



Agenda: December 10, 2021

Toronto Local Appeal Body Business Meeting No. 34

Meeting Date: Friday, December 10, 2021, 9:30 a.m.

Location: Electronic via City of Toronto Web Conferencing

Link to Join:

Q5: Toronto Local Appeal Body - Public Business Meeting

Hosted by Toronto Local Appeal Body

Friday, Dec 10, 2021 9:30 am | 7 hours | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: **2467 526 8514**

Password: **Toronto**

<https://toronto.webex.com/toronto/j.php?MTID=m4ed487d1013a587dfeebac5719ac46d4>

Join by video system

Dial 24675268514@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

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Access code: 246 752 68514

Toronto Local Appeal Body - Public Business Meeting – December 10, 2021

Chair: Dino Lombardi

Contact: Tyra Dorsey, Acting Supervisor, Tribunal Operations

Phone: 416-392-4697

Toronto Local Appeal Body Panel Members

Dino Lombardi (Chair)

Ana Bassios

Sabnavis Gopikrishna

Sean Karmali

Christine Kilby

Justin Leung

Stanley Makuch

Shaheynoor Talukder (Vice Chair)

John Tassiopoulos

Ted Yao

This meeting of the Toronto Local Appeal Body will be held by electronic means and the proceedings of the Tribunal will be conducted publicly.

Members of the Toronto Local Appeal Body and Staff: Please keep this agenda and the accompanying material until the Panel Meeting dealing with these matters have ended.

Special assistance for members of the public: Toronto Local Appeal Body staff can arrange for special assistance with some advance notice. If you need special assistance, please call 416-392-7909, or email tribunalaccess@toronto.ca.

Closed Meeting Requirements: If the Toronto Local Appeal Body wants to meet in closed session (privately), a member of the panel must make a motion to do so and give the reason why the Toronto Local Appeal Body has to meet privately.

Public Deputations by Oral Presentation: A notice of intention to make a public deputation by oral presentation on a Business Meeting agenda item must be registered with the Secretary at least one (1) business day prior to the meeting by 12 p.m. (noon). Email requests can be submitted to tlab@toronto.ca. The date of the TLAB Business Meeting and the agenda item to be spoken to must be indicated in the subject line of the email. (Toronto Local Appeal Body By-law No.1-2017, Section 16(2))

Public Deputations by Written Submissions: Public deputations by written submission must be registered with the Toronto Local Appeal Body at least five (5) business days prior to the Business Meeting by 4:30 p.m. Written submissions can be submitted by email to tlab@toronto.ca. The date of the TLAB Business Meeting and the agenda item to be spoken to must be indicated in the subject line of the email. (Toronto Local Appeal Body By-law No.1-2017, Section 18(2))

Notice to People Writing to the Toronto Local Appeal Body: The City of Toronto Act, 2006 and the City of Toronto Municipal Code authorize the City of Toronto to collect any personal information in your communication or presentation to City Council or its committees.

The Toronto Local Appeal Body collects this information to enable it to make informed decisions on the relevant issue(s). If you are submitting letters, faxes, emails, presentations or other communications to the Toronto Local Appeal Body, you should be aware that your name and the fact that you communicated with the Toronto Local Appeal Body will become part of the public record and will appear on the Toronto Local Appeal Body's website. The Toronto Local Appeal Body will also make your communication and any

personal information in it – such as your postal address, telephone number or email address – available to the public, unless you expressly request the Toronto Local Appeal Body to remove it.

This agenda and any supplementary materials submitted to the Toronto Local Appeal Body can be found online at www.toronto.ca/tlab. Visit the web page for access to all agendas, decisions and minutes of the Toronto Local Appeal Body.

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, November 16, 2021.

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

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34.1 – INTRODUCTION

Summary

The Chair will provide an Introduction to the Meeting, an update regarding the new Business Meeting Protocol, and comments regarding Business Meeting decorum and formality.

Supporting Document(s)

The new Toronto Local Appeal Body Business Meeting Protocol

34.2 – PUBLIC GUIDE REVISIONS

Summary

Minor revisions are being made to the Public Guide to be in alignment with current protocols.

Supporting Documents

Revised Public Guide

34.3 – Additional Notice of Hearing (Form 2) Wording

Summary

The Chair is proposing additional wording be added to the Notice of Hearing (Form 2) template that addresses the issue of the late filings with the Toronto Local Appeal Body of Terms of Settlement in a matter before the Tribunal. This additional wording would follow the wording regarding TLAB-led Mediation recently incorporated into Form 2.

