



April 2, 2024

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

Attention: Sarah Rogers, Project Manager, Zoning and Committee of Adjustment
and Victoria Malloy, Project Coordinator, Zoning and Committee of Adjustment

RE: Feedback on the Jan. 2024 Stakeholder Update and Engagement Session

Dear Sarah and Victoria,

The letter is a belated response to the CofA Stakeholder Update and Engagement Session on January 16th, 2024. First, we would like to thank City Planning for hosting the event. The agenda provided an encouraging update on the work underway on the KPMG Recommendations and Transformation Initiatives.

FoNTRA and a number of residents' associations¹ met earlier in March to determine how we might contribute to the initiative in a meaningful way. We now understand the scope of the work effort, the 15 elements in the work plan and the prioritization of these elements.

We decided to look closely at Work Plan Item #2 to "Improve existing and develop new public facing communications and resources to enhance participation."

We subsequently determined that Work Plan Item #3 to "Develop and promote an effective participation guide to empower applicants and members of the public" should be included in this submission.

There are three improvement area described for these two work plan items.

¹ Participants include Scarborough Unified Neighbourhoods, Cliffcrest Scarborough Village South-West Residents Association, Don Mills Residents Inc, Long Branch Neighbourhood Association and Islington Ratepayers and Residents Association.

1. IMPROVE COMMUNICATIONS AND RESOURCES (Item #2)

“City staff will work with communications experts to improve existing, and develop new, public facing communications and resources to make them more accessible and user-friendly. “

2. INSTRUCTIONAL MATERIAL (Item #2 and #3)

“This work will include a new public hearing guide, an FAQ document, a short instructional video, and a refresh of the CofA website.”

3. LANGUAGE AND FORMAT OF DOCUMENTS (Item #2 and #3)

“Staff will also review and update the language and format of public notices, decisions, and other public-facing communication to improve their readability and accessibility.”

SCOPE OF OUR SUBMISSION

We have limited this initial submission to Work Plan Items #2 and #3 focussing on the three improvement areas listed above. During our work to assemble this submission, we identified various improvement ideas related to the other 13 items in the Work Plan. We will hold on to these and will submit responses to them later. We have listed these deferred ideas as follows:

ADDITIONAL AREAS OF CONCERN – (A) WITHIN SCOPE OF CITY PLANNING

Here are our areas of concern with reference to other items in the Work Plan:

- The definition of minor in ‘minor variances’ – this always rises to the top ... [Item #7]
- Rules and procedures for handling complex applications (e.g., Consents with multiple building applications) ... [Item #10]
- Rules and procedures for handling requested adjustments for Site Specific Applications that involved OPA/ZBAs and as such were previously approved by City Council and/or the OLT... [Item #10]
- Rules and procedures for deferrals. Panels handle this differently ... [Item #10]
- Rules and procedures for changes made at the hearing. Panels handle this differently ... [Item #10]
- Rules and procedures for the Scarborough CofA Panel ... [Item #10]
- Application packages are accepted by the Application Technician but are not in full compliance with the Application Checklist ... [Item #6]
- Requirements for New Build drawings including qualifications of the preparer ... [Item #6]
- Landscaping ratios are not properly documented and are difficult to verify ... [Item #6]
- The need for Sun/Shadow Studies should be a requirement for a new build when additional height is requested ... [Item #6]

- The City bylaws should be updated to reflect modern practices for climate resilience² ... [Item #1]
- When a joint application is submitted that includes a main building with requested variances and Laneway/Garden suite without variances, the architectural plans for the Laneway/Garden suite should also be included ... [Item #6]
- Implementation of an online registration portal ... [Item #9]

ADDITIONAL AREAS OF CONCERN - (B) RELATED TO TORONTO BUILDING

Here are some of the areas of concern:

- Issues with Zoning Waivers
- Handling of Omissions and Errors in Zoning Notices
- Counting of variance types, rather than all variances (as listed in Zoning Notice).

Our working group has developed this submission with the intent of upholding the fundamental principles of fairness and natural justice. The CofA process will work best when Proponents and Opponents have full understanding of the proposals that are put before the Panels.

