

Agenda: Tuesday, December 10, 2019

Business Meeting No. 25

Meeting Date: Tuesday, December 10, 2019

Time: 9:30 a.m.

Email: tlab@toronto.ca

Location: North York Civic Centre, 5100 Yonge Street, Toronto, Ontario M2N 5V7

Room: Council Chambers

Chair: Ian Lord

Contact: Angela Beppe

Phone: 416-392-4697

Toronto Local Appeal Body Panel Members

Ian Lord (Chair)

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 Anishinabek, 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 – August 23, 2019

- Moved by D. Lombardi, seconded by S. Gopikrishna (carried).

Declaration of Interest under the Municipal Conflict of Interest Act

- Nothing to declare.

TLAB 24.6 INFORMATION 9:35 a.m.

Toronto Local Appeal Body – Complaint Protocol

Summary

The Toronto Local Appeal Body deferred this item from a prior meeting in order to discuss the draft complaints protocol with the Ombudsman's office. Staff will provide an update on that meeting, and the changes to the website and Public Guide arising from it.

Decision Advice and Other Information

- Angela Bepple, TLAB Secretary, states it is a requirement to have a complaints section posted – section to be added to the Public Guide as well as adding a link on the TLAB website regarding the complaints protocol.
- Deferred to TLAB 25.3 INFORMATION

Supporting Documents

[Toronto Local Appeal Body Website Update](#)

TLAB 24.7 INFORMATION

Toronto Local Appeal Body – Members Discussion Session

Summary

This is an opportunity to raise matters of interest arising from the Hearing process or matters of general interest. Topics include the following:

- A) Commentaries on the Hearing Process: self-evaluation; encouragement of settlement discussions (Member Makuch; Member Gopikrishna)
- B) Consistency in Decision Making (Member Lord)
- C) Administrative Dismissal of Applicants Outstanding Undertakings, with Notice (Member Lord)
- C) Admissibility: OPA 320; Growth Plan (Member Gopikrishna)
- D) Identification of post May 6, 2019 appeal files (Supervisor)

Decision Advice and Other Information

A) TLAB Administration currently has a draft version of the *Commentaries on the Hearing Process*. Ian Lord, TLAB Chair, request to have the Notice of Hearing to include a line that encourages mediation (within the framework) as well as in the Public Guide. TLAB must look into whether the settlement decisions protects the Public's interest and not just the Parties, as most reviews being submitted are addressing whether the Panel Member has addressed all the test.

B) Ian Lord, TLAB Chair, suggest the consideration be made for somewhat like circumstances Appeals, as to ignore them is the risk that generates discontent within the public – so consistency is a virtue. The TLAB is having Appeals of similar nature that have been dealt with previously repeat in a newly filed Appeal, they are easily identifiable and perhaps with assistance from staff some search efforts can be made.

C) Ian Lord, TLAB Chair, states there are some instances of extreme delay in motivating representatives to submit documents that were to be submitted after the conclusion of the hearing. The Chair is looking for assistance in motivating the completion of undertakings. Discussions regarding using a Response Letter/Notice to Request Outstanding Submissions.

C) S. Gopikrishna, TLAB Panel Member, withdraws this item as it was brought up in a different context – issue resolved.

D) Ian Lord, Chair of TLAB states to be alert to the fact that the Appeal may be applied to the old or the new Rules, and to act accordingly.

E) S. Gopikrishna, TLAB Panel Member, add on item to discuss having additional meeting dates, notably a meeting every two months. D. Lombardi, TLAB Vice Chair, suggest a consecutive second day. T. Yao, TLAB Panel Member, not in favour of having more meetings. S. Makuch, TLAB Panel Member, is in favour of more meetings. TLAB staff to look into schedule regarding additional meeting dates, states easier to book two consecutive in advance and then cancel the second date if it is not needed – two month interval would be easiest for Administrative staff to accommodate.

