



April 10, 2018
Toronto Local Appeal Body
40 Orchard View Boulevard, Suite 211
Toronto, Ontario, M4B 1R9
Via email: tlab@toronto.ca

RE: Feedback on TLAB's Rules, Practice Direction, Forms and Public Guide

Dear Chair Ian Lord and Members, TLAB

The South Eglinton Ratepayers' and Residents' Association (SERRA) represents residents in the Toronto neighbourhood of Davisville and Eglinton South and has proudly served our area for over 50 years. Our neighbourhood is inside the Yonge-Eglinton Secondary Plan area and is experiencing growth throughout all of our diverse neighbourhoods.

SERRA has spent significant efforts over the last four years in support our members and residents both at Committee of Adjustment, at the OMB and most recently at the TLAB. We would like to offer our assessment of the TLAB processes and procedures.

We are pleased with the success of your efforts in moving the OMB tribunal to new offices and paperless operations. The transformation has been handled professionally and we heartily applaud your hard work and efforts. Once the new procedures are in place and have been refined, the next goal for the TLAB should be to follow best practices of administrative tribunals to improve procedural fairness (see Appendix A).

While the transition has been largely successful, many residents and residents' associations are underwhelmed with the changes. We believe that more is needed to achieve administrative justice. Changes should be considered with respect to:

- Lower the Accessibility Barriers: Our residents are surprised that they need to appear at a hearing to support decisions that have been refused at the Committee of Adjustment. Our residents are again surprised at the learning hurdles that are presented to them, and the costs of finding and retaining professional advice and counsel. The TLAB process should be affordable, accessible and understandable to all its stakeholders.

- **Minimize the Disadvantages of Unrepresented Parties:** The recent report prepared by the OBA Institute (see Appendix C) combined with the analysis prepared by SERRA shows that outcomes are highly dependant on the legal representation available to parties. More work needs to be done to understand the issue and create solutions to address the problems of under-representation.
- **Consistency in Adjudicative Outcomes:** There are two administrative tribunals (COA and TLAB) that are well staffed and follow consistent, yet different, procedures. The surprise to new residents who participate in both tribunal processes is the large inconsistencies in adjudicative outcomes. The TLAB, or some other external body, should explore why this occurs and why it is accepted as good practice. The imbalance in legal representation at TLAB hearings may explain the difference in outcomes, but there may more complex factors at play (e.g., multi-member panels, treatment of opinion evidence).

Our assessment is provided in three parts the following appendices.

- **Appendix A:** provides a TLAB scorecard organized along the principles of administrative justice. The Council of Canadian Administrative Tribunals (CCAT) has defined twelve principles of administrative justice, and this has been used as our reference framework.
- **Appendix B:** provides comments and recommendations related to the Rules and other documents according to the instructions provided by the TLAB. While it would be helpful to have our recommendations considered and enacted, we feel that these changes are just ‘minor variances’ to a well crafted set of documents.
- **Appendix C:** provides additional analysis of adjudicative outcomes based on the cases reported in the OBA Institute report, which has been extended to include 35 additional cases (from 63 hearing cases to 98 hearing cases).

We would encourage the TLAB to take the bold step of measuring and addressing the key issue of procedural fairness as highlighted above. The TLAB Scorecard highlights a number of areas for improvement with recommendations.

Successful transitioning the rules and procedures from the OMB is simply not enough. The rules of natural justice and procedural fairness will require further changes.

Sincerely Yours,

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Appendix A: Feedback on Administrative Justice Principles

The Council of Canadian Administrative Tribunals (CCAT) have defined twelve principles of administrative justice. These principles provide a broad perspective on the goals of the TLAB beyond the procedural matters.

Here is the 'TLAB Scorecard' against these twelve principles for the period from the start-up of the TLAB from September, 2017 up to March 12, 2018.

No.	Principle	Grade
1.	Requires that Tribunals be independent in matters of governance and that adjudicators be independent in decision-making;	Good
2.	Requires that Tribunals, adjudicators and staff be impartial and free from improper influence and interference;	Good
3.	Requires that Tribunals, adjudicators and staff be without conflicts of interest and act in a manner which precludes any conflict of interest;	Good
4.	Requires that adjudicators and staff be qualified in their subject matter and administrative justice processes;	Good
5.	Requires that adjudicators and all participants treat each other with dignity, respect and courtesy.	Good
6.	Should ensure that the dispute resolution process is accessible, affordable, understandable and proportionate to the abilities and sensibilities of users;	Needs work
7.	Should be transparent and accountable;	Needs work
8.	Should apply the rules of natural justice;	Needs work
9.	Should be expeditious both in process and in rendering decisions, with reasons to be given where appropriate;	Needs work
10.	Should where possible, provide an opportunity for informal dispute resolution;	Needs work
11.	Should minimize any disadvantages to unrepresented parties;	Needs work
12.	Should provide consistency in procedure and adjudicative outcomes.	Needs work

While the assessment for many principles is "Good", there are many areas for improvement (items 6 through 12). A more detailed discussion of these items is provided below.

#6. Process should be accessible, affordable, understandable and proportionate to the abilities and sensibilities of users

A recent report titled “TORONTO LOCAL APPEAL BODY TO DATE: THE PERKS AND THE PITFALLS” was prepared by the members of the OBA Institute and has been made available at the Wood Bull LLP website (see Appendix C). SERRA has created an analysis worksheet that extends the OBA Institute analysis and now includes 93 Merit cases heard between June 15, 2017 and March 12, 2018

As an active residents’ association, we have frequently appeared at the OMB and more recently at TLAB. We are mostly involved with cases that are heard at the tribunal (aka Merit cases) and are less frequently involved in Settlement cases. Here is a count of decisions included in our study period:

Type of Decision	Count	Percentage
Merits	63	64%
Withdraw	20	20%
Settlement	15	15%
Grand Total	98	100%

While decisions based on merits is the largest decision type, it is interesting to note the number of cases that were withdrawn (20% of the total cases) or settled (15% of the total cases).

