



Minutes: May 07, 2021

Toronto Local Appeal Body Business Meeting No. 31

Meeting Date: Friday, May 7, 2021

Time: 9:30 am.

Email: tlab@toronto.ca

Location: Electronic Business Meeting (WebEx)

Chair: Dino Lombardi

Contact: Tyra Dorsey

Phone: 416-392-4697

Toronto Local Appeal Body Panel Members

Dino Lombardi (Chair)

Shaheynoor Talukder (Vice Chair)

Sabnavis Gopikrishna

Sean Karmali

Justin Leung

John Tassiopoulos

Ted Yao

Stanley Makuch

Ana Bassios

Christine Kilby

Reading of 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.

Declaration of Interest under the Municipal Conflict of Interest Act

No declaration of Interest under the Municipal Conflict of Interest Act.

Aboriginal Land Acknowledgement

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Confirmation of Minutes – Business Meeting, February 10, 2021.

Member Gopikrishna clarification about the motion term to be terminated concerning the 2nd item; clarification previously received - no need to vote.

Motions:

Motion to adopt February 10, 2021 Business Meeting Minutes moved by Panel Member Lombardi, seconded by Panel Member Makuch (carried).

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

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Deferred Items:

31.1 – FONTRA COMMUNICATION

Summary

The Toronto Local Appeal Body consider submissions made by the Federation of Toronto Neighbourhood Associations, and will receive deputations by representatives of FONTRA.

Chair Lombardi responded to the FONTRA letter on February 25, 2021. The TLAB received replies to the Chair's response by SAHRA Association.

Chair Lombardi briefly summarized the comments of the correspondence and categorized the issues and concerns into three groups: the length at the TLAB was problematic for residents and their members; TLAB rules of practice and Procedure complexity; a wide discrepancy in decision outcomes.

Chair Lombardi concludes that the common goal should result in good community planning and support stability and enrichment of the many neighbourhoods that constitute the city of Toronto.

Ms. Rita Bilerman speaks about the association concerns, Procedure complexity and fairness.

Chair Lombardi suggests hearing from debutants/public feedback in Q4, which will help provide input into the Chair's 2021 annual report.

Motions:

Motion to add the late submission by Annex Residents' Association to the business meeting moved by Panel Member D. Lombardi and seconded by Panel Member S. Makuch (carried).

Motion to add public speaking deputations during Q4 meeting moved by Panel Member D. Lombardi and seconded by Panel Member S. Makuch (carried).

Motion to have TLAB staff prepare an annual calendar with the assistance of the TLAB Chair and Vice-Chair, of upcoming business meetings, operations meeting, and a timeline of approximation of when the Chair's annual report will be prepared. Moved by Panel Member Lombardi, Seconded by Panel Member Makuch (carried).

Supporting Documents

Communication from FONTRA

31.2 – INFORMATION

Summary

The Toronto Local Appeal Body to consider new Sub-Rule 2.6.

Supporting Documents

Sub-Rule 2.6 verbiage.

Motions:

Motion to exclude communication between Parties and TLAB Staff that is merely administrative only, all communications with or from the TLAB concerning any proceeding must be copied to, or be made in the presence of all other parties. Moved by Panel Member J. Tassiopoulos seconded by Panel Member S. Gopikrishna (carried).

31.3 – INFORMATION

The TLAB Chair will provide an update on Business Meeting Protocols and Procedures.

- Business Meeting Protocols and Procedure
- Chair's Update

Chari Lombardi speaks about the protocol and procedure to make the business meeting less lengthy and more efficient.

The approach is based primarily on Section G, Rules of Debate, of the Procedural By-law 1-2017 governing the meetings of the TLAB and is generally patterned on how City Council meetings are currently conducted. If adopted, Chair Lombardi believes this protocol will result in Business Meetings that are more productive, efficient, and less taxing for the Members and a more enjoyable and productive experience for all participating.

Chair Lombardi discussed the Proposed Procedural Protocol for TLAB Quarterly Business Meetings.

Chair Lombardi attended the Joint health and safety committee meeting; there's an updated safety plan regarding covid. There is a corporate security lockdown plan, system outage plan. A revised plan will be circulated to the Chair and TLAB staff.

Covid 19 update: Same Health and Safety protocol, we are still in a lockdown situation and may be extended.

Communications from the City office manager inform the Tribunal that working from home will be a default. Focusing on vaccination and remote hearings will continue.

