



# Minutes: December 2, 2020

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## Business Meeting No. 29

Meeting Date: Wednesday, December 2, 2020, 9:30 a.m.

Location: Electronic via Webex

Link to Join:

Toronto Local Appeal Body - Public Business Meeting - December 2, 2020

Hosted by Toronto Local Appeal Body

<https://toronto.webex.com/toronto/j.php?MTID=mdf06dbf9b025486789c90948ba0a6928>

Wednesday, Dec 2, 2020 9:30 am

**Meeting number:** 177 548 0907

**Password:** 3xDgAbVrs39

Join by video system

Dial 1775480907@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: 177 548 0907

**Chair:** Ian Lord

**Contact:** Angela Bepple

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 – Business Meeting, August 31, 2020.**

Motion to adopt meeting minutes of August 31, 2020 as amended – moved by Member D. Lombardi, seconded by Member S. Gopikrishna (Carried)

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

No declarations of conflict of interest.

## **26.7 – INFORMATION**

Toronto Local Appeal Body – Draft Evaluation Status Update

### **Summary**

The Toronto Local Appeal Body may receive an update regarding the establishment of a subcommittee of Members of the TLAB on a purpose and methodology for the evaluation of hearing events. The TLAB may further defer the item to a future business meeting.

Chair I. Lord inquired whether there are any updates regarding the working committee item that was previously deferred and would like to formalize the formal working committee's constitution. The TLAB formally constituted the working committee with Members Karmali, Makuch, Gopikrishna and Bassios, who will report back on the working group at the Q1 meeting.

### **Supporting Documents**

## Draft evaluation form

Letter –RE: TLAB Business Meeting May 26, 2020, Susan Abbott (May 24, 2020): Item 26.7 Evaluation Form for Hearings - May 25, 2020 –

Letter - RE: TLAB Business Meeting May 26, 2020, FONTRA (May 25, 2020) considering implementing a survey to measure the experience of TLAB users. Agenda item 26.7 – Draft Evaluation (Evaluation form for Hearings) – May 24, 2020;

## Motions

Motion to establish a Hearing evaluation working committee with Member Karmali, Makuch and Gopikrishna to provide a status update on the working group in Q1, moved by Panel Member S. Gopikrishna, seconded by Panel Member S. Karmali (Carried).

## 28.5 – INFORMATION

Toronto Local Appeal Body – Correspondence

### Summary

The Toronto Local Appeal Body will receive and may consider letters submitted by FONTRA regarding Chair's Annual Report, etc.

Deputations, if any.

Chair and the Vice-Chair to speak to this item.

Chair I. Lord reviewed the history of the correspondence dated June 10, 2020. A request was within the Expert Witness Statement draft, stating that matters are to be dealt with by TLAB and be drafted with two readings before it comes to TLAB. The first reading would propose input from the public. The second reading would receive information on revisions. The revision would go forward to TLAB for adoption via the working committee.

A review of one of the correspondences received addressed varying issues that create barriers to residents and suggest that the City Council review TLAB. Council has not taken any action as of yet.

Public member G. Kettel reads a letter dated July 23, 2020. The letter addressed varying concerns, such as the increase in timelines and complexities of minor issues. The letter states their opinion of the TLAB seems to be overturning COA decisions and that the City should review this and the report should be displayed in a public forum.

Chair I. Lord suggests a motion to have the City Council direct the City Manager to review the TLAB to simplify and reduce operations costs.

Member D. Lombardi believes public input is fundamental to its functioning, and it does assist the tribunal in keeping TLAB accessible. Member D. Lombardi also found sentiments found in the letter for July 23, 2020, somewhat troubling and unfair. It is addressing a lack of fairness, lack of natural justice. The TLAB has allowed public input and accepted it and has done so regarding revising the simplification rules.

## Supporting Documents

FONTRA letter (September 19, 2020) **RE: PH15.4 Toronto Local Appeal Body – Chair’s Annual Report**  
FONTRA letter (July 23, 2020) **RE: PH15.4 Toronto Local Appeal Body – Chair’s Annual Report**, to Mayor Tory and Members of City Council, with Attachments including Performance Statistics and correspondence from: Geoff Kettel, Cathie Macdonald RE: TLAB Virtual Business meeting, May 26, 2020 (June 10, 2020) concerning draft Practice Direction 6, procedures, etc.  
Email of Geoff Kettel, sent August 30, 2020, requesting Chair’s Annual Report be added as a new Agenda Item to Virtual Business Meeting, August 31, 2020.

## Motions

Motion to accept deputations on this matter and to hear from the public. Moved by Member S. Makuch, seconded by Member J. Tassiopoulos – Carried.

The TLAB formally receives the letter from FONTRA to Toronto City Council dated July 23, 2020. In response, the Chair is to incorporate the sentiments expressed by the tribunal members. The three pieces of correspondences received to be directed to the Tribunal Evaluation Committee for their evaluation of the TLAB process. Moved by Member D. Lombardi, seconded by Member S. Karmali – Carried.

## 29.1 – INFORMATION

Toronto Local Appeal Body – Chair's Update

- A) COVID-19 update on tribunal activities; procedures at virtual Hearings.
- B) Communications from Working Group on *Rule 31* revisions.
- C) Transition matters: litigation update; meeting with Court Services, October 29, 2020.

## Summary

The Toronto Local Appeal Body Chair will provide an update to the Members on TLAB business and changes since the August 31, 2020 virtual Business Meeting.

Chair I. Lord states that staff is proceeding with the urgent motion process. Virtual meetings will continue until year-end and probably beyond. In the interim, the Vice-Chair has completed a memo on hearing procedures, been instructive on hearing operations, and staff has been giving the public advisories.