Supporting Documentation

August 22 2019 – [Identification of post May 6, 2019 appeal files](#)

Motions

Motion to revise the Notice of Hearing and Public Guide regarding mediation, asking it to be tabled for the next business meeting – Moved by Panel Member T. Yao, seconded by Panel Member S. Gopikrishna (carried).

Motion for staff to amend the Notice of Hearing wording and create the draft – Moved by Panel Member T. Yao, seconded by Vice Chair D. Lombardi (carried).

Motion to attempt to add more meeting dates every two months along a set schedule – moved by Panel Member S. Gopikrishna, seconded by Panel Member S. Makuch (carried).

Motion to use Response Requested Outstanding Submission Letter/Notice – moved by Panel Member S. Makuch, seconded by Panel Member T. Yao (carried).

TLAB 24. 8 INFORMATION

Toronto Local Appeal Body – Closed session to discuss matters and receive legal advice that is subject to solicitor-client privilege.

Summary

The Toronto Local Appeal Body went into closed session to discuss matters and receive legal advice that is subject to solicitor-client privilege on the following items:

- The ability of the TLAB to provide Directions on the Completeness of Applications; and
- The ability of the TLAB to prohibit Second Review Requests;
- The ability of TLAB to initiate a Review of and by its own initiative;
- The circulation of media reports to members.

The Toronto Local Appeal Body also combined agenda items 24.10 and 25.11 into this closed session, to receive legal advice on Rule 31, and to receive advice regarding the circulation of media reports.

(The City of Toronto Act, 2006 permits closing a meeting to receive advice that is subject to solicitor-client privilege.)

Motions

Motion to receive information regarding training and the budget- moved by Panel Member S. Gopikrishna

TLAB 24. 9 INFORMATION

Toronto Local Appeal Body – Memo on Bias

Summary

This a refresher/reminder on the subject of recusal motions, brought forward on request.

TLAB 24. 10 INFORMATION

Toronto Local Appeal Body – Proposed Changes to Rule 31.10 of TLAB’s Rules of Practice and Procedure

Summary

The Toronto Local Appeal Body to consider and review an amendment to Rule 31.10 of the Toronto Local Appeal Body’s Rules of Practice and Procedure. For consideration is a Rule revision to preclude further reviews under any circumstances in respect of the same property where a Review Decision has been issued, and a Rule Revision for consideration of the TLAB’s Own ability to initiate a review.

Supporting Documents

[Report from Duxbury Law – Proposed Changes to Rule 31.10 of the TLAB’s Rules of Practice and Procedure](#)

Motions

Motion to take no action to adopt proposed change to Rule 31 regarding second Review Request – moved by Panel Member S. Gopikrishna, seconded by Panel Member S. Makuch (carried).

TLAB 24. 11 INFORMATION

Toronto Local Appeal Body – Final Decisions on hold pending final submissions from Parties

Summary

The Toronto Local Appeal Body Panel to discuss and provide direction to Members or staff on a protocol, including Member or administrative dismissal, for concluded hearings awaiting final but long delayed submissions from Parties.

Supporting Documents

[August 13 2019 – Proposed Follow up Communication](#)

Motions

Motion to adopt letter from item 24.11 as modified, moved by Panel Member J. Tassiopoulos, seconded by Panel Member S. Makuch (Carried).

TLAB 25. 1 INFORMATION

Toronto Local Appeal Body – Chair’s Update

Summary

Toronto Local Appeal Body Chair, Ian Lord, to provide opening remarks and provide the Panel with an update on Tribunal matters.

- Ian Lord, TLAB Chair met with Director of Court Serviced relating to potential labour disruption, as well as discussing protocols for members during emergency responses in the building.

Motion

Motion to receive chair's update – moved by Panel Member J. Tassiopoulos, seconded by Panel Member S. Gopikrishna (carried).

TLAB 25. 2 INFORMATION

Toronto Local Appeal Body – Supervisor’s Staff Report

Summary

Court Services Supervisor to provide an update on administrative matters to the Panel, including year-end statistics pertaining to:

- Number of TLAB Appeals received to date
- Number of TLAB Hearings scheduled to date
- Average number of days to dispense of matter

An update will also be provided on the status of home office expenses, evaluation options for hearing attendees, and training options on matters of inclusivity and diversity. A review of fire and emergency service responses and facility exits at 40 Orchard View Boulevard will also be provided.

