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TLAB Procedural Concerns

To date we have participated in 2 Scarborough Committee of Adjustment meetings as residents challenging the appellants' proposals for variances. Each time, the Committee rejected the appellants' applications. Subsequently, the appellants have gone to the TLAB process.

1. Legalistic Quagmire

The strongest response to this entire process is that it has become entirely **too legalistic** in its approach and content. This should not be too surprising since it was probably designed by lawyers. As a consequence the process has become incredibly complicated, requiring numerous calls to the TLAB people to clarify points. Often the staff are not entirely sure. Of course, one could avoid this by just hiring a lawyer to conduct the process for you. Unfortunately, many residents find themselves in a situation requiring opposition to a proposed development do not have the financial resources to do so. Are they expected, then to just capitulate and let it happen?

In both of the cases we are involved, the appellants have hired legal specialists, land planners, agents/representatives and architects to navigate and make their cases. In many ways the interpretation of local data is **very subjective** as are legal arguments. It can evolve into a battle of who has the better legal team with the most human and financial resources.

There is one aspect of this process that we are not looking forward to. During the process the appellant's lawyer is able to cross-examine those folks presenting arguments against the application. Are we supposed to be ready to be torn to shreds while the lawyer attempts to discredit our arguments? What a great way to discourage any opposition!

This should not be the method by which we decide whether or not a development is within the letter and intention of the by-laws uniquely designed for specific areas of Toronto.

2. Abundance of Forms

The abundance of forms required to manoeuvre your way through this process can be daunting and potentially fraught with error. Again, what is required exceeds many people's capabilities if they cannot afford to hire someone. Supplying some **videos and examples of completed forms** would be valuable.

3. Influence of Decision of Committee of Adjustment Decision

What influence does the decision of the Committee have in the decision of the TLAB? I can understand that where a decision was split (i.e., 2-1) an appeal is possible, but when the decision is more emphatic (i.e., 4-0) how much more of an argument can there be?

4. Unlimited Opportunity to Appeal

As part of this process we have reviewed decisions presented by the TLAB learn how to prepare. In one instance it was mentioned that the appellant had appealed **7 times**, all rejected. Apparently there is nothing in the law behind the TLAB to limit the number of appeals that can be made. This sounds like an opportunity to conduct a war of attrition. Persist until your opponent tires and gives up. Not all residents have the resources and time to continually fight them.

5. Application of 2 Sets of By-laws

One of the most frustrating aspects of this process has been the 'cherry-picking' of bylaws (No. 569-2013-City and 9396-Scarborough) to pick the ones that best suits the wishes of the appellant. The City By-laws were developed primarily for **inner city** development where the lots tend to be historically smaller. The Scarborough By-laws were developed for a much more suburban development with larger lots valuing green space and tree canopy. Consequently the expectations from these 2 **disparate areas** in terms of the **physical characteristics** of the neighbourhood are very different. There should be only one set of By-laws applicable within a **distinct area** to best preserve the physical characteristics of the neighbourhood, as **intended** by the creation of the By-laws.

When a mining company applies for some development they have to apply for a permit. As part of this process they must select what they believe is the best option and ask permission. The regulator is not expected to make the decision for them if there is more than one option. The by-laws applied should best fit the community they are being applied to.

6. TLAB Meeting Rooms

These rooms tend to be small, with both appellants and opposition in close proximity. This could lead to some heated exchanges if things go adversely. Some greater separation might be appropriate.

7. Limited Community Engagement

Community engagement is severely restricted. Beginning initially from the limited dispersal of Committee of Adjustment Hearings, daytime scheduling which limits people working, limited knowledge of how this proposal will potentially impact their community the application of the misleading term 'minor variance'.

8. Response Time to notification of Hearing

Many people in our neighbourhood have failed to participate in this process as they did not receive the notification in time to respond (on holidays or working in the field), or would have responded if the dispersal of information had been broader as the development would significantly impact their community (by the establishment of **precedents**).

9. Limited Experience With Technology To Complete Required TLAB Forms

In order to complete the Status of Party or Participant, Representative, Disclosure, Evidence and Witness Statement assumes that the respondent has the ability to use a computer adequately enough to access, understand and complete the required forms. Completion of the forms **often** required contacting TLAB staff to assist and clarify. In addition, the mailing list was altered frequently. In one instance, the appellant removed their email address, requiring that an Affidavit be completed with a Notary Public.