TLAB is conducting hearings remotely and will likely continue until the end of the year or maybe the following year. A hybrid model is being considered.

Virtual Hearing WebEx auto transcript, it's no longer available. Members cannot request the transcript from staff anymore.

Motions:

Motion to adopt the Draft Procedural protocol for TLAB quarterly Business Meetings as presented. Moved by Panel Member A. Bassios seconded by Panel Member S. Talukder (carried).

Motion to accept the Chair's update moved by Panel Member J. Leung and seconded by Panel Member C. Kilby (carried).

31.4 – INFORMATION

Toronto Local Appeal Body – Supervisor's Update

Summary

Court Services Supervisor and Manager to provide 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 offices are still closed, and the City of Toronto is encouraging staff to work from home. The administration is working on some Audio/Video improvements.

Motions:

Motion to receive the Acting Supervisor and Acting Manager updates. Moved by Panel Member D. Lombardi, seconded by Panel Member S. Karmali (carried).

31.5 – INFORMATION

Toronto Local Appeal Body – Practice Direction for Hearing Extensions

Summary

The Practice Direction for Hearing Extensions item was discussed in the 2020 Q3 business meeting. A motion was put forward by Panel Member Gopikrishna that requested minor variance hearings greater than three days and combined hearings greater than five days should be scheduled for a prehearing. The requesting Panel Member inquired if a practice direction should be considered - the motion was never addressed or adopted.

Parties and Members are encouraged to consider the appropriate and effective allocation of resources concerning matters before the TLAB. Scarce resources should be conserved, and efficiency in the hearing of cases remains an important goal.

Chair Lombardi provides instruction on how to handle hearings and processes. The intent is to highlight the resources of the public, but it's essential to be efficient and productive, and the extensions strategy is not encouraged.

Supporting Documents

Practice Direction No. ____ Hearing Extensions

Motions:

Motion that a Pre-Hearing Conference pilot project be initiated in consultation with the chair and vice-chair with selected hearings to be heard by the vice-chair with the following elements of discussion: that parties be encouraged to settle or resolve the issues raised and limits be placed on the number of hearing days. The vice-chair to report on the process at each business meeting. Moved by Panel Member T. Yao and seconded by Panel Member S. Karmali (carried).

31.6 – INFORMATION

Panel Member Ted Yao Item - MP4

Summary

Member Yao is speaking regarding virtual meeting and some privacy issue about the video recordings. The rules says that the member have the control over the recording (visual image).

Motions:

Motion to defer item 31.6 to Q3 Business Meeting for Court Services staff to gather additional information on the separation of audio from video in the WebEx recordings of hearing events. Moved by Panel Member T. Yao and seconded by Panel Member J. Tassiopoulos (carried).

31.7 – INFORMATION

Toronto Local Appeal Body – Draft Evaluation Status Update Memorandum

Summary

Panel Member Karmali speaks about consistency, decision-making, evaluation options for hearing attendees, and training options for inclusive inclusivity matters.

Motions:

Motion that the draft subcommittee recommendations be circulated to the tribunal members and Duxbury law, for feedback and input and that the subcommittee report back on progress to the Q3 2021 business meeting. Moved by Panel Member D. Lombardi seconded by Panel Member S. Karmali (carried).

Motion that the TLAB receives the draft evaluation status memorandum. Moved by Panel Member J. Tassiopoulos seconded by Panel Member J. Leung (carried).

31.8 – MEMBER ACCOUNTABILITY

Toronto Local Appeal Body – In Camera Session – Member Accountability

Summary

The Toronto Local Appeal Body will go into closed session to discuss an issue regarding an identified Member or Members.

Motions:

Motion to move off camera moved by Panel Member D. Lombardi and seconded by Panel Member J. Tassiopoulos (carried).

31.9 - CLOSING BUSINESS AND REMARKS

The Toronto Local Appeal Body will have a 5th special business meeting **on November 16**, and it will be an educational and training session as well. Q3 Business Meeting date September 24, 2021; Q4 Business Meeting date December 10, 2021.

Adjournment

Motion to adjourn the business meeting moved by Panel Member D. Lombardi and seconded by Panel Member J. Tassiopoulos (carried).

Meeting ended at 3:46pm

Staff Attendance:

Gary Clarke

Manager

Tribunal Operations, Court Services

Tyra Dorsey

Secretary / Acting Supervisor

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