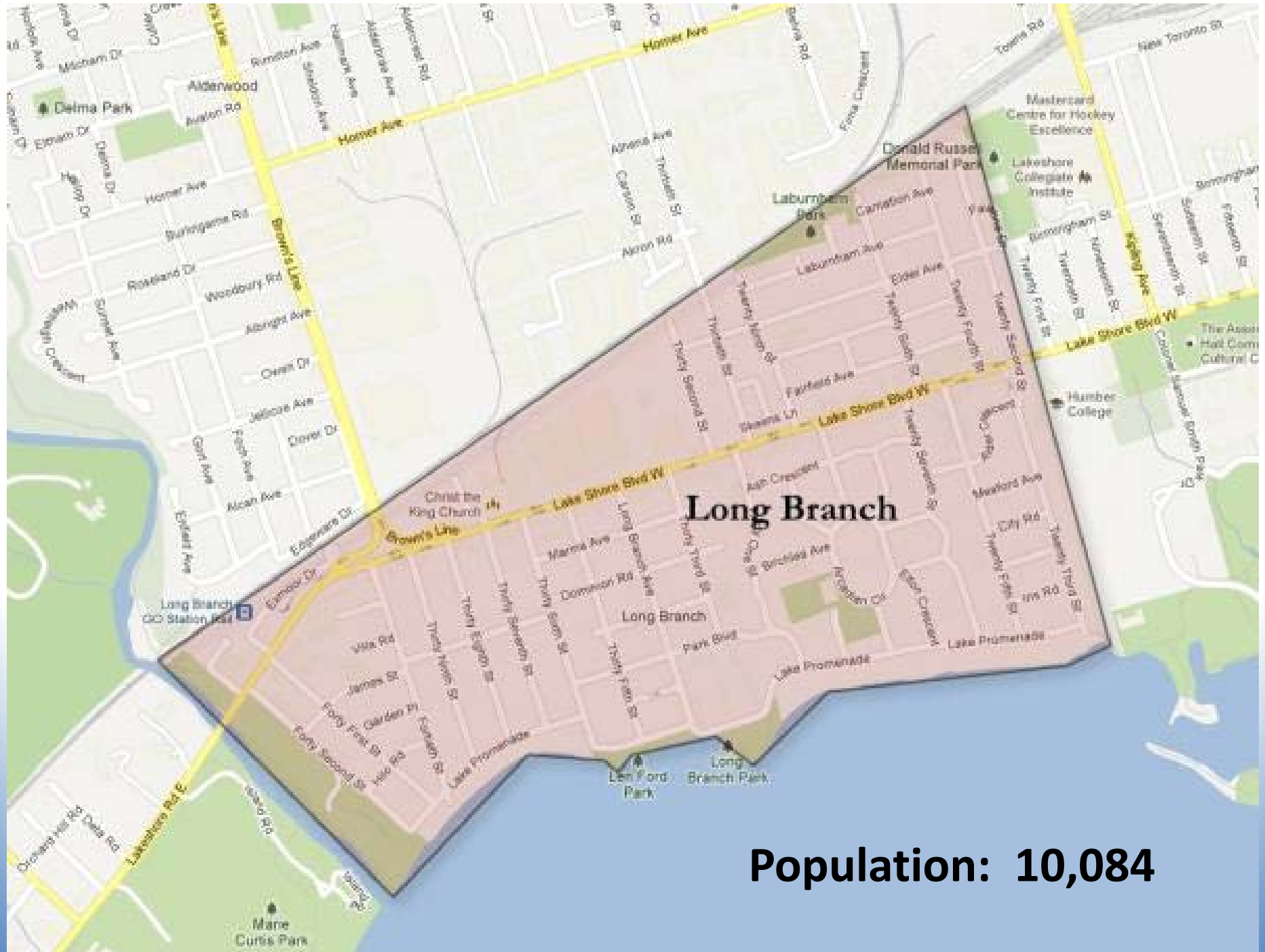


Long Branch Neighbourhood Association 2nd TLAB Deputation



October 29, 2018



Long Branch

Population: 10,084

Long Branch Neighbourhood Association

- LBNA 1st AGM Oct 23, 2017
- Incorporated April 13, 2018
- Mission
 - To Protect, Celebrate and Enhance the Neighbourhood of the Village of Long Branch
 - Protect the physical character of Long Branch
 - Celebrate the neighbourhood and its heritage through events and community gatherings and
 - Enhance the public realm and the quality of life of the neighbourhood and broader community
- Year 1 Focus Areas
 - History and Culture of the Village of Long Branch
 - Tree Canopy Preservation and Enhancement
 - Airplane Traffic and Noise
 - Transit, Parking and Safety
 - Neighbourhood Development