- TLAB Secretary, A. Beppe, gives information regarding TLAB Appeals, TLAB Scheduling, Scheduling Information – Assignments per Member and other updates.
- Ian Lord, TLAB Chair, states it is the Panel Member's responsibility to decide what is minor as it is a test. The Appeals should be called variance applications as it is the member's responsibility to determine whether it is minor – members are to be consistent in using the proper terminology.
- Ian Lord, TLAB Chair, asking about reasonable compensation regarding Decisions – no response has been received as of yet. Discussions about having home office expenses added and to be recognized as a legitimate claim – to be inquired about.
- Discussions regarding fire alarms. TLAB Administration cannot give notice to Panel Members regarding fire drills as it is supposed to mimic real life situations.
- Discussions about the Hearing Room 2 door – TLAB Supervisor, Hsing Yi Chao, confirmed with security that the door is working properly.
- TLAB Administration is preparing a protocol regarding alarm/emergency situations to be placed on Panel Member's desk – members are able to reach out to the TLAB Supervisor, Hsing Yi Chao, for further information.

Supporting Documents

December 2019 – Administrative Update

Motions

Motion to have acting secretary to seek information with LPAT regarding payment methods – Moved by Panel Member J. Leung, seconded by Panel Member S. Makuch (carried).

Motion to receive Staff Update – moved by Panel Member S. Karmali, seconded by Panel Member J. Tassiopoulos (carried).

TLAB 25.3 INFORMATION

Toronto Local Appeal Body – Public Guide Amendments

Summary

The Toronto Local Appeal Body Panel Members to review and consider the addition of an informational section on Review Requests and Leave to Appeal applications to the Toronto Local Appeal Body's Public Guide, and a section on complaints.

- TLAB had prearrange meeting with the Ombudsman, what arose out of that meeting was the TLAB website be updated to link together the existing complaints protocol that Court Services has. The language in the Public Guide meets the requirements as well.
- Vice Chair Dino Lombardi points out technical mistake – to be corrected.

Supporting Documents

[Proposed amendments to the Toronto Local Appeal Body's Public Guide – Review Requests and Leave to Appeal applications](#)

[Proposed amendments to the Toronto Local Appeal Body's Public Guide – Complaints](#)

Motions

Motion to adopt language and one modification – Moved by Vice Chair D. Lombardi, seconded by Panel Member S. Gopikrishna (Carried)

TLAB 25.4 INFORMATION

Toronto Local Appeal Body – Standard Consent Conditions

Summary

The Toronto Local Appeal Body will consider the wording of the standard conditions applied to approvals for consent appeals to TLAB.

- Ian Lord, TLAB Chair, recollects concerns expressed regarding jurisdiction and the enforcement of conditions - corrections have been made in the draft language regarding the concerns. Changes to decision template to be made following the adoption of the practice direction
- Amendments further to any additions from Counsel (7)

Supporting Documents

[Standard Consent Conditions – FINAL – October 2019](#)

Motions

Motion to amend further to the additions from counsel (paragraph 7) - moved by Panel Member S. Makuch, seconded by Panel Member J. Tassiopoulos (Carried).

TLAB 25.5 INFORMATION

Toronto Local Appeal Body – TLAB Support Centre

Summary

The Toronto Local Appeal Body will consider the decision report and decision of the Planning and Housing Committee of September 17, 2019, “Feasibility of Implementing a Support Centre for Committee of Adjustment and Toronto Local Appeal Body Matters”

- TLAB Supervisor, Hsing Yi Chao, discussed the feasibility of implementing a supper centre. Further discussions are being had with TLAB and the COA to develop information sessions to members of the public in the mid to late 2020. It will not constitute as legal advice.

