



Minutes: December 10, 2021

Toronto Local Appeal Body Business Meeting No. 34

Meeting Date: Friday, December 10, 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

John Tassiopoulos

Ted Yao

Stanley Makuch

Ana Bassios

Christine Kilby

Staff Attendance:

Gary Clarke

Manager

Tribunal Operations, Court Services

Tyra Dorsey

Secretary / Acting Supervisor

Toronto Local Appeal Body, Court Services

Carina Cinelli

Support Assistant A

Toronto Local Appeal Body, Court Services

Marc Buensuceso

Support Assistant B

Toronto Local Appeal Body, Court Services

Timothy Ally

Support Assistant B

Toronto Local Appeal Body, Court Services

New Business Meeting Protocol in place

Chair Lombardi reminds the Tribunal of the new business meeting protocol implemented immediately.

Housekeeping Matters

Agenda item numbers are incorrect, and item number 34.3 is duplicated found on page 4. All agenda items after 34.3 will be revised accordingly to reflect the correction item numbers.

34.10 Title is incorrect. Should read 34.10 – Vice Chair Recognition.

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.

Confirmation of Minutes – Business Meeting, November 16, 2021

Revision to minutes. City planning presenter should be Kyle Knoeck, Caroline Samuel, and Christina Heydorn to be held down also Daniel Boven (Urban Forestry).

Motions:

Motion to adopt the correction for November 16, 2021, Business Meeting Minutes. Moved by Panel Member Makuch, seconded by Panel Member Kilby (carried).

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

None.

Public Deputations

Public Deputations from Long Branch Neighborhood Association (LBNA) and Federation of the North Toronto Residences Association (FoNTRA) received.

Motions:

That the late submissions from Steven Vella, Long Branch Neighbourhood Association (LBNA), DATED December 8, 2021, and from the Federation of North Toronto Residents Association (FoNTRA), dated December 9, 2021, respectively, be added to the Q5 2021 Business Meeting Agenda. Moved by Vice Chair Taludkder and Second by Panel Member Karmali (carried).

To add the public deputations from Steve Vella, and Al Kivi, on behalf of FoNTRA, to the business agenda following agenda item 34.1 but before agenda item 34.2. Moved by Panel Member Yao and Second by Panel Member Gopikrishna (carried).

34.1 – Introduction

Chair Lombardi comments regarding Business Meeting decorum and formality, referencing the Business Meeting Protocol.

Chair Lombardi reminds Tribunal Members of formally and adequately addressing a fellow Tribunal Member (i.e. Member, Vice-Chair, Chair and then full name).

Tribunal Members review Protocol bullet four which speaks to members having five minutes to speak per item. No member to speak over another member, and no member can speak again until all members have spoken.

34.2 – Public Guide Revisions

The Tribunal reviews the minor revisions to the Public Guide as suggested by the City Clerk's office.

Mr. Vella, Director (LBNA), and Andy Cole are in attendance regarding 34.3. Reads pre-written letter submitted to TLAB as per Chair's request. The letter is regarding remote and in-person hearings, and LBNA would like TLAB to explore a hybrid of both remote and in-person hearings in the future.

Mr. Kivi (FoNTRA) is requesting that the TLAB explore a hybrid Hearing model of both remote and in-person hearings.

Chair Lombardi will draft a protocol that will address late filings and be added to the first Business Meeting of 2022.

Member Yao reads the memo he submitted.

No questions regarding the memo.

Chair Lombardi has issues with the wording "Minor Variance." He would like Minor Variance removed from the public guide, and reference should be variance. The Minor should be taken out.

The last page of the Guide has definitions. Chair Lombardi asks if it is a good idea to add the definition for "Review Request."

Motions:

That the TLAB formally receive the correspondence from Steve Vella dated December 8, 2021, and from FoNTRA dated December 9, 2021, respectively; and that the TLAB consider the comments and suggestions from Steven Vella FoNTRA in the process of considering revisions to the TLAB Public Guide. Moved by Panel Member Vice-Chair Talukder and second by Panel Member Makuch (carried).

That the TLAB receive the email from Member Yao dated December 9, 2021, and that Member Yao's comments and suggestions be considered in the opportunity to submit comments and suggestions as part of the Public Guide review process. Moved by Panel Member Yao and second by Panel Member Bassios (carried).

That the draft Public Guide be deferred to the first business meeting in 2022 and that the TLAB bring forward a draft final version of the Public Guide for consideration at the meeting. Moved by Panel Member Yao and second by Vice Chair Lombardi (carried).

34.3 – Addition Notice of Hearing (Form 2) Wording

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.

Motions:

That the Toronto Local Appeal Body's Notice of Hearing (Form 2) Template be amended to incorporate the following addition working proposed regarding the serving of Terms of Proposed Settlement with Parties and Participants and the filing of same with the Tribunal prior to the "return-to " hearing event:

Settlements are encouraged by the TLAB at any time in the process and 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 prior to the scheduled "return to" hearing date"

Moved by Panel Member Gopikrishna and second by Panel Member Bassios (carried).

Rejected by Panel Member Makuch and Panel Member Yao.

34.4 – Chair's Update

Chair Lombardi discusses the possibilities of re-opening of the TLAB's 40 Orchard View Blvd. offices to in-person hearings. It will be decided when City Staff gives more information, and discussion/decision will happen at an upcoming Business Meeting with the Panel – a hybrid model is being considered.