Legal representation is not proportionate

SERRA’s concerns relate primarily to Merit cases that are heard by the TLAB and are adjudicated by the Member. The attached spreadsheet identifies the cases that are included in our study. Refer to Appendix C for a more detailed description of the spreadsheet and the analysis of adjudicative outcomes.

The results of our analysis of the Merit cases shows that 37% of the cases were unopposed (labelled as ‘No-rep’ or not represented) and 37% were opposed by residents who were self-representative (labelled as ‘Self-rep’ or self-represented).

The analysis then shows that case outcomes are significantly improved when the opposition has legal representation. When opponents have access to legal representation, the Applicants prevail in 13% of the cases and the Opponents (City and/or Residents) prevail in 10% of the cases. The results are roughly balanced.

The analysis also shows that the Applicant normally succeeds when the case is unopposed by the City or the residents are self-represented (i.e., 67% for the Applicant vs. 3% for the City/Residents). The results are clearly unbalanced.

The analysis of these cases clearly shows that access to legal representative provides a dramatic change in the decision outcomes. It also follows, that there may be many poor TLAB decisions resulting from the lack of legal representation.

#7. Should be transparent and accountable

There is currently no public reporting on the activities and outcomes of the TLAB tribunal. The OBA Institute study shows the type of analysis and reporting that would help to support the goals transparency and accountability.

We would encourage the TLAB to provide a periodic report similar to the OBA report to summarize case activities and decisions. This type of reporting will help to improve the transparency and accountability, and help drive policy decisions.

#8. Should apply the rules of natural justice

The TLAB tribunal is obliged to follow the rules of natural justice. Our feedback on the TLAB documents (see Appendix B) highlights several areas where the TLAB procedures need to be examined against the rules of natural justice.

In many cases, lay residents without representation are opposing cases where Owners have appealed Committee of Adjustment refusal decisions. These lay residents are attempting to defend the decisions of the COA tribunal. The rules of natural justice suggest that this not procedurally fair. It is not clear why citizens are obliged to defend the decisions of a City tribunal.

SERRA is also concerned with the high barriers that the participants now face (e.g., timing, documentation) when compared the COA tribunal and the previous OMB tribunal.

We understand the City may suggest procedural changes to allow participants more time to be involved in the matter and improve accessibility to the TLAB tribunal. We endorse this suggestion from the City legal staff.

#9. Should be expeditious both in process and rendering decisions

The hearing dates are set well in the future and this presents some problems as new situations may arise (e.g., new decisions are rendered, by-laws are changed) without an opportunity to present this new and relevant information at the TLAB hearing.

Extensions of time should be considered if the available hearing date is more than 90 days in the future.

Refer to Appendix B for detailed comments and suggestions on this item.

#10. Should where possible, provide an informal dispute resolution

Our analysis shows that about 15% of cases were resolved through Settlement discussions. SERRA encourages resolution through the settlement process provided it is done in a fair and open manner.

Many first time participants in the TLAB process will see the settlement process as unfair (as it done in private without participation of all potentially impacted persons). The recent decision for *315 Beresford Ave (City v. Pilacinski)* and *74 Kimbark Blvd (Residents v. Slopach)* highlights the various problems that were experienced by lay participants who became bystanders in the settlement process.

The TLAB should work to include all impacted persons in these settlement discussions, especially where the City is a Party in the process. These persons should be able to ask the TLAB to be granted Party status for the purposes of these settlement discussions. This process of inclusion is sometimes used at the OMB with large developments to ensure full community consultation, and follows the principle of natural justice.

We understand the City may suggest procedural changes to better encourage settlement. We would ask that any procedural changes recognize the natural justice rights of all parties and participants. Impacted persons should not be treated as bystanders in the settlement process.

#11. Need to minimize disadvantages to unrepresented parties

This principle has been a long standing issue with residents and residents' associations at OMB tribunals and the issue persists with the TLAB. The OBA Institute analysis and the separate SERRA analysis shows that adjudicative outcomes are highly dependent on representation provide to the opponents in tribunal cases.

Modern administrative tribunals have started to adopt practices to address this issue. Some of these best practices include:

- Providing public funding for legal counsel. Counsel should routinely be available for persons who seek Party status.
- Introducing of an active adjudication approach by Members where legal representation is not available through opposing parties or participants.

- Reducing the ability for cross-examination by Party counsel, as with recently announced changes in LPAT. The ability to cross-examine witnesses on a one-side basis yields an unfair advantage to the applicant.

TLAB should work to study the available approaches to address this issue, and adopt methods that will minimize the disadvantages to unrepresented parties.

#12. Should provide consistency in procedure and adjudicative outcomes

Inconsistencies between COA and TLAB

The major issue for our residents relates to inconsistency in outcomes between the COA and TLAB tribunals. These are two administrative tribunals that are well staffed, well-funded and follow consistent, yet different, procedures. The surprise to new residents who participate in both tribunal processes is the large inconsistencies in adjudicative outcomes.

The TLAB, or some other external review body, should explore why this occurs and why it continues to be accepted as good practice. The imbalance in legal representation at TLAB hearing is a key difference here, but there may more complex factors at play (e.g., multi-member panels, treatment of opinion evidence, interpretation of minor variance).

