



# Agenda: August 31, 2020

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## Business Meeting No. 28

Meeting Date: Monday, August 31, 2020 , 10:00 a.m.

Location: Electronic via Webex

Link To Join:

<https://toronto.webex.com/toronto/j.php?MTID=mcefa8a2944cb51d1b06d88db4c06040b>

Meeting number: 133 238 0938

Password: ANupppK3P93

Join by video system

Dial 1332380938@toronto.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-416-915-6530 Canada Toll

+1-613-714-9906 Canada Toll (Ottawa)

Access code: 133 238 0938

Chair: Ian Lord

Contact: Angela Beppe

Secretary

Phone: 416-392-4697

## Toronto Local Appeal Body Panel Members

Ian Lord (Chair)

Ana Bassios

Sabnavis Gopikrishna

Sean Karmali

Justin Leung

Dino Lombardi (Vice Chair)

Stanley Makuch

Shaheynoor Talukder

John Tassiopoulos

Ted Yao

### **Aboriginal Land Acknowledgement**

We acknowledge the land we are meeting on is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 with the Mississaugas of the Credit.

### **Confirmation of Minutes –**

### **Declaration of Interest under the Municipal Conflict of Interest Act**

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## **26.7 – ADOPTION**

Toronto Local Appeal Body – Draft Evaluation

### **Summary**

The Toronto Local Appeal Body will consider creating an evaluation form for hearings.

### **Supporting Documents**

Draft evaluation form

Draft Motion: That the TLAB defer item 26.7 to a later Business Meeting.

## **28.1 – INFORMATION**

Toronto Local Appeal Body – Chair's Update

### **Summary**

The Toronto Local Appeal Body Chair will provide an update to the members on TLAB business and changes since the May 2020 Business Meeting.

## **28.2 – INFORMATION**

Toronto Local Appeal Body – Supervisor's Update

## Summary

Court Services Supervisor to provide an update on administrative matters pertaining to the following items:

- Resumption of service requirements;
- Resumption of services scheduling process and priorities;

## 28.3 – INFORMATION

Toronto Local Appeal Body – In Camera Session – Rule 31

The Toronto Local Appeal Body will go into closed session to receive legal advice regarding Rule 31 from the Rules of Practice and Procedure.

## 28.4 – INFORMATION

Toronto Local Appeal Body – Health and Safety Orientation for Resumption of Services

### Summary

The Toronto Local Appeal Body Chair will provide members a Health and Safety Orientation on resumption of services.

## 28.5 – INFORMATION

Toronto Local Appeal Body – Correspondences

### Summary

The Toronto Local Appeal Body will receive and may consider letters submitted by FONTRA and Ms. S. Abbott regarding outstanding agenda items and the Virtual Business Meeting

### Supporting Documents

Letter –RE: TLAB Business Meeting May 26, 2020: Item 26.7 Evaluation Form for Hearings - May 25, 2020

Letter - RE: TLAB considering implementing a survey to measure the experience of TLAB users. Agenda item 26.7 – Draft Evaluation (Evaluation form for Hearings) – May 24, 2020

Letter – RE: TLAB Virtual Business Meeting, May 26, 2020 – June 10, 2020

Letter – PH15.4 Toronto Local Appeal Body - Chair's 2019 Annual Report – July 23, 2020