Gary Clarke, Manager of Tribunal Operations, gives an update on returning to in-person from the City. City staff will be starting January 4, 2022, for in-person three days a week work model. Administratively, TLAB can support in-person, remote, or hybrid models, and court Services can support any direction the Panel chooses. The TLAB office has a capacity of 30% currently, and it will be raised to 60% come January 2022. Physical Distancing will still be in effect in the New Year. Masks must be worn at all times.

Motions:

To receive the Chairs update on re-opening of in-person hearings. Moved by Panel Member Makuch and seconded by Vice-Chair Talukder (carried).

34.5 – Supervisor and Manager's Update

Tyra Dorsey, Acting TLAB Supervisor, provides 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

Pre-hearing Administrative Procedure has not been finalized; update to be provided at next business meeting.

Panel Member Gopikrishna requested that the decision website keywords search be easier to find a property.

Chair Lombardi asks for background information on the voluntary Member 14 day decision 'turnaround' metric and its origin. TLAB Supervisor to locate information and supply it to Chair and Panel.

Motions:

To receive and accept Supervisor and Manager Updates. Moved by Panel Member Kilby and second by Panel Member Makuch (carried).

34.6 – Prehearing Conference Pilot Project

Pre-hearing Conference Pilot Project to start January 2022. Vice-Chair Talukder states that TLAB staff require more time to draft a procedure. TLAB Supervisor requested this pilot project to commence in February 2022.

Motion:

That the TLAB receive the update from the Chair regarding the PHC Pilot Project and that the TLAB defer the commencement of the PHC to February 1, 2022. Moved by Panel Member Gopikrishna and second by Talukder (carried).

34.7 – TLAB Rules Principles

Chair Lombardi drafted a set of nine (9) core principles of the Tribunal.

Panel Member Karmali has revisions for the nine (9) core principles of the Tribunal.

Motions:

That the TLAB receive the draft TLAB Rule Principle document brought forward by the Chair for information; and that the TLAB receive Member Karmali's revised wording for the draft Rule Principle. Moved by Panel Member Makuch and second by Panel Member Yao (carried).

That the draft TLAB Rule Principle be deferred to allow input from members to TLAB staff and that staff bring forward a finalized draft document to a future TLAB Business meeting in 2022 for consideration. Moved by Chair Lombardi and Seconded by Panel Member Makuch (carried).

34.8 – Decision Timelines and Member Accountability

Chair Lombardi reads the memorandum regarding the decision timelines and Member accountability and advises Members that performance metrics in the Chair's 2021 Annual Report will reflect service standards for this year. The Chair's Annual Report is presented to the Planning & Housing Committee and subsequently considered by City Council. He is concerned that the decision timeline has increased exponentially and Members are not currently meeting the 'voluntary' decision issuance timelines. The Chair reminds Members to issue decisions promptly.

Chair Lombardi proposes a modified decision turnaround timeline from 14 days to 21 business days.

The Tribunal Members state they would like more help from administration relating to new software and editorial assistance.

Motion:

That the Toronto Local Appeal Body's established voluntary "turnaround" timeline of 14 business day for the issuance of a members' decision and order be amended to a turnaround time of 21 business days, as of January 1, 2022, following the completion of the appeal hearing event and the submission of all the required documents. Moved by Panel Member Tassiopoulos and second by Panel Member Bassios (carried).

That the Manager of Court Services, in conjunction with the Chair, be directed to investigate the feasibility of providing editorial and software support to TLAB Member and that the TLAB Chair report back to the second business meeting in 2022. Moved by Panel Member Yao and second by Panel Member Bassios (carried).

34.9 – Election of TLAB Vice-Chair/Alternate, 2022

The Toronto Local Appeal Body elects a Member to the position of Vice-Chair for the calendar year 2022 and in accordance with the TLAB Procedure By-Law.

No nominations are received. As a result, , the Chair appoints a current TLAB Member as permitted pursuant to pursuant to the TLAB Procedure By-Law 1-2017. Chair Lombardi chooses Panel Member Bassios as the next Vice Chair, with duties commencing on January 1, 2022.

34.10 – Chair Recognition

Chair Lombardi, alongside all Tribunal Members, gives thanks and recognition to the Vice-Chair and Panel Member Leung while also welcoming Panel Member Bassios as the newly elected Vice-Chair.

Motions:

That the TLAB acknowledge the appointment of Member Bassios as the new TLAB Vice-Chair for 2022 Moved by Panel Member Kilby and Second by Panel Member Tassiopoulos (carried).

34.11 – 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.

Motions:

To move to in-camera to discuss member accountability pursuant to section 11 (1)(c) of TLAB procedural bylaw 1-2017. Moved by Panel Member Chair Lombardi and second by Vice chair Talukder (Carried).

Return to public sessions. Moved by Panel Member Tassiopoulos and second by Panel Member Bassios (carried).

That the Chair be included in the interview process for appointing new member at the TLAB. Moved by Panel Member Bassios and Second by Panel Member Talukder (carried).

34.12 – Schedule of Business Meeting – 2022

Panel Members to decide on the five (5) business meeting dates for 2022.

TLAB Acting Supervisor to canvass Business Meeting dates with members and then post them on the website.

Motions:

That TLAB staff canvass Business Meeting dates in 2022 via email with Panel Members and once five (5) dates are confirmed, TLAB staff will post the Public Business Meeting dates on the TLAB website. Moved by Panel Chair Lombardi and second by Panel Member Makuch (carried).

34.13 – Closing Business and Remarks

No closing Business.

Meeting ended at 5:19 pm