Experience with TLAB

- 3 TLAB Hearings - Observers
- 10 TLAB Hearings currently ongoing
 - Currently Participants and Parties in 10 TLAB ongoing Hearings for Consent in Long Branch

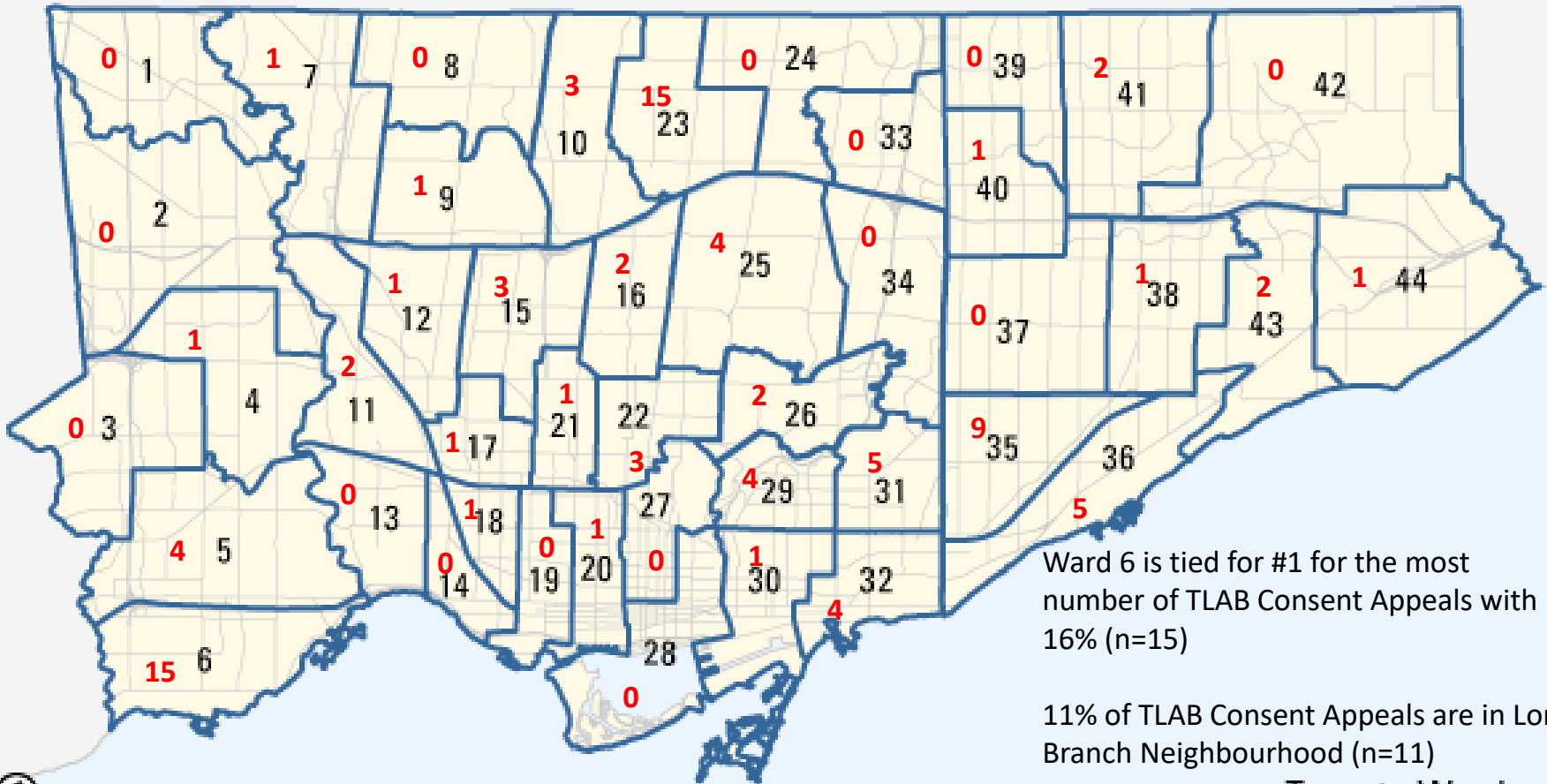
Toronto Local Appeal Body Chair's 2017 Annual Report

“TLAB Members recognize that neighbour disputes over planning applications can be contentious and can poison the positive relations hopefully enjoyed between neighbours in a great City; ...

