the process can take for a similar project today than it did several years ago.

- Regarding the submission of applications, members found that applications now take up to 4 weeks for intake alone, with no clear communication, timelines or transparency regarding the status of a submission or when a file has been assigned. Members noted that when applications were submitted in person, the intake process was completed on the same day.
- Regarding the intake process, members reported not being able to find out who at the City their file was assigned to more than a month after an application is submitted, making it difficult for applicants to track the progress of their application.
- Members experienced that the lead time from when an application is submitted to when a CoA hearing is booked is often very long. They cited this timeframe being as much as 6-8 months out from the initial application, not including the 21 day appeal period. Moreover, there is still the time needed to make a submission for a Building Permit – with the entire process often approaching close to one year. They also expressed difficulty and confusion in being able to discern which “district” their file falls under (ie. former Etobicoke, North York, Scarborough etc.) with mistakes in filing delaying the process further.
- Applications are circulated for review amongst various siloed City departments (ie. Heritage, Transportation, Urban Forestry, etc.) that do not seem to be in conversation with each other on the same application, often providing contradictory comments – for example, members shared experiences of 3 different departments providing comments that were in conflict with one another. While this process is supposed to be a 20 day circulation amongst departments, it often ends up taking much longer. A solution must be found to ensure that the various departments are in conversation with each other regarding an application, and are aware of the timelines to be adhered to.
- The expectation is then placed on the applicant to modify or revise their application to conform to comments provided by the various departments prior to a CoA hearing, while historically comments from all departments would be brought to committee hearings for discussion and debate.

- A recurring experience shared by members is receiving down-to-the-wire communication, or often no communication at all from the CoA on plans and applications. This necessitates having to scramble to make last minute edits with clients that are often not feasible and incredibly inconvenient for both the applicant and their clients, especially given the length of time the applications spend in review. Members shared that last minute changes seemed to frequently come in from the Community Planning and Forestry departments in particular.
- Members cited that the comments received often contained inaccuracies that demonstrate a lack of understanding or improper review of an application that then need to be corrected. Communication regarding requested changes should be clearer and timelier to allow for appropriate changes to be made.
- The methods by which Notices of Decision and 21-day appeal (Final and Binding) notices are sent out to applicants differ depending on district – some applicants receive notices via email, while some receive notices by Canada Post letter mail, which can often add a week or more to the already delayed process. Commenting departments are not notified of the decisions (Final and Binding), and it is incumbent on the applicant to advise them of these approvals.

Experience with CoA committee members

- Because the CoA is a quasi-judicial body which necessitates a more rigorous and standardized approach, it is recommended that there be official representatives appointed to the committees to establish competency, rather than political appointees.
- Members commented broadly on the culture of committee members at the various CoAs – often, that attending committee members seem to be unprepared, unengaged and at times seem not to be paying attention to the proceedings, resulting in mistakes and confusion at said hearings.

Feedback regarding technical meeting setup

- Members wanted to make note of positive attributes in the CoA process they would like to see maintained. Many felt that the current application process and email submission is easy to use.

- Several members noted that the transition to virtual meetings is positive, as they save on travel time and associated costs. One recommendation was to have CoA meetings alternate between in-person and virtual meetings, and give the applicant the choice to pick which option they prefer.
- However, members did note some flaws in the virtual hearing format – namely, not being able to see the people speaking, and low sound or data quality that impacts clarity of messaging. Additionally, members noted that applicants nor speakers of any kind have control over functions to show photos or documents relative to their dissertation, which reduces the quality of the presentations.
- Members suggested that applicants should be able to share their screens during virtual proceedings, and have the ability to request to unmute as they often can't correct issues or confusion raised by committee members or other speakers.
- Members noted that the online format and the inability to unmute or speak beyond the allotted 5 minutes disallows an applicant the opportunity to speak to members of the public who oppose an application, in the attempt to ameliorate concerns and come to a resolution.
- Overwhelmingly, all members felt that they should be given more than 5 minutes to speak at the CoA given the complexity and thousands of dollars spent on the application process.

Participation of members of the public and neighbours in CoA hearings

- There was much concern expressed regarding the way that neighbours or members of the public participate in the CoA hearing process. Members felt that neighbours receive a disproportionate amount of time during the hearing to speak compared to applicants, with there being no opportunity for applicants to provide a rebuttal to neighbour comments.
- Hearings currently allow 5 minutes for the presentation by the applicant or their agent, and then 5 minutes for any and every interested party to speak, easily resulting in 50 minutes or more opposition to a single application. Members expressed that this results in an unfair '10 to 1' presentation/argument timeframe. The applicant is then given only 5 minutes to respond to any objections, which members strongly feel tips the scale in the favour of any opposition to a file.

- Members suggested that the City should facilitate a method for applicants to get in touch with members of the public who seek to oppose an application prior to a hearing, in an attempt to address any concerns beforehand.

Additional suggestions to improve process:

Members presented several additional suggestions beyond what was previously mentioned to improve the overall process:

- Creating an online district lookup tool, or do away with districts and group them altogether and service on a triage basis to do away with confusion over which district a project falls into
- Post hearing schedules online publicly
- Split small SFD CoA applications from densities (condos) and consents (severances) to create efficiencies
- Fix zoning by-laws to be respectful of modern day construction and historic setbacks (ie. legal non-conforming sighting of a building should not result in a technical variance as long as it conforms to other guiding rules (height, FSI, etc). Blanket the City with basic and similar setback needs/rules and definitions.
- The zoning bylaw needs to reflect the need for higher densities, reflecting provincial guidelines and recognize discrepancies in lot sizes in the same area.
- Organize applications in a way that does not require applicants to wait several hours just to hear their application. More straightforward applications should be separated and perhaps organized in the morning to get through the process faster. Applications that require more consultation can be done at a different time, or on a different day.

Overwhelmingly, the current fractured and dysfunctional CofA process directly contributes to the systemic concerns of illegal building, undocumented cash payments for unregistered work and the creation of an underground economy as unscrupulous actors seek to circumvent the system. Ultimately, this results in unsafe building outcomes that puts homeowners and the general public at risk.

We again thank the City of Toronto for engaging KPMG to conduct a review of CofA matters, and we appreciate the opportunity to share the experiences and feedback of BILD renovator members to improve the process and to find better or different ways to review minor variance and consent applications. These are the kinds of discussions that we hope to continue to have with City staff and council after the results of the review have been presented.

We trust that you will take our comments into consideration and we thank you for the opportunity to share on behalf of BILD members.

Sincerely,

Rebecca Bozzato
Director of RenoMark and Renovator Advocacy, BILD