[Draft] Hearing Evaluation

1. I feel the information necessary to consider the matter was heard at my hearing.

1	2	3	4	5
Strongly Disagree		Neutral		Strongly Agree

2. I understood what was happening through the course of the hearing

1	2	3	4	5
Strongly Disagree		Neutral		Strongly Agree

3. As a Party or Participant, I had the opportunity to speak at the hearing

1	2	3	4	5
Strongly Disagree		Neutral		Strongly Agree

4. I felt that I was adequately prepared for my hearing and understood the application of the Rules

1	2	3	4	5
Strongly Disagree		Neutral		Strongly Agree

5. I am satisfied with the TLAB resources available to conduct my portion of the hearing

1	2	3	4	5
Strongly Disagree		Neutral		Strongly Agree

6. The Panel Member was helpful in how the Hearing was conducted.

1	2	3	4	5
Strongly Disagree		Neutral		Strongly Agree

7. Other Comments:

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May 25, 2020

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

**RE: TLAB Business Meeting May 26, 2020: Item 26.7 Evaluation Form for Hearings**

**Dear Chair and Members of TLAB,**

We applaud the TLAB for its initiative to develop an Evaluation Form for Hearings. This is an important exercise; however we would caution that it needs to be approached with care and sensitivity given the principled and specialized nature of an adjudicative tribunal.

**1. The Canadian Council of Administrative Tribunals (CCAT)**

The Canadian Council of Administrative Tribunals (CCAT) has developed 12 guiding Principles of Administrative Justice. Our submission is made within the framework of these Principles of Administrative Justice. FoNTRA supports the CCAT goals of 'excellence in administrative justice'. As such, the Evaluation Survey should demonstrate one or more of the 12 CCAT Principles of Administrative Justice including:

- 7. Should be transparent and accountable;
- 8. Should apply the rules of natural justice;
- 9. Should be expeditious both in process and in rendering decisions, with reasons to be given where appropriate;
- 11. Should minimize any disadvantages to unrepresented parties;

**2. Feedback from Ms. Susan Abbott**

We are in receipt of the TLAB communication on this Item from Ms. Abbott dated May 24, 2020. In our opinion Ms. Abbott has prepared a thoughtful analysis and a set of realistic recommendations with which we are in agreement. The thrust of the Ms. Abbott's recommendation is to take the time and do it properly.

**Survey Objectives**

Ms. Abbott states the survey objectives are not clearly stated. We agree.

**2. NEW IDEA – Comprehensive Survey from TLAB “Regulars”**

A TLAB hearing could be compared to the game of Cricket in terms of complexity and sometimes in terms of length (e.g., cricket games can take one to five days).

Imagine designing a user experience survey for a first-time attendee at a Cricket match. The survey results would likely show that the first-time attendees found the game to be complex and overly long. The same results could be anticipated from the proposed TLAB survey.

We suggest that a more revealing survey would be to ask experienced observers and/or participants about the process/game.

TLAB could consider an annual “long-form” survey administered to TLAB “regulars” i.e. frequent participants at TLAB hearings. A regular would have attended more than 5 TLAB hearings and at least one in the last 12 months.

The frequent flyer survey could include more complex questions, such as:

- Were the rules for Application Disclosure followed? Were new plans introduced on the first day of the hearing. How did the Member address these issues?
- Did the Member work to establish timelines at the start of hearing? Did all Parties work within these guidelines?
- Were the TLAB Rules and Procedures followed? If rule changes were requested, did the Member provide flexibility to both represented and self-presented parties?
- Did the Member determine the Matters in Issue early in the hearing? How were these Matters in Issue presented to the Parties? Did the hearing focus on addressing these matters?
- Did the Member work to eliminate time wasting during the hearing? How much time was spent on qualifying the expert witnesses? Did the expert witness read the full text of his written witness statement?
- Did the Member work to ensure the witnesses did not repeat his testimony? Was the Reply Witness testimony necessary?
- Did the Member shutdown discussions that were not Matters in Issue? Did the Parties engage in settlement discussions, that did not prove to be useful? Why did these settlement discussions fail?
- Did the Member show deference to certain Parties? What were the circumstances?
- How were jurisdictional (e.g., property line disputes, parking, construction, soil conditions) issues addressed?

The above questions would measure and address major issues (e.g., natural justice and procedural fairness), and may also work to reveal time-wasting activities at the hearings.

***Recommendation:***

- A) *That TLAB should develop and implement a long-form survey designed for frequent attendees at TLAB hearings*

#### **4. NEW IDEA – One-Day TLAB Hearings (Optional)**

A TLAB hearing can again be compared to the game of Cricket in terms of complexity but also in terms of length (e.g., cricket games can take one to five days).