Geoff Kettel
Co- Chair

Cathie Macdonald
Co- Chair

CC: Kerri Voumvakis, Interim Chief Planner and Executive Director, City Planning
 Kyle Knoeck, Director, Committee of Adjustment
 Sai-Man Lam, Manager, North York Committee of Adjustment
 Barbara Botosik, Manager, Etobicoke Committee of Adjustment
 Colin Randial, Manager, Scarborough Committee of Adjustment
 Sabrina Salatino, Manager, Toronto and East York Committee of Adjustment
 Kamal Gogna, Acting Chief Building Official/Executive Director, Toronto Building

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.

² See the APA Planning Magazine (Feb. 17, 2023) – A Practical Guide to Updating Local Regulations for Climate Resilience by Bella Purdy, AICP.

RECOMMENDATIONS

1 IMPROVE COMMUNICATIONS AND RESOURCES

“City staff will work with communications experts to improve existing, and develop new, public facing communications and resources to make them more accessible and user-friendly. “

1.1 EXISTING COMMUNICATIONS – FOR CURRENT APPLICATION

Notification by Sign Posting

Our residents have noticed the new CofA signage and appreciate the larger format and clear information provided.

1.1.1 IDEA: The sign should also identify the reasons for the requested variances as stated on the Application Form

1.1.2 IDEA: Add a QR code to the sign that would point to the CofA Home page.



Advanced Notification for Interested Parties

1.1.3 IDEA: We understand that residents’ association and other interested parties can subscribe to a service that will provide **advanced notification** of upcoming applications. This service is available but should be advertised on the CofA website.

Notification by Mail – Improve Notification Time and Area

- 1.1.4 IDEA: Our first-item participants note that a 10-day notification period is insufficient to learn about the application and prepare a response. The notification period should be expanded to 20 days.
- 1.1.5 IDEA: Toronto's Official Plan defines the immediate context neighbourhood as the street block for the subject property, yet the notification circle is only 60 metres (Ontario Regulation 200/96). We suggest that the notification area should be expanded to 90 metres.

Failure to Receive Posted Notification

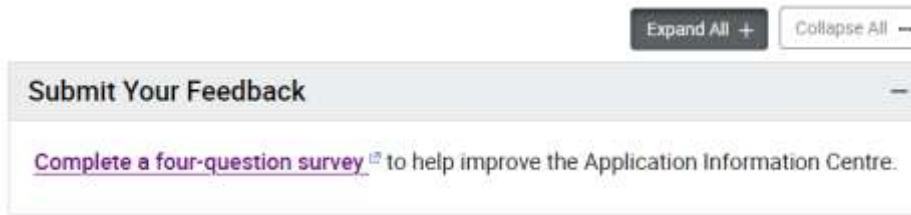
- 1.1.6 IDEA: There are often errors and omissions in the Canada Post mailings. Procedures should be created to handle this situation. A deferral of the hearing may be an appropriate remedy.
- 1.1.7 IDEA: Residents may be travelling on business or vacation when the Public Notice first appears. Interested parties should be able to subscribe to the Advanced Notification service to allow for proper preparation time.
- 1.1.8 IDEA: Tenants do not receive mail notifications as these go to the owner. Tenants should be able to subscribe to the Advanced Notification service.

1.2 EXISTING RESOURCES – FOR CURRENT APPLICATION

Our residents have noticed improvements in the AIC functionality including the availability of historical data on closed applications.

Application Information Centre – Ease of Use

- 1.2.1 IDEA: There are no instructions on how to use the AIC application and some basic information should be provided online. The AIC is a good candidate for an 'instructional video' ... see recommendation in Section 2 below.
- 1.2.2 IDEA: The AIC feedback box is good starting point but there should be a confirmation that the submission is received and an indication of the action that will be taken.



- 1.2.3 IDEA: Files are organized alphabetically and cannot be organized chronologically. The sort function within AIC should allow for different methods of sorting the results of a query request.
- 1.2.4 IDEA: The AIC application map will sometimes experience gray-out conditions. In some cases, applications appear in the query result list but do not display on the map.



- 1.2.5 IDEA: The AIC requires users to key in an address and yet the map has no street numbers. Users should be able to put a simple “pin” on the map and be able to search a radius area based on the pin location.