TLAB Procedures and Adjudicative Outcomes

Our assessment is that TLAB is doing a good job at addressing this administrative justice principle within its offices, particularly as it relates to consistency in procedures. The written decisions of the Members are generally well done, and are helpful in showing how the factual evidence is tied to the four planning tests, and the final decision.

The TLAB Members' decisions are now placing less reliance on the experts' opinions in the application of the planning tests, and this demonstrates that the Members understand the complexity of the facts in each case. More importantly, the TLAB decisions carry more authority when the Member is applying the four tests, based on expert evidence rather than expert opinion.

Appendix B – Feedback on TLAB Procedures

The following provides recommendations for changes to the Rules, Practice Directions, Forms and Public Guide documents. Note that existing text is included in “quotes” and proposed new text is shown in ***bold and italics***.

1. Rules Document

S 1.2 Add Definition of “**Authorized Representative**”

- Consider adding the definition of “Authorized Representative” to clarify the difference.
- Rationale: The Public Guide uses the term of “Authorized Representative” instead of “Representative”. A definition should be added, if there is a difference in meaning.

S 1.2 Add Definition of “**Expert**” or “**Expert Witness**”

- Add the definition of “Expert” or “Expert Witness” to this section.
- Rationale: The term “Expert” appears in S 14.2 without definition.

S 4.4 Extension or Reduction of Time

- Add the following text. The Notice of Hearing announcement can be delayed, if hearing date is set more than 90 days in the future.
- Rationale: New material facts can arise (e.g., recent case decisions, bylaw changes), if the hearing date is set too far from the dates to submit Witness statements.
- Rationale: Longer duration will allow for additional preparation time, especially if lay persons are advised of that the Notice of Appeal has been filed (see next item below)

S 6.1 Directed Notices

- Add the following text as a new item. ***The Local Appeal Body will encourage the Party to provide a copy of the Notice of Appeal to Persons who appeared at the Committee of Adjustment.***
- Rationale: This notice will be quite helpful for residents who are unfamiliar with the TLAB process. This will allow for additional time to seek and retain professional advice and counsel.

S 11.1 Change text to read "... that was made to the Committee of Adjustment **or the Building Department (Zoning Examiner)** for the City of Toronto"

- Rationale: The applicant is more likely to return to Building Department and not the Committee of Adjustment. This is frequently done to get a Zoning Examination on the revised application. The revised Zoning Notice is not normally reviewed by City Planning staff or adjudicated by the Committee of Adjustment.
- Note: It is not clear, if bypassing the Committee of Adjustment is appropriate when a revised Zoning Notice is created. It is left to an Expert Witness at the TLAB hearing (where available) to confirm that no new variances have been created.

S 16.7 Need to clarify "providing opinion evidence that is fair, objective and **non-partisan**"

- The term 'non-partisan' is in common use and means "not aligned with a particular group."
- Consider clarification of the term "non-partisan" within the TLAB process. For example, if a planner works regularly a building industry group or an architects' association this might be deemed a partisan activity.
- Consider dropping the adjective "non-partisan", if it cannot be properly clarified.

S 19.1 Modify the text as follows. "The Local Appeal Body is committed to encourage Parties **and Participants where approved by the Member** to settle ..."

- Rationale: The text of the Rules document should be consistent with the Public Guide
- Note: The text in the Public Guide is fine and need not be changed.

S 27.3 Add the following sentence. "**Participants may ask the Member to adjust the order of presentation at the start of the hearing. The Participant should provide a reason for this adjustment**".

- Rationale: Hearings that extend throughout the day or beyond one day, can present accessibility problems for Participants
- Rationale: Participants without a Representative may not understand the procedure to request this accommodation.
- Note: This issue might be better addressed in the Public Guide. The TLAB seems ready to make these type of accommodations, and Participants simply need to be aware of the process for requesting these accommodations.

S 31.7b Consider providing more information on ... **“Violated the rules of natural justice and procedural fairness”**

- Rationale: A common complaint from Participants and observers who attend planning tribunals is the lack of procedural fairness.
- Note: Consider providing more information for lay persons to help them understand the rules of natural justice and procedural fairness.
- Note: Provide website information similar to that provided by Government of Canada (for Immigration, Refugees and Citizenship Canada staff). Here is the link to the website page is:

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/canadian-citizenship/administration/decisions/natural-justice-procedural-fairness.html>

2. Practice Direction

General Comments

- It is not clear what a ‘Practice Direction’ online document is and how it may be helpful to stake-holders.

Recommendations

- There should be a description of what ‘Practice Direction’ document is, and how it might be relevant to the current case.
- The TLAB website home page should better describe the Practice Direction material, and flag any new changes to the available material.

3. Forms

General Comments

- There is a steep learning curve in using the Electronic Forms for first time users.
- The forms are especially difficult for persons who want to become Participants, and are self-represented.
- Affixing a digital signature to a document can be difficult, as it requires some computer expertise.

Recommendation

- Additional instructions should be provided to explain how to create and affix the digital signatures.
- TLAB should ensure that Support Centre staff can provide with technical support for electronic forms preparation.

Rationale

- The OMB reforms (through Bill 139) has allowed for improved customer service support in the new LPAT.
- It follows that similar support should be available through TLAB for the users that is services (as with Section 45 and 53 cases).
- There are many first-time users at the TLAB, and additional support will help remedy problems related to accessibility created by the new technology.

