



July 11, 2024

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

RE: PH14.3 Toronto Local Appeal Body - Chair's 2023 Annual Report

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

We congratulate Chair Dino Lombardi on his continuing leadership of the TLAB. It is important to remember that Toronto has a unique (in Ontario) distinction in having its own tribunal to decide on appeals of Committee of Adjustment decisions. Other municipalities in Ontario are dependent on more remote exigencies of the Ontario Land Tribunal!!

2023 was a milestone in the life of the TLAB as it was the first full year following the Provincial elimination of third party appeals (mostly by residents and resident associations) as a result of the passage of Bill 23.

As a result, by far the most significant matter in this report is the precipitous decline in the number of appeals handled by TLAB. To quote from the Chair's Report:

In 2023, the TLAB received and processed 116 appeal files, representing a significant decrease of 55% (or 246 files) from the previous year. This sizeable reduction in the number of appeals received from the Committee of Adjustment in 2023, can be explained quite simply by understanding the impact on the Tribunal of the elimination of 'third-party' appeals resulting from Bill 23.

The Chair's recommendation to address this and other ongoing issues is:

- The Director of Court Services, in consultation with the Chair, will continue to assess the impact of recently passed Provincial legislation on the operation of the Toronto Local Appeal Body and review the business structure of the Tribunal to determine the complement, terms of reference, roles and

responsibilities, employment terms for Members, and any other structural changes that would benefit the performance of the Toronto Local Appeal Body.

While this recommendation is necessary, it is perhaps more low-key than is appropriate given TLAB's dramatically changed workload situation resulting from the Provincial legislative change. We would recommend:

- **That TLAB (through the Director, Court Services) be directed to report back on the proposed adjustments in TLAB operations and staffing related to the reduction in workload as a result of Bill 23.**

We also take this opportunity to reflect on the consequences of the Province's decision to eliminate third party appeals applied to Committee of Adjustment and the differential loss of democracy that it implies. How can it be fair to remove the right of appeal from one interest while maintaining it for the other? And further this unfair action has now been extended to higher order planning appeals (OPA, ZBAs etc) to the Ontario Land Tribunal as a result of the passage of Bill 185 on June 6, 2024.

In our opinion, Bill 23 and Bill 185 represent a serious loss of democracy in this City and Province, and we request that City Council continue to strongly advocate for the restoration of the residents' right of appeal.

PS: We note that the chart on Page 43 of the Chair's Annual Report, which compares volume and type of 2022 and 2023 TLAB appeals submitted has been revised in response to the note in our letter to the June PHC (which deferred the item to the July PHC meeting)..

Yours truly,

Geoff Kettel
Co-Chair, FoNTRA

Cathie Macdonald
Co-Chair, FoNTRA

Cc: Dino Lombardi, Chair, Toronto Local Appeal Board
Brian Halloran, Manager, Court Operations - Tribunals, Court Services

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 250,000 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.