Application Information Centre – Consents and Multiple Dwellings

- 1.2.6 IDEA: A consent applications may include zero or one or more variance request applications. AIC stores these applications as separate files. requesting consents and variances are multiple files. The AIC should explain that there are multiple files for a consent application and how the individual files can be accessed.
- 1.2.7 IDEA: The AIC should clearly show when there are Laneway or Garden Suites location at the same address as the Main building. There should

be consistent handling and descriptions on how multiple building are to be handled (e.g., identifying the proposed new dwelling as 123R Main Street to indicated that a new structure is proposed).

- 1.2.8 IDEA: AIC application files may include 20 or more documents but the contents of each document cannot be easily determined. Document titles and file names should be more descriptive. Users should be able to click on a file and have the file appear in a PDF-enabled browser.

1.3 EXISTING RESOURCES – FOR GENERAL INFORMATION

Getting to Know CofA Brochure (8 pages)

- 1.3.1 IDEA: The CofA Brochure is available but is not used. See Item 2.1 below for ideas for a new guide.

Links to handle General Questions on Zoning Bylaws

The Zoning Department home page includes the following contact information box. Many first-time participants at CofA hearings do not realize that Zoning and Planning are different departments.



- 1.3.2 IDEA: The CofA home page should show a similar information box or provide a link to the Zoning Department home page.

Zoning Definitions in Pictures

- 1.3.3 IDEA: Several years ago, City Planning produced a set of slides that described the most common zoning definitions in a slide deck. An update version of this slide deck is available [here](#). This visual presentation should be updated and maintained on the CofA website (either as a PDF document or as webpages).

Link to Complaint Procedure should appear on the CofA Website

- 1.3.4 IDEA: The previous version of the CofA website had a link to Complaints on the right sidebar of the screen. There should be some link to be able to understand the Complaints procedure and then register a complaint. With limited access to relief through the TLAB process, a robust complaint process is necessary.

1.4 OTHER CITY RESOURCES – NEEDED FOR ANALYSIS

Access to Information (Research Requests)

- 1.4.1 IDEA: There are two tiers for research requests ... 500m for \$150 and 1000m for \$300. There should be another request tier of 250m for \$50 to make the service affordable for laypersons and non-profit organizations. This request tier should cover most street blocks.

Information of Building Codes

- 1.4.2 IDEA: Zoning Bylaws are frequently confused with Building Code regulations. An explanation of the difference would be useful. A link to the Toronto Building Code homepage should be provided.

Information on Zoning Maps

- 1.4.3 IDEA: The City's interactive zoning maps are easy to find but are difficult to use. The zoning maps provide useful overlays on heights, frontages, coverage ratios and other matters. The City website should provide a user guide to the Zoning Map application.

Information available on Other Relevant Information

- 1.4.4 IDEA: The Open Data Portal provides useful information the City Tree Inventory, Licensed Parking Pad locations and TRCA flood mapping. These information sources should be identified.

1.5 Third Party Resources – Agents and Coaches

- 1.5.1 Applicants frequently hire third party resources like lawyers, architects or designers as 'agents' whereas lay persons are self-representative. These agents are hired to provide evidence to the Panel. This creates an unfair advantage to the opponents to the application as the evidence cannot be considered objective. The CofA should identify resource persons or groups that can assist self-represented on a pro-bono or reduced rate basis.

1.6 NEW COMMUNICATIONS

Annual CofA Stakeholder Meeting:

- 1.6.1 IDEA: Provide summary review of the CofA activities for the prior calendar year with specific focus on the win/loss records. The Q&A session should follow the presentation.
- 1.6.2 IDEA: The Annual CofA Stakeholder meeting should start 30 minutes earlier to allow for introductions and mingling amongst the participants.

Annual Report to the Planning & Housing Committee (PHC)

- 1.6.3 IDEA: Provide an annual report to PHC on CofA applications as part of the annual budgeting process. Interested parties may make deputations to respond to the annual report. The CofA annual report could be included in the annual Pipeline report from City Planning.