Furthermore, as a tribunal, TLAB had to address the divide between professional and citizen evidence – **a factor that can alienate community members; participants need to feel comfortable in voicing their concerns without the heavy threat of costs or overly onerous obligations and attendances.** “

Chair Ian James Lord, April 2018 (pg 4)

TLAB Consent Section 53 Appeal Hearings by Ward – as of September 7, 2018 (Total = 96)



Ward 6 is tied for #1 for the most number of TLAB Consent Appeals with 16% (n=15)

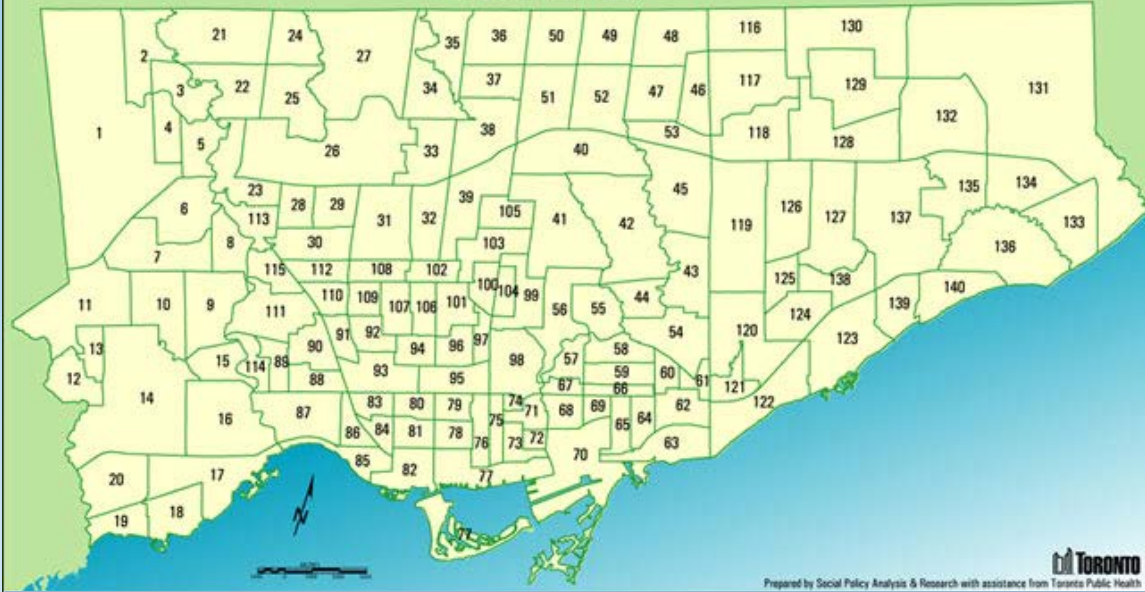
11% of TLAB Consent Appeals are in Long Branch Neighbourhood (n=11)