Cricket has both a long-format game (5 days) and an abbreviated short-format game (1 day). TLAB should consider allowing a Cricket-like abbreviated format for its hearings. The key differences would be as follows:

- The format would compress the Oral Hearing to a one-day format
- The approach would be offered to all Parties after document disclosure and witness statement are received

- If there are more than 3 Parties, the offer will not be made
- All Parties would have to agree this approach
- The format would impose time limits on all phases of the hearing (e.g., opening statements of 15 minutes, evidence in 60 minutes, cross-examination in 60 minutes)
- Written issue lists would be required in opening statements
- Closing arguments would be written, and would be optional.

**Recommendation:**

B) *That TLAB introduce a voluntary abbreviated version of the hearing process.*

**5. NEW IDEA – Model Template for TLAB Decisions**

There is great variety in TLAB merit decisions rendered by Members. Some decisions are too long and some decisions are too short. TLAB should adopt a standard template including:

- *Consistency in describing Matters in Issues. Matters in Issue should be the key issues under consideration and not a list of variances.*
- *Ideal page lengths should be in place for all section.*
- *Evidence section should record the activities of all Parties and Participants.*

**Recommendation:**

C) *That TLAB should develop a Model Template for Decisions.*

**6. Public Consultation**

In view of the importance of the topic

**Recommendation**

D) *that further consultation be arranged* regarding the proposed Survey and other related items.

FoNTRA’s members are active participants and have a keen interest in TLAB proceedings. We would be pleased to assist by gathering information from our members.

Yours truly,

Geoff Kettel  
Co-Chair, FoNTRA  
129 Hanna Road  
Toronto, Ontario  
M4G 3N6

Cathie Macdonald  
Co-Chair, FoNTRA  
57 Duggan Road  
Toronto, Ontario  
M4V 1Y1

Yours truly,

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Cc: Mayor John Tory, and Councillors  
Gregg Lintern, Chief Planner and Executive Director, City Planning  
Michael Mizzi, City Planning  
Susan Garossino, Director, Court Services

**The Federation of North Toronto Residents' Associations (FoNTRA)** is a non-profit, volunteer organization comprised of over 30 member organizations. **Its members, all residents' associations, include** at least 170,000 Toronto residents within their boundaries. **The residents' associations** that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.



May 24, 2020

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

Dear Chair and Members of TLAB,

Re: TLAB considering implementing a survey to measure the experience of TLAB users. Agenda item 26.7 – Draft Evaluation (Evaluation form for Hearings)

The TLAB is an important body of administrative justice for the City of Toronto. As such, the idea that TLAB would measure some elements of its performance with the use of a feedback instrument such as a survey is a very good idea that should be pursued.

My purpose in writing to you today is to suggest some ways to improve the process and methodology apparent in the survey instrument that was included in the business meeting agenda cited above.

Permit me to share my qualifications in this regard; I was awarded, in 2006, the Certified Marketing Research Professional designation by the Marketing Research and Intelligence Association, Canada's professional body. Achieving the designation required the completion of multiple courses of study followed by passing a 7-hour exam. I have been working as a consultant in this area, specializing in qualitative research, since 2001.

Satisfaction surveys are widely used in Canada, and a considerable body of expertise exists in Toronto to construct such a survey. TLAB should engage a professional experienced in the design of these instruments. If budget does not exist to hire a working professional, this would be a suitable project for students in the Research Analyst programs at either Centennial College or Humber College, working under a professor's supervision.

### **Objectives**

It is not clear from the agenda what the objectives of the TLAB are in advancing this survey for consideration. For all research, a clear set of objectives and intention of how the data will be used are important to drive the design of the instrument, the manner of data collection and analysis.

Current academic research in the area of medical and scientific research has shown the importance of determining, in advance of data collection, what analysis methods will be used with the data. Considerable bias is introduced by determining these methods after the data is collected.

Objectives ideally would include organizational objectives (what the organization wants to achieve) as well as research objectives (what information the research should gather that the organization will use to forward achievement of its larger objectives and purpose.)