Changes resulting from New Bylaws

- 1.6.4 IDEA: Changes resulting from New Bylaws should be communicated in plain language to allow a large audience to understand the changes.

New templates for Public Notices and Decision Notices

The City Planning work plan has identified planned work to improve the templates for Public Notices and Decision Notices. We note the Public Notices and Decision Notices are complex documents that can often extend to 3 or 4 pages.

- 1.6.5 IDEA: We understand some of the challenges in simplifying the document for the general public while ensuring **all** of the required information is provided in a single document. We would suggest that City Planning conduct a survey of stakeholders to identify pain points and areas for improvement.

2 INSTRUCTIONAL MATERIAL

“This work will include a new public hearing guide, an FAQ document, a short instructional video, and a refresh of the CofA website.”

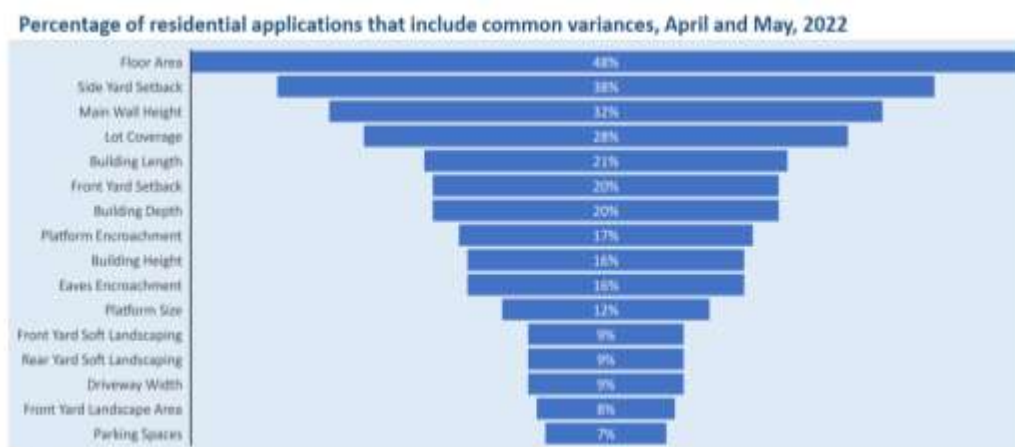
2.1 NEW HEARING GUIDE

Target Audience

- 2.1.1 IDEA: The new hearing guide should be targeted to first time residents at a CofA hearing. StatsCan information of the education levels and language skills of our residents should be factored into the creation of the guide. We can assume some basic digital literacy – as with access to the City’s website and having an active email address.
- 2.1.2 IDEA: The City’s guide should also describe how to participate without computer access or availability ... as with a printed guide can be requested from City staff or the Councillor.

Subject of the User and Participant Guides.

- 2.1.3 IDEA: Several guides may be necessary ... the first guide would have a working title of ‘Preparing Your Submission’ and the second guide would have a working title of ‘Making a Deputation.’ A third guide might be called a Layperson’s Guide to Zoning Bylaws.
- 2.1.4 IDEA: There are many Zoning Bylaws but most applications include common variances related to items like Floor Area, Setbacks, etc. City Planning provided a chart that shows the top 16 variances. There should be a layman’s guide to bylaws that describes the top 16 variances.



- 2.1.5 IDEA: Petitions are frequently used by Proponents and Opponents. These petitions will either use the form-letter format or a master form with a signature list. There are specific rules for petitions for City committees. Should rules be established for CofA petitions.

Format of the Guides

- 2.1.6 IDEA: Online guides with the capability to print the screen contents to a printer or a PDF work best. The content of the guides can be easily modified and improved over time.

2.2 FAQ DOCUMENT

Gather common questions from Application Technicians

- 2.2.1 IDEA: Residents ask many diverse questions that cannot be fully addressed in the introductory guides. Application technicians should submit common questions to the website administrator to add to the website.

2.3 INSTRUCTIONAL VIDEOS

Many of the first-time participants struggle with the computer technology necessary to access the Application Information Centre (AIC) and to participate in the virtual hearings (Webex).

- 2.3.1 IDEA: Provide an instructional video on how to access and use the Application Information Centre.
- 2.3.2 IDEA: Provide an instructional video on how to access and use Webex.