Toronto Wards

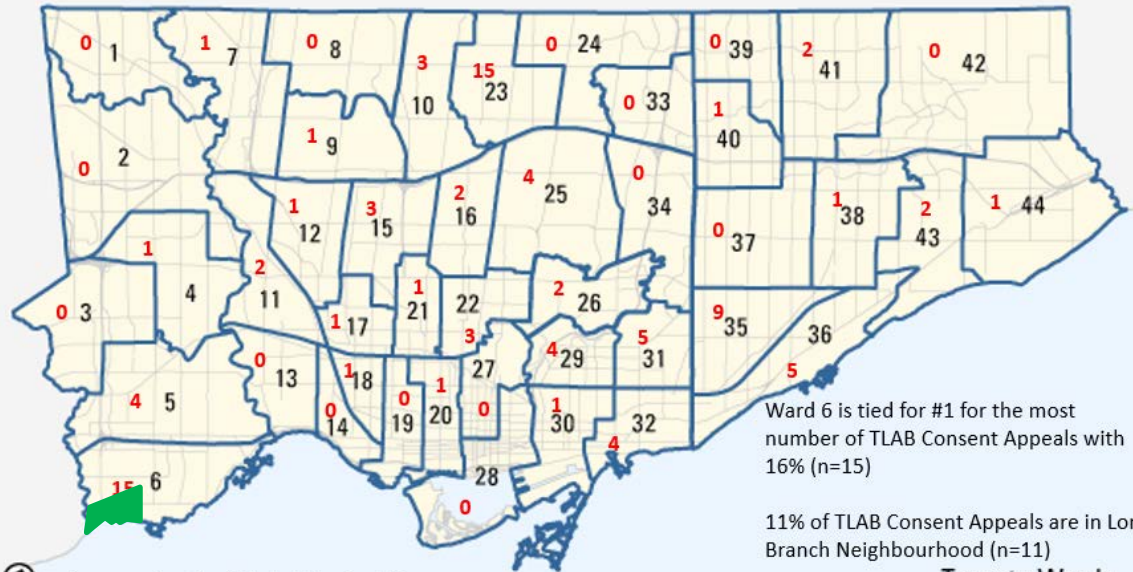


Source: www.toronto.ca/tlabschedulehearingsdecisions

CITY OF TORONTO Neighbourhoods



Prepared by Social Policy Analysis & Research with assistance from Toronto Public Health



Ward 6 is tied for #1 for the most number of TLAB Consent Appeals with 16% (n=15)

11% of TLAB Consent Appeals are in Long Branch Neighbourhood (n=11)

Toronto Wards

LBNA TLAB Hearing Schedule

2018 NOVEMBER
CALENDAR YEAR CALENDAR MONTH MONDAY FIRST DAY OF WEEK

Monday	Tuesday	Wednesday	Thursday	Friday
29	30	31	01 Form 12 & 13 Due 80 Twenty Third St	02 Form 12 & 13 Due 27 Thirty Ninth St
05 TLAB Hearing 32 Thirty Sixth St	06	07	08	09
12 Form 4 Due 15 Thirty Eighth St	13	14	15	16 TLAB Hearing - 38 Thirty First St - Motion made to Adjourn to a 3 day
19	20	21 OMB Hearing	22 COA Hearing OMB Hearing	23 OMB Hearing
26 TLAB Hearing 80 Thirty Ninth St	27 TLAB Hearing 80 Thirty Ninth St	28	29	30
03	04	05	06	07

2019 JANUARY
CALENDAR YEAR CALENDAR MONTH MONDAY FIRST DAY OF WEEK

Monday	Tuesday	Wednesday	Thursday	Friday
31	01	02 TLAB Hearing 99 Twenty Seventh St	03	04
07	08	09	10 TLAB Hearing 80 Twenty Third St	11
14	15 TLAB Hearing 10 Lake Promenade	16	17 TLAB Hearing 10 Lake Promenade	18
21	22 TLAB Hearing 27 Thirty Ninth St	23	24	25
28	29	30 TLAB Hearing 99 Twenty Seventh St -TBC	31 TLAB Hearing 99 Twenty Seventh St - TBC	01 TLAB Hearing 99 Twenty Seventh St - TBC

2018 DECEMBER
CALENDAR YEAR CALENDAR MONTH MONDAY FIRST DAY OF WEEK

Monday	Tuesday	Wednesday	Thursday	Friday
26	27	28	29	30
03	04	05	06 Form 12 & 13 Due 15 Thirty Eighth St	07 TLAB Hearing 70 Thirty Sixth St
10	11	12 TLAB Hearing 70 Thirty Sixth St	13 COA Hearing	14
17	18	19	20	21
24	25	26	27	28

Plus

Feb 26 & 27: TLAB Hearing 11 Shamrock
 Mar 4: TLAB Hearing 15 Thirty Eighth St
 Monthly COA Hearings – To be scheduled
 on Thursdays

Context of Our Feedback

- The increasing inappropriate development being proposed in Long Branch is the basis of our experience with TLAB.
- We are volunteers and lay people who work at full time jobs and find ourselves having to take multiple, unpaid days off work to defend our neighbourhood over and over again.
- We are grateful for the TLAB principle that encourages resident engagement and are well aware of the devastating negative impact on our community and the environment when residents do not get involved.
- We are taking yet another day off work today to provide feedback in the hope of making TLAB Members more aware of the roadblocks to resident engagement in this process.