TLABs research objectives might reasonably include the following:

1. Determine how well TLAB materials communicate the process to participants and parties that do not have legal training
2. Determine how consistently TLAB policies are administered
3. Determine whether participants and parties perceive that they received a fair hearing

### **Validity and Reliability**

Important concepts in research are validity and reliability. Reliability refers to whether the questions elicit the same type of response each time they are asked. Validity refers to whether the instrument measures what it claims to measure.

A survey instrument that will be used in an ongoing effort for continuous improvement must be seen by the users to be both reliable and valid. Without being able to demonstrate validity and reliability, you may not be measuring what you think you are measuring. Users of the data such as Panel Members and administrative staff may reject negative information instead of acting on it.

There are well-established approaches to creating such an instrument that can be used with confidence.

### **Sampling**

Sampling error is a major and controllable source of error and bias in surveys.

The universe of potential respondents would be everyone who participates in a TLAB hearing as a Party or a Participant. Some of these individuals could be involved in multiple hearings, while others might be involved in only one hearing (and/or re-hearing.) How many of these individuals will be asked to respond to the survey, and how will they be selected? Will a person be able to respond to a questionnaire more than once in a given year, because they participated in more than one hearing? How will re-hearings be handled?

### **Preamble**

Some communication of the objectives and use of the data must be disclosed to survey respondents, typically in a preamble to the survey. This preamble should make clear whether or not the users' responses are anonymous. Given the authority of TLAB as an administrator of justice, these assurances should give confidence that a candid response can be provided without adverse repercussions to the individual responding.

### **Questionnaire Design**

The questions as currently constructed are biased, and will not produce good or actionable data.

Here are a few of the issues identified:

## **Scale**

The choice of response scale should not be an arbitrary decision. Response scales have known and well-researched characteristics. One important omission is that the scale does not include the use of “Not Applicable” for every answer. The scale must be exhaustive, covering the full possible range of answers. The label “Neutral” is problematic – a better label might be “Neither Agree nor Disagree.”

## **Imprecise wording**

*“The Panel Member was helpful in how the Hearing was conducted.”*

This suggests that helpfulness is the critical characteristic to be measured in a matter of administrative justice. The Panel Member is in charge of how the hearing is conducted, so what is being asked here? Helpful to who, and in what way? Nothing can be inferred from data gathered in response to this question.

*“As a Party or Participant I had the opportunity to speak at the hearing.”*

The status of the respondent as a Party or a Participant is likely to be important to their perceptions, and should be asked as a specific question that is used to assist in analyzing the data. This question does not determine if the speaking opportunity was considered adequate. It asks a “yes or no” question with a scaled response, which is inappropriate.

## **Double-barrelled question**

*“I felt that I was adequately prepared for my hearing and understood the application of the Rules.”*

There are two questions being asked here. In the first, the respondent is asked to judge whether they themselves did adequate preparation. In the second, they are asked whether they understood the application of the rules. In terms of the application of the rules, would this be before the hearing, during the hearing or after the hearing was concluded? Would this be in terms of how they prepared their own testimony and evidence in accordance with the rules, or how the Panel Member rendered decisions?

## **Biased question construction**

Good survey questions are not necessarily good examples of spoken or written language, but certain forms are known to yield less biased data. Specifically, the addition of the phrase “or not” to all of these questions, will reduce the positive bias that currently exists.

## **Emotionally laden language, positive wording of all questions**

The use of the phrases “I feel” “I felt that” and “I am satisfied with” suggest that feelings only should be considered, rather than a full range of judgment about the efficacy of the topic under consideration. All questions shown here are worded in the positive. Questions should be formulated in a neutral construction wherever possible.

## Missing information

Having been a Participant and a Party at a TLAB Hearing, and having observed hearings, there are constructs one might wish to measure that are missing from this survey.

