Submission to the Toronto Local Appeal Body: Public Consultation.

Of great concern to the Swansea Area Ratepayers Association is the compressed schedule of fixed deadlines mandated by the Toronto Local Appeal Body (TLAB) Rules of Procedure.

In particular we are concerned about the effect they have on the ability of the general public to participate in the process.

As a matter of course cases that are appealed to the TLAB have already gone before the Committee of Adjustment (COA) and in our experience the parties opposing applications in the COA process are the neighbors of the subject properties and our Association. It is also our experience that nearly all of our objections and the objections of the public have been set aside by the COA decisions thus placing the onus for the majority of appeals on the public and on our community association, the Swansea Area Ratepayers' Association. Given the City's current uncertain position regarding its participation in matters going before the TLAB there can be no reliance on the city to appeal these decisions on behalf of itself or the public. It then falls to the general public and community associations to take up the burden and consider taking up the challenge of appealing matters of concern to the TLAB.

It is also our experience that the first time most members of the public are even aware of the COA is when a notice arrives in their mailbox some days before a hearing telling them that there is a hearing in which they can participate. These neighbors are suddenly faced with the understanding that they have rights in the matter, but, they do not know what those rights are, they do not know what the rights of applicants are, they do not understand the functioning of the COA hearing, or what matters are relevant to the COA, and they have no knowledge about the TLAB appeals process, no understanding of the Rules and Practices or the level of evidence that will be required to get through the system, and most people have never heard of the City's Official Plan.

In short the neighbors are facing an impressive series of learning curves which require an intense period of study followed by careful planning and a detailed plan of execution including a knowledgeable and seasoned presentation. To quote from the TLAB decision dated October 16th 2017 in respect of 31 Presteign Avenue;

" Parties and participants are obliged to inform themselves of the TLAB rules, monitor the related file postings and meet the obligations of their participation in the deliberative, purposeful and responsible way. This is an obligation incumbent on anyone who seeks to have their voice heard on a matter of substantive interest to them or their client. A meaningful opportunity and initiative to participate must not be assessed or advanced casually, cavalierly or with minimal effort or interest."

The obligations described above are serious even for a professional but for a member of the public it is an impressive wall to face. If the notice of the COA's decision arrives between 9-20 days before the deadline to file an appeal (*A notice of decision postmarked May 4, 2018,for a matter heard on April 26, 2018 arrived in my mailbox on Monday May 7th and stated the last day of appeal was May 16th effectively giving me 9 days to make my appeal.*) and the citizen finds the time to research the OP and the Bylaws and successfully file the appeal, the citizen now has 60 days to: address shortcomings in the filing, locate community members interested in opposing the

application, meet to organise and to raise funds for a lawyer and expert witnesses, find a lawyer willing to work within the budget, formulate a case, hire an expert witnesses to support the case and willing to work within the budget, organise the participants, meet the party/participant status deadline in five days following the applicant's disclosure deadline, in a further ten days meet the document disclosure deadline, in a further ten days submit all evidentiary statements, consider any motions, attend any meetings set by the TLAB to hear motions or enter into negotiations, and manage the case. When that is done, at day 95 following the COA hearing, there are 25 days of the quiet zone to reflect and prepare for the hearing. The whole thing becomes an all consuming, never-again experience.

It is also our experience that once a COA has approved a development, rarely will any of the opposing parties appeal that decision. Even our association, while experienced and willing, does not have the money to support continuous appeals on a regular basis. We have no tax base and must rely on neighbors who are sufficiently upset about the development to scrape together the cash in order to hire the lawyers and planners necessary to meet the standard of evidence required for a TLAB or OMB appeal process. Given the number of applications which are approved by COA we would require a huge reserve of renewable funds to participate in the process on a regular basis. We must choose our battles according to the level of public engagement.

The effect of the inability of the public to fully participate in the process beyond the COA level is rezoning by COA. The COA decisions to vary the Bylaws which go un-appealed or are not appealed with sufficient expertise to win the day become the new context against which other development proposals are measured and the original Bylaw is superseded by the new context when applying the four tests. See TLAB Case File Number: 17 175387 S45 26 TLAB (195 Glendale Blvd.)

One of the differences between the Ontario Municipal Board (OMB) process and the TLAB process is the timeline each jurisdiction has for their respective processes. The OMB process, perhaps by default, set hearing dates 12 months down the road allowing residents time to meet with the neighbors, to collaborate on raising funds and to gather knowledge and guidance.

We appreciate that delay for delay sake is not an acceptable proposition however the public needs to be allotted more time if it is not going to be shut out of the process by the process itself. Setting later hearing dates and/or setting hearing dates by consensus would help. Another approach is to set the deadlines for submissions relative to the hearing date, not the date of issue of the hearing date so that the quiet zone time is reduced and the submission times are increased.

We hoped that this submission provides insight and proves helpful.