Revisions to TLAB Rules of Practice and Procedure - Areas LBNA will address

1. Forms (3.1; 3.4)
2. Fees (5.1)
3. Notice of Hearing (10.2)
4. Participants (13.7.c; 13.7.d)
5. Representatives (14.1; 14.4)
6. Participant Statements (16.7)
7. Requirement to consult Website (15.2)
8. Motions (17.1; 17.7.d; 17.7.e; 17.7.f; 17.8; 17.9; 17.10.c; 17.11; 17.12.d)
9. Adjournments (23.2; 23.4)
10. Procedure at a Proceeding (27.4)
11. Time sequencing (11.2; 12.2; 13.2; 16.4; 16.5; 16.6; 16.7; 16.8;
12. Review of Order of Decision (Rule 31)

Forms (3.1; 3.4)

- Beyond Form 4 – the number of Forms and complexity to complete create a significant barrier to Resident/Lay person participation
- Working with TLAB forms is very time consuming
 - Difficult to work with TLAB Forms
 - Form 11, 12 and 13 – cannot see all the information on them; cannot print; cannot save; get messages saying incomplete when not
 - Most Residents/lay persons lack the software to consolidate documents as PDF's
 - Now 4 more Forms are being added!

Recommended Change: Reduce the number of forms; remove unnecessary fields on forms; fix technical problems with saving, printing, messages; referencing documents should be sufficient vs requirement to attach

- Service, Filing or Exchange before 4:30pm or Deemed Next-Day
 - Most residents work full time and we do the majority of our preparation in the evenings and weekends
 - 4:30pm deadline assumes people are available during the day

Recommended Change: Service, Filing or Exchange before Midnight or Deemed Next Day

Fees (5.1)

- It costs an Applicant \$900 to appeal a consent decision. This is a tax deduction and minor cost to the Applicant who is looking to build 2 homes for \$1.4 – 1.6 Million each.
- It is not a deduction to impacted residents and represents a Barrier to engagement on top of the loss of income to attend COA; Community Consultations and TLAB Hearings to defend City By-laws and Policies

Recommendation: Impacted residents should only have to pay one fee to appeal a consent and associated “minor” variances decision i.e. \$300 not \$900.

Notice of Hearing (10.2)

2018 NOVEMBER

CALENDAR YEAR CALENDAR MONTH

MONDAY

FIRST DAY OF WEEK

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Plus

Feb 26 & 27: TLAB Hearing 11 Shamrock

Mar 4: TLBA Hearing 15 Thirty Eighth St

Long Branch Neighbourhood
Association TLAB Hearing Schedule
for the next 3 months

Notice of Hearing (10.2)

Recommendations:

1. Limit the number of TLAB hearings for consents and minor variances in a Neighbourhood to no more than 1 per month
2. Do not schedule more than 2 days in a row and only 1 day for a follow-up to a 1-day hearing
3. If a Hearing requires 2 days, then ideally on a Monday / Friday vs only Tuesday – Thursdays
4. Do not schedule TLAB hearings on COA Hearing dates
5. Follow-up or Adjourned Hearing dates must take into account the availabilities of all Participants who elect to continue to Participate

Participants (13.7.c; 13.7.d)

Representatives (14.1; 14.4)

13.7.c

- We are unclear on “ask clarifying questions of witnesses” vs “cross examine”

13.7.d

- We are unclear on the weight that will be given to a Participant written statement to TLAB vs an oral statement

14.1 and 14.4

- We are unclear on whether an incorporated Residents’ Association can be a Party and also a Representative for Participants or Parties (who are residents and members of the Association) and also have a Witness(es) or Participant(s) present Evidence on behalf of the Association

Recommendation

- To allow this

Participant Statements (16.7)

16.7

- When do Participants submit their Evidence? (i.e. not from Public Documents)
- This can consist of photos, maps, analysis, data, etc.

Recommendation

- On the Hearing Date after Participants have had an opportunity to review the Witness Statements; Responding Witness Statements; Reply to Responding Witness Statement; Expert Witness Statement; Response to Expert's Witness Statement; Reply to Responding Expert's Witness Statement should it be determined that these forms and timings become part of the TLAB Rules

Requirement to consult Website (15.2)

Recommendation

- Provide the option for Parties and Participants to sign up for email “alerts” when new files are added to the TLAB website
- Explore Cloud Technology for submission of documents. Emailing documents to all parties is onerous
- We are in favour of having a list of standard public documents that do not need to be submitted. It is, however, unclear which documents will be on that list
- LBNA has a list to suggest, including the Long Branch Neighbourhood Character Guidelines.