- Whether the panel member left the impression of being impartial or being biased in favour of one side or the other
- Whether procedural decisions were perceived as fair
- How the Panel Member managed cross-examination, such as stopping or permitting intimidating or bullying behaviour
- How time in the hearing was allocated to various parties, participants, experts and legal counsel

This is not an exhaustive list. To develop a survey of this type, one usually must balance length of the instrument against importance of covering all relevant performance characteristics. Pre-testing is usually used to resolve these types of issues.

## Respondent Characteristics

It is important to know some information about the respondents to this survey to properly analyze their data. A respondent's answers to these questions might reasonably be expected to affect their answers to the survey questions, and would therefore be important independent variables in analysis.

- Were they a party or a participant?
- Is this their first experience with TLAB, or not?
- How important was the matter under consideration to them?
- Were they seeking approval, or seeking to oppose approval?
- Did the panel find in favour of approval or was the proposal declined?
- Did they personally hire legal representation or an expert witness?

It is admirable of the TLAB to consider putting in place a measurement of your performance that is based on perceptions of Parties and Participants to Hearings. I strongly encourage you to continue on this path. You need to have expert assistance to construct a useful instrument that will have credibility among the TLAB Panelists as well as members of the public.

Thank you for your consideration of the matters set forth in this letter.

Yours truly,



Susan Abbott  
18 Banff Road, Toronto, ON M4S 2V5

Cc Mayor John Tory, Councillor Jaye Robinson, Gregg Lintern and Michael Mizzi, City Planning



June 10, 2020

Toronto Local Appeal Body  
40 Orchard View Boulevard, Suite 211  
Toronto, Ontario M4B 1R9  
Via email: [tlab@toronto.ca](mailto:tlab@toronto.ca)

**RE: TLAB Virtual Business Meeting, May 26, 2020**

Dear Chair Ian Lord and Members of TLAB,

This letter is submitted further to the recent TLAB virtual business meeting. The meeting provided a window into the operations of the TLAB and an opportunity to share some of our ongoing concerns. The virtual meeting format proved to be relatively easy to attend, and participate.

The agenda for the meeting included a couple of new initiatives: Draft Practice Direction 6: Expert Witnesses, and Evaluation Form). We were pleased that the Chair was willing to allow enough time to hear from residents' representatives as well as to allow for a fulsome discussion among some Members. However in the end we feel that a multi-step approach to developing and approving such policies is required in order to achieve the best results. We suggest that, at a minimum, an initiative should go through two readings, with an initial meeting to present a proposal and gather stakeholder input, followed by a second meeting to present and receive input to the TLAB on a revised proposal. We suggest the Board might consider organizing the first meeting with mixed stakeholders so that there is an opportunity for enhanced understanding, perhaps with independent facilitation.

FoNTRA supports the goals of 'excellence in administrative justice' and is supportive of changes that would ensure residents (including un-represented residents) experience procedural fairness throughout the hearing process.

Yours truly,

Geoff Kettel  
Co-Chair, FoNTRA  
129 Hanna Road  
Toronto, Ontario  
M4G 3N6

Cathie Macdonald  
Co-Chair, FoNTRA  
57 Duggan Road  
Toronto, Ontario  
M4V 1Y1

c.c. Mayor John Tory, and Councillors  
Gregg Lintern, Chief Planner and Executive Director, City Planning  
Michael Mizzi, Director, Zoning and Committee of Adjustment  
Susan.Garossino, Director, Court Services



PH15.4.1

July 23, 2020

12th floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2  
Attention: Marilyn Toft

RE: **PH15.4 Toronto Local Appeal Body - Chair's 2019 Annual Report**

Dear Mayor John Tory and Members of City Council,

The Federation of North Toronto Residents Association (FoNTRA) includes over 30 residents associations in the area bounded by Bloor, Sheppard, Bathurst and the Don Valley. Given the number of Committee of Adjustment applications in our members' neighbourhoods, many residents and residents associations have been actively involved in TLAB appeals since its inception in 2017. We also see that the barriers to our effective participation are also causing the increased costs of its operations.