4. Public Guide

General Comments

Note that there is some misalignment between information provided in the Rules document and information provided in the Public Guide (e.g., with Definitions vs. Glossary). It may be appropriate to include Definitions in the Rules document only with references point to Rules document in the Public Guide. If there are differences between the two documents, the Rules document should be deemed to be correct.

Detailed Comments

Pg. 5 – Provide some clarification on the “Principles of Natural Justice”

- See comments in Rules S 31.7b above.

Pg. 7 – This comment concerns a “Related Planning Application Appeal”

- At the COA level, the Applicant is permitted to submit a **second application to the City for the same property** and seek approval at the Committee of Adjustment. This is can be done while the first application is still before the TLAB.
- The Applicant should be required to disclose any additional **related applications including COA cases** for matters that are before the TLAB for the same property.
- Rationale: The second application at the COA may contain information that would be material to the pending TLAB hearing for the first application.
- Note: While the procedure of ‘dual applications’ for the same property appearing in separate tribunals may be legally allowed, this situation leads to confusion with residents concerning the status of the TLAB proceedings.

Pg. 11 – “If an unincorporated group wishes to become a party ...”

- The unincorporated group should be required to provide a description of the group, number of members, address of lead member and source of funding as part of their oral testimony.
- Rationale: This testimony will allow the member to review the “bona fides” of the unincorporated group. If the group received funding from other external entities (i.e., an industry group), this would be a relevant piece of information.

Pg. 11&12 – Need to clarify “A representative, who can be a lawyer or a non-lawyer, must have a licence under Law Society Act”

- Statement is not clear.
- This definition in not consistent with ‘authorized representative’ on Page 16.

Pg. 12 – Need to clarify “An exemption exists allowing persons who are not in the business of providing legal services to occasionally provide assistance”

- Statement is not clear.
- Again this definition is not consistent with ‘authorized representative’ on Page 16.

Pg. 15 – “Participants should ... give oral testimony or written statement”

- It is not clear how Participants can provide photos, maps, charts and other factual evidence.
- Recommendation: A Participant should be able to submit a Witness statement and include it along with the Participant’s statement.
- Recommendation: This Witness statement can be labelled as a “Lay Witness” or “Fact Witness” statement to avoid confusion with the “Expert Witness” statement.
- Rationale: All parties and participants should be allowed to provide evidence in a manner that meets the TLAB requirements for documentary evidence.

Pg. 15 – “Participants may not call or cross-examine witnesses ...”

- If the opposing Parties or Participants lack representation, there will be no possibility of cross-examination of witnesses. The result is that disputes over facts may not be resolved (e.g., as with the height of a neighbouring property).
- Recommendations: The TLAB member should use ‘active adjudication’ methods to discover evidence in cases where there is an unbalance in representation. Canada is a world innovator in using and promoting these methods. The approach would be simple to implement and could be achieved at a low cost (e.g., additional training for adjudicators).
- Rationale: The principle of natural justice requires that the administrative tribunal must work to eliminate the disadvantages of the unrepresented persons (see Appendix A).

Pg. 15 – “A participant may not participate in mediation unless approved by the TLAB”

- The Rules are silent about how notification of mediation between parties is made to participants.
- If a mediation between parties takes place, the most adversely impacted persons (e.g., abutting neighbours) are excluded from this mediation. This does not follow the rules of natural justice.
- Recommendation: The role of a Participant should be elevated to Party status when a mediation is taking place. This is done frequently at OMB hearings today.

where there are many Participants who will be adversely impacted by the outcome of the mediation.

- Rationale: This is a simple remedy, which is aligned with the principle of natural justice.
- Note: This will not necessarily solve the issue of Settlement negotiations that may take place between Party-to-Party or Party-to-Participant, unless the Rules are modified to recognize these outside negotiations are recognized as mediations.

Pg. 22 – Clarify the following statement “An expert witness is an individual who has scientific, technical, or other specialize knowledge gained through qualifications, including experience and whom the TLAB agrees is an expert”

- The above statement is not followed in practice, and may be confusing to new participants at TLAB hearings.
- Recommendation: The statement should be modified to reflect how the TLAB qualifies experts (e.g., planning experts typically require membership in the OPPI).
- Rationale: The qualification rules should be stated clearly.

Pg. 26 – “Witness Statements, Participant Statements, and Expert Witness Statements are to be served no later than ...”

- See comments on first item on Page 15 above.

Pg. 29 – Representative selection ... “ensure that the person is licensed through the Law Society”

- This is similar to the issue described on Page 12 above.

Pg. 33 – General digital requirements for TLAB documents and evidence

- Recommendations: This list should be aligned with Committee of Adjustment document requirements, especially as it relates to **Survey documents**.
- Rationale: The Survey document is very important and should be specially called out. Sometimes a facsimile of the Survey document is provided without proper signatures and should not be acceptable.

Pg. 36 – Calculation of Time for document submission

- See comments related Rules item S12.2 in previous Section above.

Pg. 38 – Date stamps on exchanged documents is based on time sent.

- While documents are normally sent from a location in the same time zone, this is not always the case.

- Recommendation: For increased clarity, the times should be considered as ***“4:30 p.m., Toronto time”***.

Pg. 38 – E-decisions: TLAB decisions will be posted on the TLAB website

- The new TLAB website is a substantial improvement over the OMB website, and contributes to providing increased public access to information.
 - Information for specific case can be quickly accessed and retrieved.
- TLAB should also allow for the retrieval of information to support analysis of decisions for case preparation and policy purposes. The following improvements should be considered:
 - Provide a retrieval filter to show ‘Decisions’ only, excluding ‘Motion Decisions’ and ‘Pending’ cases.
 - Ensure consistent naming of PDF documents (largely in place).
 - Ensure that Party and Participant names are shown at the start of each decision document. Counsel names should also be shown.
 - Consider using a standard template for the first paragraph of the decision providing basic case details. Sometimes it necessary to read to the end of decision to find important details (i.e., nature of the application).