Motions (17.1; 17.7.d; 17.7.e; 17.7.f; 17.8; 17.9; 17.10.c; 17.11; 17.12.d)

- Motions are hugely time consuming for lay persons / residents / volunteers let alone adding the additional burden of Affidavits that need to be signed by a Notary along with the accompanying fee, which can become substantial both from a time and cost standpoint
- The Forms cannot be printed to even take into a Notary
- Each time there is a Response to a Motion there is a requirement to submit also an Affidavit

Recommendation

- Explore and encourage more time efficient mechanisms than written “motions” to address simple issues (i.e. short conference calls amongst parties)
- Remove the need to attach an Affidavit to Motions/Response to Motions, etc. for Not-for-Profit Incorporations who are Parties
- If TLAB requires verification that what is in the Affidavit is the truth, then allow the Not-for-Profit Incorporated Residents Association to have one of their elected Board members sign as a Witness instead of a paid Notary
- Ensure all TLAB forms can be printed so that all the content in the form prints

Motions (17.1; 17.7.d; 17.7.e; 17.7.f; 17.8; 17.9; 17.10.c; 17.11; 17.12.d)

- As with the Forms, most Residents/lay persons lack the software to consolidate and attach documents in PDF's as part of the Motion
- This requires multiple separate documents being attached to a Motion – documents that are already in the TLAB file

Recommendation

- Remove the need to attach Documents to the Motion
- Instead, just list / reference the appropriate documents that are already in the TLAB file

Adjournments (17.1; 23.2; 23.3; 23.4)

- Given the preparation involved by all Parties, Witnesses and Participants, requests for Adjournments (either via a discussion amongst Parties or via Motions) need to occur sooner than 15 days prior to a Hearing
- An adjournment also needs to take into the account the expense (actual or in-kind) incurred by Participants, not just Parties

Recommendation

- Agreement on an Adjournment needs to take place amongst Parties no later than 30 days in advance of a Hearing
- If no agreement is reached, then a Motion for Adjournment should be made no later than 30 days in advance of a Hearing

Procedure at a Proceeding (27.4)

27.4

- Based on our experience to date, we are in agreement that a Member may stipulate and allocate the time permitted for any Proceeding or part of a Proceeding
- We are not in favour of limiting the time that Participants have to present their evidence as long as they are not repeating evidence that has already been presented

Time sequencing (11.2; 12.2; 13.2; 16.4; 16.5; 16.6; 16.7; 16.8; 16.9; 16.10)

	Days after Notice of Hearing	
Notice of Hearing	0	
Applicant Disclosure	20	We are in agreement with the additional time being proposed
Form 4 – Party or Participant Notice	30	
Form 12, 13, 14 – Expert Witness, Witness or Participant Statements Due	60	
Form 19, 21 - Party Response to Witness / Expert Witness Statements	75	This will become a huge burden for Volunteers / Residents
Form 20 , 22- Reply to Response to Witness/Expert Witness Statements	85	Recommendation: As we do not understand the benefit, eliminate these 4 New Forms. This should take place at the Hearing

Review of Order of Decision (Rule 31)

- This is of interest to the Long Branch Neighbourhood Association
- We would request to be notified of any upcoming public consultations

TLAB Principles

a) Disputes between neighbours can become contentious and every effort should be made to ensure timely resolution, emphasizing alternative dispute resolution, within the framework that finality is a hallmark of administrative justice.

- In Long Branch we are not dealing with disputes between neighbours.
- For the most part we are dealing with disputes between residents who enjoy and appreciate the Neighbourhood Character of Long Branch and investors/developers/small builders who have no interest in retaining it.

TLAB Principles

c) One day Hearings should be scheduled within the definitive timeline of the Rules, approximately 100 days from receipt of an eligible appeal.

- Consent Hearings with variances with multiple parties and participants do not take one day
- History has proven that in the OMB and now TLAB forum, planning evidence from one planner takes almost a full day. Rescheduling a second (and now sometimes third) day is onerous when setting aside two days upfront would deal with the matter in a more timely fashion
- Motions/Requests for movement of dates can be dealt with between parties and participants via email or conference call

TLAB Principles

d) Every person with an interest is provided the opportunity to participate within the statutory scheme including TLAB's Rules of Practice and Procedure, limited only by relevance and repetition.

- TLAB's Rules of Practice and Procedure are challenging for people with Advanced University Degrees to interpret if your degree is not in the field of law or Public Policy
- Residents are typically lay people. When industries commonly produce material for the average person, they gear the language to a Grade 6 level
- This material, the process and the required Forms, should be written, keeping in mind that a person should only participate in this process once in their life and should not need to become a TLAB expert in order to participate nor have to hire a lawyer

Thank-you!

