

Toronto Local Appeal Body – Member Complement

Date: April 17, 2025

To: Planning and Housing Committee

From: Executive Director, Court Services

Wards: All

SUMMARY

The Toronto Local Appeal Body (TLAB) is an independent, quasi-judicial Adjudicative Board (tribunal) that allows for minor variance and consent applications under Sections 45 and 53 of the *Planning Act*. The TLAB is composed of fourteen (14) members, consisting of the Chair, Vice-Chair, and twelve (12) panel members. Members are appointed on a part-time basis for a four (4) year term by the City Council, based on recommendations made by the citizen-based Tribunal Nominating Panel.

In 2017, the TLAB was established with a panel member complement consisting of a total of seven (7) members, including the Chair. Subsequently, to address the high member workload, City Council increased the number of members on two occasions: first, in 2019, increasing the number to ten (10), and again in 2022, further increasing the total complement to fourteen (14).

The Provincial government enacted legislative changes in November 2022, through the passage of Bill 23 *More Homes Built Faster Act, 2022*. Bill 23 amended the *Planning Act* to remove "third party" appeals to the TLAB for Committee of Adjustment decisions which accounted for a significant number of TLAB appeal volumes. The TLAB received 263 appeals in 2022 which declined to 116 (-56%) in the year following the enactment of Bill 23, and a further decline to 97 (-16%) appeals in 2024. This decline has led to a corresponding decrease in TLAB hearings and the overall workload for panel members presiding over hearings. TLAB appeal hearings fell from 306.5 in 2022, to 178.5 in 2023, and 96 in 2024. Hearing assignments for members have decreased significantly, from multiple assignments per month before Bill 23 to fewer than one hearing per month since, resulting in lengthy periods between hearing assignments.

This report recommends that City Council approve a reduction in the TLAB member complement from fourteen (14) to the previous complement of ten (10) part-time members, including a Chair and Vice-Chair. This would be achieved by eliminating current and future vacancies until the approved membership is reached. This reduction will help address the significantly reduced workload for TLAB members and support the recruitment and retention of high-caliber and engaged panel members.

RECOMMENDATIONS

The Executive Director of Court Services recommends that:

1. City Council decrease the panel member composition of the Toronto Local Appeal Body (TLAB) from fourteen (14) to ten (10) part-time members including a Chair and Vice-Chair, and that the decrease be achieved through the elimination of TLAB member positions upon the completion of current terms of appointment, with the exception of any public appointments required for the Chair position, until such point as the TLAB membership is comprised of ten (10) members inclusive of a Chair and Vice Chair.

FINANCIAL IMPACT

Funding for the Toronto Local Appeal Body members including a Chair and Vice-Chair is included in the 2025 Operating Budget for Court Services. The recommendations included in this report to reduce the TLAB panel member complement from fourteen (14) to ten (10) members would result in a reduction of the annual member stipend expenditure by \$1,500 for each of the four (4) member positions, resulting in an annual savings of \$6,000.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

DECISION HISTORY

At its meeting on June 26, 2024, City Council adopted the 2023 Annual Report from the Chair of the Toronto Local Appeal Body, from the Director, Court Services.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH14.3>

At its meeting on April 6 and 7, 2022, City Council approved an increase in the Toronto Local Appeal Body member composition from ten (10) to fourteen (14) part-time members including a Chair and Vice-Chair.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.PH32.2>

At its meeting on July 23, 2018, City Council approved an increase in the Toronto Local Appeal Body member composition from seven (7) to ten (10) part time members including the Chair and amended the remuneration policy to adopt the proposed annual stipend of \$15,000 for the Vice Chair.

<https://secure.toronto.ca/council/agenda-item.do?item=2018.EX36.10>

At its meeting on March 31, and April 1, 2016, City Council adopted the Local Appeal Body Governance Structure in Attachment 1 to the report (February 24, 2016) from the City Manager, directed that a separate Toronto Municipal Code Chapter be established for the Local Appeal Body substantially as provided for in Attachment 2 to the report (February 24, 2016) from the City Manager, authorized the City Solicitor to bring forward a By-law implementing the Local Appeal Body once a series of activities were

completed to the satisfaction of the City Manager, approved a \$300 appeal fee per appellant per hearing, and established a Local Appeal Body Nominating Panel, composed of three citizen members appointed by City Council on recommendation of the City Clerk, to short-list, interview and recommend candidates directly to City Council for appointment to the Local Appeal Body.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX13.1>