Supporting Documents

[Planning and Housing Committee item PH8.5 – Feasibility of Implementing a Support Centre for Committee of Adjustment and Toronto Local Appeal Body Matters](#)

[Report from the Director, Court Services on Feaibility of Implementing a Support Centre for Committee of Adjustment and Toronto Local Appeal Body Matters](#)

Motions

Motion to received - move by Panel Member J. Tassiopoulos, seconded by Panel Member S. Makuch (carried).

TLAB 25.6 INFORMATION

Toronto Local Appeal Body – Land Acknowledgement Reading

Summary

The Toronto Local Appeal Body will receive advice on the application of the Aboriginal Land Acknowledgement to hearings and business meetings.

Decision Advice and Other Information

- The Land Acknowledgement Reading is to be read. It is not required in a hearing setting but it is a requirement in a business meeting session.

Supporting Documents

[City Council Decision EX34.20 – May 22, 2018](#)

Motions

Motion to receive - moved by Panel Member J. Tassiopoulos, seconded by Panel Member S. Makuch (carried).

TLAB 25.7 INFORMATION

Toronto Local Appeal Body – Appeal Withdrawal

Summary

The Toronto Local Appeal Body will consider the process for confirming that an appeal has been withdrawn at TLAB.

- Ian Lord, TLAB Chair, states Panel Members are to confirm that the withdrawal is by the sole appellant, that it is unconditional, and that it is apparent the Appellant is the main person and has the authority to withdraw – it is the Panel Member's responsibility to ensure all of the previously stated is apparent when the Appellant abandons the Appeal in order to confirm the withdrawal.

Supporting Document

[\[DRAFT\] Template for Appeal Withdrawal](#)

Motions

Motion to consider the withdrawal template – moved by Vice Chair D. Lombardi, seconded by Panel Member S. Karmali (carried).

TLAB 25.8 INFORMATION

Toronto Local Appeal Body – Appeal Notice and Rescheduled Appointments in Applicant Only (Sole Party) Appeals

Summary

The Toronto Local Appeal Body will discuss the process for adjourning Sole Party hearings under Rule 17.2

- Panel Members discuss about how to deal with single party applicant adjournments as well as TLAB staff's right to adjourn matters, administratively.
- A sole applicant requesting an adjournment has to go through the normal rule requirements where a member will decide.

Motions

Motion to receive that no changes are made, sole applicants must follow same rule - moved by Panel Member S. Gopikrishna, seconded by Vice Chair D. Lombardi (carried).

TLAB 25.9 INFORMATION

Toronto Local Appeal Body – Vice Chair Debrief on OPPI Conference

Summary

The Toronto Local Appeal Body will receive an update from Vice Chair Dino Lombardi regarding his presentation at the Ontario Professional Planners Institute Conference.

- D. Lombardi, TLAB Vice Chair, debriefs on OPPI conference.

Motions

Motion to receive report – moved by Panel Member J. Tassiopoulos, seconded by Panel Member T. Yao (carried).

TLAB 25.10 INFORMATION

Toronto Local Appeal Body – Draft Practice Direction 6: Expert Witnesses

Summary

The Toronto Local Appeal Body will consider the adoption of a new Practice Direction regarding the responsibilities of Expert Witnesses to the TLAB.

Decision Advice and Other Information

- Ian Lord, TLAB Chair, would like a draft of a Practice Direction to be created and implemented – currently reviewing the draft for further comments.

Support Documents

[Draft Practice Direction on Expert Witnesses](#)

Motions

Motion to defer 25.10 to next day for advice – moved by Panel Member S. Makuch, seconded by Panel Member J. Tassiopoulos.

TLAB 25.11 INFORMATION

Toronto Local Appeal Body – Closed Session

Summary

The Toronto Local Appeal Body went into closed session to receive advice that is subject to solicitor client privilege. The advice pertains to the impact of circulating media reports to members of the TLAB, arising out of discussion during the August 23, 2019 Public Business Meeting.

(The City of Toronto Act, 2006 permits closing a meeting to receive advice that is subject to solicitor-client privilege.)