Pg. 41 – Public Guide ‘Glossary list of Definitions’ is different from the Rules Definitions

- The definitions in the Rules document and the Public Guide should be identical

Pg. 41 – Definition of “Representative”

- This is similar to the problem described on Page 12 above.

Appendix C: Analysis of Adjudicative Outcomes

The OBA Institute report:

A recent report was prepared by the OBA Institute has been made available at through Wood Bull LLP's on-line resource:

[http://www.woodbull.ca/docs/default-source/publications/toronto-local-appeal-body-to-date---the-perks-and-the-pitfalls-\(oba-institute\).pdf](http://www.woodbull.ca/docs/default-source/publications/toronto-local-appeal-body-to-date---the-perks-and-the-pitfalls-(oba-institute).pdf)

TLAB Hearing Decision Outcomes Worksheet:

SERRA has transferred the OBA Institute data for hearing decisions to a worksheet and included information on written decisions up to March 12, 2018. SERRA has coded the data in each case to add new columns for sorting and summarization. A copy of the SERRA worksheet has been included as a separate attachment.

The OBA Institute study included 60 hearing cases (with 37 Merits cases), and the SERRA worksheet includes 98 hearing cases (with 63 Merits cases). Motion hearings are not included in the SERRA worksheet.

Analysis of Impact of Legal Representation:

SERRA's concerns relate primarily to Merit cases that are heard by the TLAB and are adjudicated by the Member. The following chart shows the counts of Merit decisions (63) as documented in the SERRA worksheet. The rows show the Successful Party and the Columns show the level of representation for Opponents.

Type of Decision		Merits				
Successful Party		Opponent Representation at Hearing				
Row Labels		Agent-rep	Legal-rep	No-rep	Self-rep	Grand Total
Applicant		3%	13%	35%	32%	83%
Applicant (in Part)		-	2%	2%	-	3%
City		-	8%	-	-	8%
Residents		-	2%	-	3%	5%
Residents (in Part)		-	-	-	2%	2%
Grand Total		3%	24%	37%	37%	100%

Balanced Result
13% vs. 8%

Unbalanced Result
67% vs. 3%

Note: Residents includes Neighbours and Residents Associations

City Legal is often joined by Neighbours and Residents as participants at the hearing

The chart shows that 37% of the cases were unopposed (labelled as 'No-rep' with no representation) and 37% were opposed by residents who were self-representative (labelled as 'Self-rep').

Analysis of Outcomes at Merit Hearings:

The OBA Institute report provides some analysis of outcomes.

The following chart provides a more detailed analysis of outcomes based on the SERRA worksheet. The first chart shows Decision Type with respect to the original application (see also the Note below the chart).

Type of Decision	Merits				
Appellant	Approval Counts by Decision Type				
Row Labels	No	Partial	Yes	Grand Total	
Owner	6	3	39	48	
Neighbour		2	8	10	
City	2		2	4	
Residents Association			1	1	
Grand Total	8	5	50	63	

Type of Decision	Merits				
Appellant	Approval Counts by Decision Type				
Row Labels	No	Partial	Yes	Grand Total	
Owner	10%	5%	62%	76%	
Neighbour	-	3%	13%	16%	
City	3%	-	3%	6%	
Residents Association	-	-	2%	2%	
Grand Total	13%	8%	79%	100%	

Note: No = application denied, Partial = approved in part, Yes = application approved

The first chart shows that the Application was fully approved in 79% of the cases, and was fully refused in 13% of the cases.

The second chart (below) shows that 78% of the Merit cases arose as a result of Refusals at the Committee of Adjustment.

Type of Decision	Merits				
Appellant	Approval Counts by Decision Type				
Count of Application Approval	Column				
Row Labels	No	Partial	Yes	Grand Total	
Approval	3%	3%	16%	22%	
Refusal	10%	5%	63%	78%	
Grand Total	13%	8%	79%	100%	

Refusals
at COA

These results in the first chart shows that the TLAB decisions support the Applicant (79% of decisions approving the application), and are not consistent with cases that have been refused at the Committee of Adjustment (78% of decisions refusing the application).

While there may be some down-sizing of the application between the COA hearing and the TLAB hearing, this reason cannot explain the large swing in decisions outcomes.

Analysis of Outcomes at Settlement Hearings:

The following chart identifies fifteen (15) settlements in the review period. There were 8 cases on appeal of the Approval and 7 cases on appeal of the Refusal. The City was the Appellant in 5 of these cases.

Type of Decision	Settlement
Appeal Type/Appellant	Counts
Approval	8
City	5
Neighbour	2
Owner	1
Refusal	7
Owner	7
Grand Total	15

Need for Standardized Outcome Reporting:

There is much valuable information that can be gained from summary information on outcomes provided in a consistent format. The TLAB is encouraged to provide summary information on its activities and adjudicative outcomes for all public stakeholders.