At its meeting on July 8-11, 2014, City Council approved the establishment of a Local Appeal Body (LAB) and directed the City Manager to report to Executive Committee on the governance, administration and fees to implement the LAB and requested the City Manager to give consideration to a minimum fee for all applicants, and a fee at least equal to the fee paid to the Committee of Adjustment for appeals initiated by Committee of Adjustment applications.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG33.14>

COMMENTS

Enacted on May 3rd, 2017, the Toronto Local Appeal Body (TLAB) is an independent, quasi-judicial tribunal established through the City of Toronto Municipal Code Chapter 142, Local Appeal Body, the *City of Toronto Act*, and other provincial legislation. The TLAB has all the powers of the Ontario Land Tribunal related to the hearing of appeals to Committee of Adjustment decisions for minor variance and consent applications under subsections 45(12), 53(14), 53(19) and 53(27) of the *Planning Act*.

The TLAB is composed of fourteen (14) members, including a Chair, a Vice-Chair, and twelve (12) panel members. These members are nominated by an impartial citizen-member nominating panel, which submits recommendations for appointments to City Council. City Council appoints TLAB members for a four-year term.

Bill 23 – More Homes Built Faster Act, 2022

Bill 23, *More Homes Built Faster Act, 2022* received Royal Assent on November 28, 2022. The Act removed entitlements under subsection 45(12) of the *Planning Act* that allowed a "third party" person with interest in the matter to appeal a judgment of the Committee of Adjustment. The legislative amendment limited the power to appeal to the applicant, minister, or specified person as defined in subsection 1 (1) of the Act. The majority of the appeals received by the TLAB prior to the amendment were interested "third party" appeals, resulting in a significant reduction in appeals received by the TLAB post-implementation of the Act.

Decrease in TLAB Hearings and Appeals

In 2024, the TLAB received and processed 97 appeal files, a substantial decline of 61% (or 149 files) from 2021. With the implementation of Bill 23 at the end of 2022, there have now been two full years post-implementation. As shown in Table 1, appeals received dropped by 56% in the year following the implementation of Bill 23 and a further 16% reduction in the following year.

Table 1: Total Number of Appeals Received in 2021- 2024

	2021	2022	2023	2024
Total Appeals	246	263	116	97
% Change vs. Previous Year		7%	-56%	-16%
% Change vs. 2021		7%	-53%	-61%

When accounting for appeals filed for the same unique address (single or multiple appeals filed for the same address), as shown in Table 2, the effect of Bill 23 on TLAB workload is even clearer, with the volume of appeals filed falling 62% in 2023 and staying unchanged at the reduced volume in 2024. There is no indication that appeal volumes will substantially increase in the future.

Table 2: Total Number of Appeals by Unique Address 2021-2024

	2021	2022	2023	2024
Total Appeals by Unique Address	196	195	74	74
% Change vs. Previous Year		-1%	-62%	0%
% Change vs. 2021		-1%	-62%	-62%

As shown in Table 3, the decrease in appeals received by the TLAB after the implementation of Bill 23 resulted in a corresponding decrease in the number of TLAB hearings. The number of hearings fell from 319.5 in 2021 to 96 hearings in 2024. This represents an overall decrease in hearings of 70% from 2021 to 2024.

Table 3: Total Number of TLAB Hearings in 2021- 2024

	2021	2022	2023	2024
Hearings	319.5	306.5	178.5	96
% Change vs. Previous Year		-4%	-42%	-46%
% Change vs. 2021		-4%	-44%	-70%

The reduction in hearings, in turn, has led to a corresponding decrease in the overall workload of the fourteen (14) panel members. As a condition of appointment to the TLAB, members are expected to commit to up to 20 hours per week; however, post-implementation of Bill 23, panel member workload has decreased from often having more than one hearing per week to fewer than one hearing per month.

To address the decrease in workload and maintain an engaged panel membership, this report recommends that City Council approve a decrease in the TLAB member composition from fourteen to a reduced number of ten part-time members, including a Chair and Vice-Chair.

CONTACT

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SIGNATURE

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ATTACHMENTS