We appreciate the comprehensive review and report by Ian Lord, TLAB Chair. However we feel that while the report raises various matters related to the ongoing operation of the TLAB, it fails to look deeper to the workload generative issues that lie behind some of the issues raised.

Residents play a key role in the operation of the TLAB and need it to operate in a way that is fair to them. TLAB operates largely without input from residents. TLAB business meetings have been established but these are largely ineffective as mechanisms to provide input from residents. Procedure and rules continue to be added to the processes without effective input from residents. (See attached) Given that the appeal process is important to residents as it greatly affects their neighbourhoods, we pay close attention to how TLAB is operating and see how it is unfair to residents.

The TLAB deals with appeals of Committee of Adjustment decisions on minor variances. Why such timelines and complexity for what should be minor issues? Why are decisions made mainly in favour of applicants?

**1. The time to deal with appeals have greatly increased and this means increased workload for all involved.**

The report mentions some growing concerns regarding timeliness of issuance of decisions and disposition of appeal matters. The report cites that in 2019 the average time taken to issue a decision was 50 days, a 92% increase over the 2018 average of 26 days. However, if we compare with 2017, the time taken in 2019 increased much more (178% over 2017) (see attached Metrics table) (target metric is 14 business days from the date of Hearing or Motion to decision). Similarly the report cites that in 2019 of the appeals that were completed the average time taken to dispense of matters to the time a decision was issued was 191 days, up 39% from the 2018 average of 137 days. If we compare with 2017, the time taken in 2019 increased 34.5% (target metric is 120 days from the date the Notice of Appeal is received by the TLAB to the date the decision is issued).

The report notes that these latter statistics are disappointing and cites a number of contributory factors: hearings that involve multiple sittings with non-contiguous scheduling; decision writing delays arising from less than diligent fulfillment of undertakings by counsel and expert witnesses; a modest increase in the number of Hearings, Member complement changes, and Member issues in the delivery of timely decisions. Metrics are available in the 2018 and 2019 Annual Reports for just one of these factors: the average length of hearings which has increased from 3 hours and 52 minutes (2017) to 1.3 days (2018) to 1.5 days (2019). This amounts to an incredible 277% increase in hearing length between 2017 and 2019!

From a resident perspective the inflation in length of hearings is strikingly evident. Hearings for minor variances which were a day under the OMB are becoming two or three days and those involving severances consents may extend to 10 days. For those in the business, the lawyers and planners whose livelihood depends on TLAB hearings this inflation is hardly a problem, but for residents who must miss several days of paid work which were unplanned and unanticipated it is a major problem.

## **2. The rules and procedures are increasingly complex which result in increased workload for adjudicators and staff.**

The rules greatly favour applicants who can afford to pay for consultants to prepare documentation for the hearings and to represent the applicants in the hearings.

There has been greater turnover of panellists than expected. We can understand this as the job has become a paper chasing one and one requiring sitting through days of technical debates rather than focusing on the issues. And of course this means much more work for panelists and for the staff, so the TLAB needs more staff and more adjudicators.

The increasingly complex set of rules and procedures also create major barriers for the effective participation of residents in the hearings. The changes add more requirements, without improving the ability of residents to present their concerns about appeals that affect their property and that of their neighbours, and neighbourhood.

It is much more difficult for residents with public and perhaps some private interest to raise the needed funds to hire consultants than the applicant with self interest. Residents should not have to hire experts or become technical experts to be heard; they only participate for applications in their neighbourhood, and for most it is a one-off experience. The information

posted on the web site is helpful but why is all this required? It is appreciated that there has been an effort to accord some witnesses as “local knowledge experts” but this only serves to create another level of “rug rank” in the hierarchy of privilege at the tribunal. While there was much to object to with the former OMB, in fact OMB hearings were much shorter and residents were able to provide their comments without providing any prior registration or documentation and their comments were taken into consideration in decision-making.