2.4 REFRESH OF THE WEBSITE

We note that CofA website content has become more useful over the last 12 months with detailed information designed for an advanced stakeholder. A simplified version is necessary for the first-time residents.

- 2.4.1 IDEA: Finding the CofA website within the City's website continues to be difficult. First time participants will normally go to the City's website and type in the search phrase 'Committee of Adjustment' to find the CofA homepage. This search phrase should find the CofA homepage.
- 2.4.2 IDEA: Consider a simpler format with a working title of 'The Ten Step Guide for First Time Attendees.' The ten steps would provide a checklist

of items to be considered in the development of a letter (in PDF format) to the Committee of Adjustment.

- 2.4.3 IDEA: City staff routinely makes changes to the website without advising parties of these changes. When there are changes to the website, there should be an information box that describes the changes.

3 LANGUAGE AND FORMAT OF DOCUMENTS

“Staff will also review and update the language and format of public notices, decisions, and other public-facing communication to improve their readability and accessibility.”

3.1 PLAIN LANGUAGE FOR NOTICES

The language of the Public Notices and Decision Notices are difficult to understanding. We understand that the complexity of these notices relates to the legal language of the City Bylaws.

- 3.1.1 IDEA: The Public Notice should link to the CofA webpages that provide information related to the definitions and the Zoning Definitions in Pictures document.

3.2 DOCUMENT FORMAT

We understand that documents that are part of the application proceedings are required in a PDF format. Instructional material today is available in brochure format and as webpages.

- 3.2.1 IDEA: Our first-time residents often struggle with simple task of converting a text or word processing document into the PDF format. Instruction guides should provide reference links on how to handle this task.
- 3.2.2 IDEA: We have a strong preference to have resource material and instructional material available as webpages.

3.3 LANGUAGE OF CHOICE

Various pages of the City’s websites are enabled for translation using the Google translate tool (see <https://www.toronto.ca/home/translate/>)

- 3.3.1 IDEA: The Translate button has recently appeared on the 311 webpages and the 311 pages can be easily translated. A similar approach should be used for the CofA pages (the Button does not yet work).

3.4 READABILITY

The material available on the CofA webpages should be targeted to the educational level of the general public. Material provided in the introductory guides should be readable by the general public.

- 3.4.1 IDEA: We recently tested on of the CofA webpages for readability and the page was scored with a 11.5 Grade Level on the Flesch-Kincaid scale. This is good score. All new CofA material should be tested for readability.

3.5 ACCESSIBILITY

The City of Toronto website is subject to AODA accessibility definitions. Recent upgrades to the website include improvements to font sizes.

- 3.5.1 IDEA: The current Blue brochure with white text would certainly fail the current AODA guidelines. Note that for documents and web pages the AODA mandates compliance with the Web Content Accessibility Guidelines (WCAG) 2.0, Level AA.



- 3.5.2 IDEA: Digital literacy levels in Toronto are generally quite high but there remain significant differences based on age, education and economic circumstances. Recent estimates³ for Non-Users are about 10% of the population and Reluctant Users (with low digital skills) are about 17%. Resource material should be printed and made available at Toronto Reference Libraries and other locations.

³ See the report on Building Digital Literacy in Older Adults: Best Practices, Emily Mullins, August 2022



April 4 2024

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

**RE: PH11.11 - Committee of Adjustment Third Party Review Recommendations
- Implementation Update**

Dear Chair Councillor Gord Perks and Members of Planning and Housing Committee

This is to confirm our strong support for the update report on the Committee of Adjustment work program. In particular we support the work to improve the ability of stakeholders (such as residents) to participate in the Committee of Adjustment process and public hearings.

FoNTRA is committed to full constructive engagement in the Work Program and to that end recently submitted the attached letter to staff (which included involvement from residents associations outside of FoNTRA).

Yours truly,

Geoff Kettel
Co-Chair, FoNTRA

Cathie Macdonald
Co-Chair, FoNTRA

Cc: Sarah Rogers, Project Coordinator, Zoning and Committee of Adjustment Branch

Attach: Feedback on the Jan. 2024 Stakeholder Update and Engagement Session

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