Motions

Motion to receive the advice that the TLAB is not to circulate media reports to Panel Members as per the advice of counsel – moved by Panel Member S. Karmali, seconded by Panel Member D. Lombardi (carried).

TLAB 25.12 INFORMATION

Toronto Local Appeal Body – Election of Vice Chair

Summary

The Toronto Local Appeal Body will consider candidates and elect a Vice Chair for 2020. Appendix A to the Procedural Bylaw passed by TLAB will govern the election of the Vice Chair.

Decision Advice and Other Information

- Current Vice Chair, D. Lombardi, the sole nominee.
- All in favour in Panel Member D. Lombardi carrying on as Vice Chair in 2020.

Supporting Documents

[Procedure By-law 1-2017 To govern the meetings of the Toronto Local Appeal Body – Appendix A](#)

Motions

Motion to confirm Panel Member D. Lombardi as Vice Chair – moved by Panel Member S. Makuch, seconded by Panel Member S. Gopikrishna (carried).

TLAB 25.13 INFORMATION

Toronto Local Appeal Body – Public Meeting Dates 2020

Summary

The Toronto Local Appeal Body will set the dates of their 2020 Public Business Meetings, and consider communication on Striking Committee item 3.1 regarding the 2020 Schedule of Meetings for agencies, corporations and special purpose bodies.

Supporting Documents

[2020 – Proposed Business Meeting Schedule](#)

[Direction to Agencies, Boards and Commissions – 2020 Schedule of Meetings \[Correspondence\]](#)

Motions

Motion to adjourn – moved by Panel Member S. Gopikrishna, seconded by T. Yao (carried).

Meeting Sessions and Attendance

Session Date	Session Type	Start Time	End Time	Public or Closed Session
December 10, 2019	Morning	9:37	10:56	Public
December 10, 2019	Morning	10:35	12:25	Closed
December 10, 2019	Recess	12:25	1:12	
December 10, 2019	Afternoon	1:12	3:35	Public

Date and Time	Quorum Panel Members
December 10, 2019 9:31	Present: Ian Lord (Chair), Dino Lombardi (Vice Chair), Gillian Burton, Sabnavis Gopikrishna, Sean Karmali, Justin Leung, Shaheynoor Talukder, John Tassiopoulos, Ted Yao, Stan Makuch
December 10, 2019 11:09	Present: Ian Lord (Chair), Dino Lombardi (Vice Chair), Gillian Burton, Sabnavis Gopikrishna, Sean Karmali, Justin Leung, Shaheynoor Talukder, John Tassiopoulos, Ted Yao, Stan Makuch
December 10, 2019 1:37	Present: Ian Lord (Chair), Dino Lombardi (Vice Chair), Gillian Burton, Sabnavis Gopikrishna, Sean Karmali, Justin Leung, Shaheynoor Talukder, John Tassiopoulos, Stan Makuch
December 10, 2019 3:21	Present: Ian Lord (Chair), Dino Lombardi (Vice Chair), Gillian Burton, Sabnavis Gopikrishna, Sean Karmali, Justin Leung, Shaheynoor Talukder, John Tassiopoulos, Ted Yao, Stan Makuch
December 10, 2019 3:47	Present: Ian Lord (Chair), Dino Lombardi (Vice Chair), Gillian Burton, Sabnavis Gopikrishna, Sean Karmali, Justin Leung, Shaheynoor Talukder, John Tassiopoulos, Ted Yao, Stan Makuch

Toronto Local Appeal Body Staff

Hsing Yi Chao

Manager

Tribunal Operations, Court Services

Angela Beppe

Acting Secretary/Supervisor

Toronto Local Appeal Body, Court Services

Nathalie Forde

Acting Support Assistant A
Toronto Local Appeal Body, Court Services

Kevork Chelenkerian

Support Assistant B
Toronto Local Appeal Body, Court Services

Bonita Charitable

Support Assistant B
Toronto Local Appeal Body, Court Services

Tyra Dorsey

Support Assistant B
Toronto Local Appeal Body, Court Services