### **3. Wide disparity in decision outcomes compared with Cof A decisions**

We have observed that there is a wide disparity in decision outcomes between the CofA and TLAB. Unfortunately there is no data addressing this in the Annual Report. In our opinion the TLAB is overturning CofA decisions to an extent far beyond what one would reasonably expect in a fair process. This situation must be reviewed by the City including conducting an analysis to examine this problem, identify the reasons for it and report its findings in a public forum.

Given these issues regarding the current TLAB operations, we recommend:

- **that City Council direct the City Manager to review the operations of the TLAB relative to its original intent, with public engagement, with a view to simplifying, removing barriers to resident participation, and reducing cost of operations.**

Yours truly,

Geoff Kettel  
Co-Chair, FoNTRA

Toronto, Ontario

Cathie Macdonald  
Co-Chair, FoNTRA

Toronto, ON

Attachment 1: TLAB 2019 Annual Report - Selected Performance Metrics

Attachment 2: FoNTRA comments on the most recent TLAB Business Meeting (May 2020)

C.c. TLAB

Susan Garossino, Director, Court Services

Gregg Lintern, Chief Planner and Executive Director, City Planning Division

Michael Mizzi, Director, Committee of Adjustment and Zoning

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June 10, 2020

Toronto Local Appeal Body  
40 Orchard View Boulevard, Suite 211  
Toronto, Ontario M4B 1R9  
Via email: [tlab@toronto.ca](mailto:tlab@toronto.ca)

**RE: TLAB Virtual Business Meeting, May 26, 2020**

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The agenda for the meeting included a couple of new initiatives: Draft Practice Direction 6: Expert Witnesses, and Evaluation Form). We were pleased that the Chair was willing to allow enough time to hear from residents' representatives as well as to allow for a fulsome discussion among some Members. However in the end we feel that a multi-step approach to developing and approving such policies is required in order to achieve the best results. We suggest that, at a minimum, an initiative should go through two readings, with an initial meeting to present a proposal and gather stakeholder input, followed by a second meeting to present and receive input to the TLAB on a revised proposal. We suggest the Board might consider organizing the first meeting with mixed stakeholders so that there is an opportunity for enhanced understanding, perhaps with independent facilitation.

FoNTRA supports the goals of 'excellence in administrative justice' and is supportive of changes that would ensure residents (including un-represented residents) experience procedural fairness throughout the hearing process.

Yours truly,

Geoff Kettel  
Co-Chair, FoNTRA

Toronto, Ontario

Cathie Macdonald  
Co-Chair, FoNTRA

Toronto, Ontario

c.c. Mayor John Tory, and Councillors  
Gregg Lintern, Chief Planner and Executive Director, City Planning  
Michael Mizzi, Director, Zoning and Committee of Adjustment  
Susan Garossino, Director, Court Services

**Attachment**  
**TLAB 2019 Annual Report**  
**Selected Performance Metrics**

	<b>2017*</b>	<b>2018</b>	<b>2019</b>	<b>% change 2017-2019</b>	<b>% change 2018-2019</b>
<b>Total # of appeals</b>	<b>314</b>	<b>419</b>	<b>279</b>	<b>(11.1%)</b>	
<b>Total # of Motions</b>	<b>28</b>	<b>95</b>	<b>70</b>	<b>160%</b>	
<b>Total # of Hearings</b>	<b>253</b>	<b>318</b>	<b>361</b>	<b>42.7%</b>	
<b>Average length of hearing (hours/days)</b>	<b>3 hours and 52 minutes</b>	<b>1.3 days</b>	<b>1.46 days</b>	<b>277%</b>	
<b>Average time from hearing to issuance of decision** (# days)</b>	<b>18</b>	<b>26</b>	<b>50</b>	<b>178%</b>	<b>92%</b>
<b>Average Disposition time*** (# days)</b>	<b>142</b>	<b>137</b>	<b>191</b>	<b>34.5%</b>	<b>39.4%</b>
<b>Requests for Review of decision</b>	<b>?</b>	<b>10</b>	<b>24</b>	<b>-</b>	<b>140%</b>

\*from 2018 Annual Report

\*\*target 14 days

\*\*\*target 120 days