TLAB Hearing Decision Outcomes

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Address	Reference Case Number	Type of Decision	Hearing Date	Total Days	Decision Date or Motion Date	MV or CO Appeal	Appeal on Decision	Appellant	Appear at Merit Hearing	Represent at Merit Hearing	Successful Party	Application Approval	Merit or Settlement Outcome	Source
11 Forest Glen Cres	17 165253 S45 25	Withdraw	07-Sep-17		15-Jun-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-80
20 ALNESS ST	17 156829 S45 08	Withdraw	No date		29-Jun-17	MV	Refusal	Owner			n/a	n/n	Appeal abandoned	SERRA
66 Forest Grove Dr	17 158006 S45 24	Withdraw	05-Sep-17		29-Jun-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-84
131 Park Home Ave	17 157330 S45 23	Settlement	29-Jun-17		07-Jul-17	MV	Approval	Neighbour	NB	No-rep	Settled	Revised	Settled with Neighbours	OBA-81
58 Lewis St	17 168331 S45 30	Merits	01-Sep-17		11-Sep-17	MV	Approval	Neighbour	NB	Agent-rep	Applicant	Yes	Appeal dismissed	OBA-05
49 Carmichael Ave	17 166521 S45 16	Merits	05-Sep-17		12-Sep-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-08
223 Florence Ave	17 156134 S45 23	Merits	06-Sep-17		14-Sep-17	MV	Approval	Neighbour	NB	Legal-rep	Applicant	Yes	Appeal dismissed	OBA-01
57 Addison Cres	17 174715 S45 25	Merits	06-Sep-17		18-Sep-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-14
116 Poplar Rd	17 170515 S53 43	Merits	12-Sep-17		21-Sep-17	MV+CO	Refusal	Owner	CITY+NB	Legal-rep	City	No	Appeal dismissed	OBA-10
51 Helena Ave	17 169043 S45 21	Merits	01-Sep-17		25-Sep-17	MV	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-85
110 Albertus Ave	17 174717 S45 16	Merits	14-Sep-17		27-Sep-17	MV	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-15
10 Robinhood Rd	17 165688 S45 04	Merits	08-Sep-17		28-Sep-17	MV	Approval	Neighbour	NB	Self-rep	Applicant	Yes	Appeal dismissed	OBA-09
750 Markham St	17 181655 S45 20	Merits	14-Sep-17		29-Sep-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-17
263 Gamble Ave	17 160236 S53 29	Settlement	25-Sep-17		03-Oct-17	MV+CO	Approval	City	CITY	Legal-rep	Settled	Revised	Settled with City	OBA-11
195 Glenvale Blvd	17 175387 S45 26	Merits	13-Sep-17		06-Oct-17	MV	Refusal	Owner	CITY+RA+NB	Legal-rep	Applicant	Yes	Appeal allowed	OBA-62

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374 O'Connor Dr	17 169773 S45 29	Settlement	22-Sep-17		10-Oct-17	MV	Refusal	Owner	CITY	Legal-rep	Settled	Revised	Settled with City	OBA-04
168 Cottonwood Dr	17 221626 S45 25	Withdraw	No date		12-Oct-17	MV	Approval	Neighbour			n/a	n/a	Appeal abandoned	OBA-83
30 Athol Ave	17 189246 S53 05	Withdraw	28-Nov-17		12-Oct-17	CO	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-49
175 Ranleigh Ave	17 174720 S45 25	Merits	08-Sep-17		13-Oct-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-06
31 Presteign Ave	17 188416 S45 31	Merits	10-Oct-17		16-Oct-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-23
47 McKee Ave	17 174695 S45 23	Merits	06-Oct-17		16-Oct-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-24
122 Judge Rd	17 184920 S45 05	Merits	12-Oct-17		17-Oct-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-28
93 Kings Park Blvd	17 182687 S45 29	Merits	18-Sep-17		18-Oct-17	MV	Refusal	Owner	NB	Agent-rep	Applicant	Yes	Appeal allowed	OBA-19
598 Soudan Ave	17 168128 S45 22	Merits	15-Sep-17		20-Oct-17	MV	Refusal	Owner	CITY+RA+Nb	Legal-rep	City	No	Appeal dismissed	OBA-03
738 Dundas St E	17 187618 S45 28	Withdraw	13-Oct-17		25-Oct-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-29
69 Bobmar Rd	17 182706 S53 44	Merits	10-Oct-17		27-Oct-17	MV+CO	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-26
1780 Avenue Rd	17 194079 S45 16	Merits	19-Oct-17		30-Oct-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-34
50 Donwoods Dr	17 204678 S45 25	Withdraw	05-Dec-17		01-Nov-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-54
68 McGill St	17 179759 S45 27	Merits	12-Oct-17		02-Nov-17	MV	Refusal	Owner	RA-NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-25
55 De Vere Gdns	17 205190 S45 16	Withdraw	12-Jan-18		03-Nov-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-64

