

City of Toronto TLAB Information Session

Mediation Pilot Project to resolve minor
variance & consent application disputes



February 10, 2017

Mediation

- Mediation is an Alternative Dispute Resolution (ADR) tool that uses a neutral third party to assist disputing parties reach a voluntary, mutually acceptable solution for some or all of the issues in dispute.
- Benefits of mediation may include a collaborative process with neighbours; reduced costs in settling the dispute; access to neutral professional expertise; and an increased likelihood of settlement.

Mediation Pilot Project

- In 2016, Toronto City Council approved a city-wide Mediation Pilot Program with respect to minor variance and consent applications.
- The Mediation Pilot is intended to evaluate the benefits of mediation in resolving disputes related to minor variance and consents applications.
- Mediation sessions forming part of the Pilot Program are at no cost to the applicant or other participants disputing an application and will be conducted in the City's Civic Centres.
- Participation is voluntary and mediation cannot proceed without the consent and involvement of the applicant.
- The Pilot Program will strive to assist disputing parties reach a voluntary, mutually-acceptable solution for some or all of the issues in dispute.

Mediation Pilot Project

Mediation will be offered on a one-time basis per application as follows:

Before the Committee of Adjustment has made a decision

- The Chair of the Committee of Adjustment can suggest that disputing parties pursue mediation prior to a decision being made if the Committee Chair notes that the matter may benefit from mediation.
- When the applicant and eligible affected parties indicate willingness for mediation, they will complete a mediation request form and the Committee of Adjustment will defer the matter to a subsequent hearing. A mediation session will then will be scheduled.

After the Committee of Adjustment has made a decision

- Mediation can also occur when the applicant or other affected parties request mediation immediately after the Committee of Adjustment renders a decision.

Mediation Pilot Project

- Mediation is extended to all minor variance and consent application types.
- The mediation sessions will be conducted by a neutral third party mediator and a neutral and experienced professional planner with knowledge of the City's Official Plan and Zoning By-laws and applicable minor variance and consent legislation.
- The mediation sessions will be conducted privately. The mediator will determine the style of mediation.
- If a settlement is reached, Minutes of Settlement will be drafted by the mediator and the planner and signed by the applicant and affected party or parties. The applicant will receive the original, and all other parties will receive copies, as well as a post mediation information sheet detailing the next steps.
- If a settlement is not reached, a Report of Outcome will be prepared and the applicant will receive the original, and all other parties will receive copies.

Mediation Pilot Project

Before the Committee of Adjustment has made a decision:

- Mediated settlements that result in revisions to the original application will return to the Committee of Adjustment for a hearing.
- The Committee of Adjustment has no obligation to accept the mediated outcome and will make its own decision on the revised application. This may result in the application being approved, approved with conditions or refused.

After the Committee of Adjustment has made a decision:

- A mediated resolution that follows a Committee of Adjustment decision may result in a new application (which reflects the outcomes of the mediated settlement) being submitted to the Committee of Adjustment for a new hearing.
- The Committee of Adjustment will make its own decision on the new application. This may result in the new application being approved, approved with conditions or refused.

Mediation Pilot Project

- **If a agreement not reached**, the original application will either be heard by Committee of Adjustment for its decision or if the mediation was held after the Committee of Adjustment has made a decision the applicant or other affected parties will have the option of exercising their legislative appeal rights for the application under dispute by requesting a hearing.
- A mediated resolution that results in an applicant choosing to file a new application, will not affect the applicant's or other affected parties' right to appeal the Committee of Adjustment's decision with regard to the original application in question.

Note: The Mediation Pilot Program is not intended to replace informal discussions between parties as a means to resolve disputes. Applicants are still encouraged to speak to neighbours and other interested and affected parties to address issues prior to making their formal applications.

Mediation Pilot Project

To be eligible, an affected party is:

- A person who makes a written or oral submission at the Committee of Adjustment hearing; and/or
- A local area ratepayer association representative who makes a written or oral submission at the Committee of Adjustment hearing on behalf of their association.

The Mediation Pilot Project is rolling out across the city as follows:

- North York: February 9th
- Toronto & East York: February 15th
- Scarborough: February 16th
- Etobicoke & York: February 23rd

For more information on the Mediation Pilot contact Pauline Chandarpaul at 416-397-5500 or email mediation@toronto.ca