Motion:

“**THAT** the Toronto Local Appeal Body’s Notice of Hearing (Form 2) template be amended to incorporate the following additional wording proposed by the Chair regarding the serving of Terms of Reference with Parties and Participants and the filing of same with the Tribunal prior to the ‘return-to’ Hearing event:

*Parties who arrive at a settlement are required to Serve the terms of the proposed Settlement on all Parties and Participants and File same with the TLAB at the earliest possible date (see Rule 19) and are **strongly encouraged** to do so **no later than 2 business** days prior to the scheduled ‘return-to’ Hearing date.”*

Supporting Document(s)

The Toronto Local Appeal Body’s Notice of Hearing (Form 2) Template

34.3 – CHAIR'S UPDATE

Summary

The Chair will provide an update.

Update on Toronto Local Appeal Body Re-opening of In-person Hearings

34.4 – SUPERVISOR AND MANAGER'S UPDATE

Summary

The Supervisor and Manager will provide an update on the following:

a) Tribunal Statistics (January to November)

Total Hearings

Total Appeal Packages Received

Total Appeals Completed (Final Decision Issued)

Total Review Requests Completed

Average Time From First Scheduled Hearing Date to Final Decision Issued

Average Time From Last Scheduled Hearing Date to Final Decision Issued

b) Website Updates

c) Pre-Hearing Administrative Procedure Update

- d) Health & Safety
- e) 2022 Hearing Scheduling

34.5 – PREHEARING CONFERENCE PILOT PROJECT

The Toronto Local Appeal Body Chair to provide an update on the Pre-hearing Conference Pilot Project, the anticipated commencement of the Project.

Summary

The Toronto Local Appeal Body initiated a Pre-hearing Conference (PHC) Pilot Project in consultation with the Chair and the Vice-Chair. The PHC is a selected pre-hearing to be heard on a fixed day and attended by the Vice-Chair and the Pilot Project is scheduled to commence in January 2022.

Supporting Document(s)

Memorandum on Pre-hearing Conference (PHC) Pilot Project.

34.6 – TLAB RULES PRINCIPLES

The Toronto Local Appeal Body will consider a set of nine (9) core principles of the Tribunal.

Summary

Members will review a set of core principles which, along with the Toronto Local Appeal Body's Rules of Practice and Procedure, its Forms, and its Practice Directions, will express the Tribunal's fundamental values as an independent, quasi-judicial land use planning tribunal that hears appeals of the City of Toronto's Committee of Adjustment for variances and land severances.

Motion

"THAT the Toronto Local Appeal Body adopt the draft TLAB Rule Principles and that the Principles be uploaded to the TLAB's website and included in the Public Guide."

Supporting Document(s)

Draft TLAB Rule Principles

34.7 – DECISION TIMELINES AND MEMBER ACCOUNTABILITY

The Toronto Local Appeal Body Chair to review the issue of Decision Timelines and Member accountability

Summary

Members have generally supported the rationale that timely decision reporting is not just a service to the public as expected of the TLAB by City Council, but also serves to avoid the potential for ‘backlog building’ that can overwhelm and compromise the Member as well as the Tribunal.

In 2019, the TLAB adopted a revised voluntary decision turnaround timeline of ‘14 business days’ for the issuance of a Member’s decision and order. To reflect a more realistic turnaround timeline that is reflective of current circumstances impacting TLAB operations and Tribunal Members, the Chair is proposing that the timeline be modified.

Motion:

“**THAT** the Toronto Local Appeal Body’s established voluntary ‘turnaround’ timeline of 14 business days for the issuance of a Members’ decision and order following the completion of the appeal hearing event be amended to a turnaround time of 21 business days, as of January 1, 2022”

Supporting Document(s)

Memorandum from the Chair dated December 3, 2021

34.8 – ELECTION OF TLAB VICE-CHAIR/ALTERNATE, 2022

The Toronto Local Appeal Body shall elect a Member or Member Alternate to the position of Vice Chair for calendar year 2022.

Supporting Document(s)

Sections 6 and 7, respectively, of the TLAB’s Procedural By-law 1-2017 dealing with the Duties and Election of the Vice-Chair.

34.9 – CHAIR RECOGNITION

Toronto Local Appeal Body – Vice Chair Remarks

34.10 - MEMBER(S) ACCOUNTABILITY

Toronto Local Appeal Body – In Camera Session – Member(s) Accountability pursuant to Section 11. (1)(c) of the TLAB’s Procedural By-law 1-2017.

34.11 – SCHEDULE OF BUSINESS MEETING - 2022

The Toronto Local Appeal Body will set the dates of their 2021 Public Business Meetings. The Tribunal will schedule a total of five (5) Meetings in 2022. Dates to be determined.

34.12 - CLOSING BUSINESS AND REMARKS

Adjournment

This meeting is open to the public pursuant to the Statutory Powers Procedure Act, R.S.O. 1990, Chap. S.22, s.9 (1) and in accordance with The City of Toronto Act, 2006, as amended, Toronto Municipal Code, Chapter 545, 545-3 and Chapter 546.