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200 Dawlish Ave	17 192864 S45 25	Merits	26-Oct-17		06-Nov-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-32
80 Charleswood Dr	17 196248 S53 23	Merits	31-Oct-17		06-Nov-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-36
150 Sandringham Dr	17 188929 S45 10	Settlement	30-Oct-17		07-Nov-17	MV	Refusal	Owner	NB	No-rep	Settled	Revised	Settled with Neighbours	OBA-35
42 Gwendolen Ave	17 197126 S45 23	Merits	03-Nov-17		13-Nov-17	MV	Approval	City	CITY	Legal-rep	Applicant	Yes	Appeal dismissed	OBA-40
90 Bevdale Rd	17 197314 S45 23	Settlement	09-Nov-17		13-Nov-17	MV	Approval	City	CITY	Legal-rep	Settled	Revised	Settled with City	OBA-42
311 Shaw St	17 200921 S45 19	Merits	02-Nov-17		14-Nov-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-37
313 Whitmore Ave	17 195795 S45 15	Merits	06-Nov-17		16-Nov-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-38
4246 Bathurst St	17 196350 S45 10	Withdraw	22-Nov-17		20-Nov-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-46
265 Searle Ave	17 206167 S45 10	Withdraw	11-Dec-17		21-Nov-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-57
0 Lippincott St E	17 191943 S45 11	Merits	21-Nov-17		23-Nov-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-45
311 Chaplin Cres	17 181621 S45 22	Merits	16-Nov-17	3	23-Nov-17	MV	Approval	Neighbour	NB	Self-rep	Residents (in Part)	Partial	Appeal allowed in part	OBA-16
2968-2970 Bayview Ave	17 174552 S53 23	Merits	24-Oct-17		24-Nov-17	MV+CO	Refusal	Owner	CITY+Nb	Legal-rep	Applicant (in Part)	Partial	Appeal allowed in part	OBA-12
380 Birchmount Rd	17 198730 S45 35	Merits	08-Nov-17		24-Nov-17	MV	Approval	City	CITY	Legal-rep	City	No	Appeal allowed	OBA-39
112 Gardenvue Cres	17 168392 S45 13	Settlement	16-Nov-17		27-Nov-17	MV	Refusal	Owner	CITY+Nb	Legal-rep	Settled	Revised	Settled with City	OBA-48
3 Downpatrick Cres	17 198509 S45 04	Withdraw	29-Nov-17		27-Nov-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-50

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34 Cameron Cres	17 243162 S45 26	Withdraw	26-Feb-18		01-Dec-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-71
48 Admiral Rd	17 192143 S45 20	Merits	30-Nov-17		04-Dec-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-53
149-151 Estelle Ave	17 196981 S53 23	Settlement	24-Nov-17		11-Dec-17	MV+CO	Refusal	Owner	CITY	Legal-rep	Settled	Revised	Settled with City	OBA-47
19 Linton Ave	17 209455 S45 36	Withdraw	01-Feb-18		14-Dec-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-70
145 Ellerslie Ave	17 193496 S53 23	Merits	17-Oct-17		15-Dec-17	MV+CO	Refusal	Owner	RA-NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-31
149 Westbourne Ave	17 181780 S53 35	Merits	16-Oct-17		19-Dec-17	MV+CO	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-30
51 Clovelly Ave	17 255899 S45 15	Withdraw	20-Mar-18		19-Dec-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-77
635 Lansdowne Ave	17 255786 S45 18	Withdraw	10-Apr-18		19-Dec-17	MV	Refusal	Owner			n/a	n/a	Appeal abandoned	OBA-78
105 Binswood Ave	17 208623 S45 31	Merits	17-Nov-17		20-Dec-17	MV	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-52
302 Gladstone Ave	17 194225 S45 18	Merits	07-Nov-17		20-Dec-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant (in Part)	Partial	Appeal allowed in part	OBA-41
1174 Glencairn Ave	17 200724 S53 15	Merits	15-Nov-17		21-Dec-17	CO	Approval	Neighbour	NB+RA	Legal-rep	Applicant	Yes	Appeal allowed	OBA-51
79 Felbrigg Ave	17 213453 S45 16	Merits	07-Dec-17		21-Dec-17	MV	Approval	Residents Association	RA	Legal-rep	Residents	No	Appeal allowed	OBA-56
28 Urbandale Ave	17 207460 S45 24	Merits	14-Dec-17		28-Dec-17	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	OBA-63
23 Donnalyn Dr	17 197129 S45 23	Settlement	14-Nov-17		29-Dec-17	MV	Approval	City	CITY	Legal-rep	Settled	Revised	Settled with City	OBA-44
64 Avondale Ave	17 212585 S45 23	Settlement	21-Dec-17		04-Jan-18	MV	Refusal	Owner	CITY	Legal-rep	Settled	Revised	Settled with City	OBA-61

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21 Lower Links Rd	17 206561 S45 25	Merits	12-Dec-17		08-Jan-18	MV	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	OBA-58
98 GUESTVILLE AVE	17 210212 S45 11	Merits	19-Dec-17		10-Jan-18	MV	Refusal	Owner	NB	Self-rep	Residents	No	Appeal dismissed	SERRA
419 DUNDAS ST E	17 216588 S45 28	Merits	09-Jan-18		12-Jan-18	MV	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	SERRA
321 QUEENSDALE AVE	17 211248 S45 31	Merits	09-Jan-18		15-Jan-18	MV	Refusal	Owner	NB	Self-rep	Residents	No	Appeal dismissed	SERRA
403 THE KINGSWAY	17 216892 S45 04	Merits	10-Jan-18		22-Jan-18	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	SERRA
569 ARLINGTON AVE	17 229638 S45 21	Merits	08-Jan-18		23-Jan-18	MV	Refusal	Owner	CITY+NB	Legal-rep	Applicant	Partial	Appeal allowed in part	SERRA
89 HILLCREST AVE	17 234814 S45 23	Settlement	16-Jan-18		25-Jan-18	MV	Approval	Owner	CITY	Legal-rep	Settled	Revised	Settled with City	SERRA
1030 KIPLING AVE	17 249649 S45 05	Merits	22-Jan-18		29-Jan-18	MV+CO	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	SERRA
105-107 CHURCHILL AVE	17 196095 S53 23	Merits	20-Dec-17		29-Jan-18	MV+CO	Refusal	Owner	CITY+NB	Legal-rep	City	No	Appeal dismissed	SERRA
15 BARWICK DR	17 226122 S45 10	Withdraw	31-Jan-18		29-Jan-18	MV	Approval	Neighbour			n/a	n/a	Appeal abandoned	SERRA
1518 DUNDAS ST W	17 223980 S45 18	Merits	15-Jan-18		29-Jan-18	MV	Approval	Owner		Self-rep	Applicant	Yes	Appeal dismissed	SERRA
1940 AVENUE RD	17 205679 S45 16	Merits	06-Dec-17		29-Jan-18	MV	Refusal	Owner	RA+NB	Self-rep	Applicant	Yes	Appeal allowed	SERRA
412 ROUGE HILLS DR	17 224259 S45 44	Settlement	19-Jan-18		29-Jan-18	MV	Approval	Neighbour	NB	No-rep	Settled	Revised	Settled with Neighbours	SERRA
75 TWENTY FIFTH ST	17 275345 S45 06	Withdraw	No date		29-Jan-18	MV	Approval	City			n/a	n/a	Appeal abandoned	SERRA
393 MAPLE LEAF DR	17 191619 S45 12	Merits	10-Nov-17		31-Jan-18	MV	Approval	Neighbour	NB	Self-rep	Applicant	Yes	Appeal dismissed	SERRA