Dealing with a virtual hearing, transferring host status from staff to member, having the team available by email or telephone, the staff has identified the DAR like things available on the WebEx program. Staff will provide training to familiarize members with the program.

Chair I. Lord states Rule 31 time regime is established – revisions adopted to Rule 31.

Complaints received should not be shared with Panel Members. Suggestion from Vice-Chair that a session be conducted with counsel present to get members' views on decision writing.

### **Motions**

Motion to receive Chair's Update. Moved by Member D. Lombardi, seconded by Member S. Makuch - Carried.

## **29.2 – INFORMATION**

Toronto Local Appeal Body – Supervisor's Update

Update on Member appointment status – Manager of Tribunal Operations

### **Summary**

Court Services Supervisor and Manager provided an update on administrative matters pertaining to the following items:

- Status of electronic & in-person hearings
- Updates on Covid-19 and impact on services
- Scheduling for 2021

TLAB Manager G. Clarke states Member D. Lombardi is the next Chair effective December 14, 2020. Members S. Gopikrishna, S. Makuch, T. Yao have been reappointed, with an appointment end date of December 14, 2024.

A new TLAB member, Christine Kilby, has been appointed.

### **Motions**

Motion to receive report from the Manager and Supervisor. Moved by Member A. Bassios, seconded by Member S. Makuch – Carried.

## **29.3 – INFORMATION AND MOTION**

Toronto Local Appeal Body – *Rule 31*

The Toronto Local Appeal Body discussed proposed changes to *Rule 31*, and adopted the recommendations of the working group created for that purpose. The current rule includes an administrative vetting, followed by a three stage adjudicative vetting - this process has been expressed as cumbersome for participants. The suggestion is to delete language that would give the Chair power to vary or suspend a decision under a review request. The draft of the revised Rule 31 is attached and repeats and grants the same four rights, suspend, vary, cancel, and affirm. The TLAB adopted the recommended changes, and removed the proposed item 31.16.

### **Supporting Documents**

[Proposed Revisions to Rule 31](#)

Public Communication:

### **Motions**

Motion that Rule 31 of the Toronto Local Appeal Body Rules of Practice and Procedure be repealed and replaced in the form and text of that attached as 'Proposed Revisions to Rule 31'; and that any Request for the Review of a Member's final decision or final Order received on or after the date of this revision be considered under the terms thereof; and that the Rules of Practice and Procedure be revised and posted to accord with this action. Moved by Member D. Lombardi, Seconded by Member J. Tassiopoulos – Carried.

Motion to remove Rule 31.16. Moved by Member T. Yao, Seconded by Member S. Talukder - Carried.

## **29.4 – MEMBER REQUESTS AND MOTIONS - Member T. Yao**

### **Summary**

Member T. Yao wished engage in dialogue with building departments regarding attaching plans to decisions. Chair I. Lord directs the TLAB to consult with the building department to confirm or modify affixing drawings to decisions to consider privacy matters.

The TLAB also considered the use of Video links, and directed that Practice Direction 4 regarding video evidence be amended to include Youtube and other links as valid options.

### **Supporting Documents**

Staff Comments

Summary Reports on Building Department discussions to date.

### **Motions**

Motion to have TLAB staff consult with City Building Department to confirm, and or modify the practice of affixing drawings to decisions in consideration of privacy matters. Moved by Member T. Yao, seconded by Member D. Lombardi (Carried).

Motion to amend Practice Direction 4 to allow YouTube links as source of documentations for proposed filings for a hearing. Moved by Member T. Yao, seconded by Member S. Talukder (Carried).

## 29.5 – MEMBER ACCOUNTABILITY

Toronto Local Appeal Body – In Camera Session – Member Accountability

### Summary

The Toronto Local Appeal Body went into closed session to discuss an issue regarding an identified Member.

### Motions

Motion to go in-camera to address Member Accountability. Moved by Member S. Makuch, Seconded by Member D. Lombardi – Carried.

Motion to go back into public session. Moved by Member S. Makuch, seconded by Member S. Gopikrishna – Carried.

Motion the TLAB direct counsel to provide a report on a protocol respecting efforts made to communicate directly with members that can be perceived as threatening or harassment. Moved by Member S. Gopikrishna, seconded by Member J. Tassiopoulos – Carried.

## 29.6 – CHAIR RECOGNITION

Toronto Local Appeal Body – Vice Chair Remarks

### Summary

Vice Chair Dino Lombardi recognized the outgoing Chair Ian Lord for his work as the inaugural Chair of the TLAB.

## 29.7 – ELECTION OF VICE CHAIR/ALTERNATE, 2021

The Toronto Local Appeal Body shall elect a Member or Member Alternate to the position of Vice Chair for calendar 2021.

As no members were nominated or nominated themselves for the role of Vice Chair, Chair I. Lord appointed the new Vice Chair. Panel Member S. Talukder received the appointment as the new Vice Chair.

## 29.8 – SCHEDULE OF MEETINGS - 2021

The Toronto Local Appeal Body set the Q1 date of their 2021 Public Business Meeting, and considered communication on Striking Committee item ST6.1 regarding the 2021 Schedule of Meetings for agencies, corporations and special purpose bodies. The TLAB will consider additional dates for 2021.

## 29.9 - CLOSING BUSINESS AND REMARKS

### Adjournment

#### **Staff Attendance:**

##### **Gary Clarke**

Acting Manager

Tribunal Operations, Court Services

##### **Angela Beppe**

Acting Secretary / Supervisor

Toronto Local Appeal Body, Court Services

##### **Tyra Dorsey**

Acting Lead / Support Assistant B

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

##### **Nathalie Forde**

Support Assistant B

Toronto Local Appeal Body, Court Services