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67 HILLSDALE AVE E	17 259255 S45 22	Withdraw	21-Mar-18		31-Jan-18	MV	Approval	Neighbour			n/a	n/a	Appeal abandoned	SERRA
44 RANWOOD DR	17 209369 S45 11	Merits	11-Jan-18		01-Feb-18	MV	Approval	Neighbour	NB	Self-rep	Applicant	Yes	Appeal dismissed	SERRA
78-80 PEARD RD	17 226227 S53 31	Merits	22-Jan-18		01-Feb-18	MV+CO	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	SERRA
99 PINEMORE CRES	17 221372 S45 34	Merits	24-Jan-18		01-Feb-18	MV	Refusal	Owner	NB	Self-rep	Residents	No	Appeal dismissed	SERRA
74 KIMBARK BLVD	17 219104 S45 16	Settlement	30-Jan-18		05-Feb-18	MV	Refusal	Owner	RA+Nb	Legal-rep	Applicant	Yes	Appeal allowed	SERRA
180 MUNRO ST	17 221579 S45 30	Settlement	16-Jan-18		06-Feb-18	MV	Refusal	Owner	NONE	No-rep	Settled	Revised	Settled with Neighbours	SERRA
29 FAIRFIELD RD	17 181891 S45 22	Merits	29-Sep-17	2	07-Feb-18	MV	Refusal	Owner	CITY+RA+Nb	Legal-rep	Applicant	Yes	Appeal allowed	SERRA
101 INWOOD AVE	17 217351 S45 29	Merits	17-Jan-18		09-Feb-18	MV	Refusal	Owner	CITY+Nb	Legal-rep	Applicant	Yes	Appeal allowed	SERRA
172 MILVAN DR	17 157577 S45 07	Merits	19-Jan-18	3	13-Feb-18	MV	Approval	City	CITY	Legal-rep	City	No	Appeal dismissed	SERRA
81 GARTHDALE CRT	17 212360 S45 10	Merits	15-Dec-17		13-Feb-18	MV	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	SERRA
87 NORTHDALE RD	17 224974 S45 25	Merits	25-Jan-18		13-Feb-18	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal dismissed	SERRA
59 JEAUVONS AVE	17 225639 S45 35	Merits	08-Feb-18		21-Feb-18	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	SERRA
15 DALE AVE	17 279462 S45 27	Withdraw	07-May-18		26-Feb-18	MV	Approval	Neighbour			n/a	n/a	Appeal abandoned	SERRA
169 GOULDING AVE	17 242389 S45 23	Settlement	15-Feb-18		26-Feb-18	MV	Approval	City	CITY	Legal-rep	Settled	Revised	Settled with City	SERRA
116 BALSAM AVE	17 226780 S45 32	Merits	05-Feb-18		02-Mar-18	MV	Refusal	Neighbour	NB	Self-rep	Applicant	Yes	Appeal allowed	SERRA

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315 BERESFORD AVE	17 192862 S45 13	Settlement	20-Nov-17		05-Mar-18	MV	Approval	City	CITY	Legal-rep	Settled	Revised	Settled with City	SERRA
107 THOMPSON AVE	17 278846 S45 05	Withdraw	28-Feb-18		06-Mar-18	MV	Approval	Neighbour			n/a	n/a	Appeal abandoned	SERRA
129 COLDSTREAM AVE	17 235736 S45 16	Merits	16-Feb-18		06-Mar-18	MV	Refusal	Owner	UNOPPOSED	No-rep	Applicant	Yes	Appeal allowed	SERRA
2793 BATHURST ST	17 227810 S45 16	Merits	09-Feb-18		06-Mar-18	MV	Refusal	Neighbour	NB	No-rep	Applicant	Yes	Appeal allowed	SERRA
10 METHUEN AVE	17 209913 S45 13	Merits	20-Dec-17		07-Mar-18	MV	Refusal	Owner	NB	Self-rep	Applicant	Yes	Appeal allowed	SERRA
63 INNISWOOD DR	17 238413 S45 37	Merits	08-Mar-18		09-Mar-18	MV	Approval	Neighbour	NB	No-rep	Applicant	Yes	Appeal allowed	SERRA
46 BALLYRONAN RD	17 254996 S45 25	Merits	20-Feb-18		12-Mar-18	MV	Approval	Neighbour	NB	Self-rep	Applicant	Partial	Appeal allowed in part	SERRA
6 MILLBANK AVE	17 243682 S45 21	Settlement	06-Mar-18		12-Mar-18	MV	Refusal	Owner	CITY+NB	Legal-rep	Settled	Revised	Settled with City	SERRA