



Agenda: October 19, 2022

Toronto Local Appeal Body Business Meeting No. 38

Meeting Date: Wednesday, October 19, 2022, 9:30 a.m.

Location: Electronic via City of Toronto Web Conferencing

Link to Join:

Q3 TLAB Public Business Meeting - October 19, 2022

Hosted by Toronto Local Appeal Body

Wednesday, 19 Oct, 2022 9:30 am | 7 hours | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: **2455 185 1597**

Password: **Toronto**

<https://toronto.webex.com/toronto/j.php?MTID=m44ff315a440a7244a99159bc57ddad4e>

Join by video system

Dial [24551851597@toronto.webex.com](tel:24551851597@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: **245 518 51597**

Toronto Local Appeal Body – Public Business Meeting

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 (Vice-Chair)
Sabnavis Gopikrishna
Sean Karmali
Christine Kilby
Stanley Makuch
John Tassiopoulos
Ted Yao
Carissa Wong
Gerald Swinkin
Ron Kanter
Trevor Kezwer
Paula Turtle
Blair Martin

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.

Introduction of New TLAB Members – Paula Turtle, Ron Kanter, Blair Martin, Trevor Kezwer

Confirmation of Minutes – Business Meeting, June 15, 2022

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

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38.1 – INFORMATION AND MOTION

Toronto Local Appeal Body Chair's 2021 Annual Report

Summary

Each year, the Chair of the Toronto Local Appeal Body (TLAB) is required to prepare and present an 'Annual Report' to the City's Planning and Housing Committee of Council, for recommendation on to Council. The Annual Report provides a 'snapshot' of the Tribunal's past year. The Annual Report consists of three basic components: the Chair's information; observations; and Recommendations. The Annual Report is being brought forward in response to input from the public that the document be received at a TLAB Business Meeting for information after it has been reported to Planning and Housing Committee and Council.

Motion to be considered:

THAT the Toronto Local Appeal Body Chair's 2021 Annual Report be received for information and that the Annual Report be uploaded to the TLAB's website.

Supporting Documents

1. The Toronto Local Appeal Body Chair's 2021 Annual Report
2. Report for Action from the Director, Court Services regarding the TLAB Chair's 2021 Annual Report, dated June 20, 2022.

38.2 – ADOPTION

PROPOSED REVISIONS TO THE Toronto Local Appeal Body's PROCEDURAL BY-LAW 1-2017

Summary

The Toronto Local Appeal Body will consider the following revisions to its Procedural By-law 1-2017 to facilitate undertaking continuous service improvement initiatives to enhance its operation as an efficient and effective independent, quasi-judicial tribunal.

- a) Subcommittee – addition of a definition of 'Subcommittee' in Section 1 of Procedural By-law 1-2017 – "Subcommittee – A committee composed of at least two sitting Members of the Toronto Local Appeal Body."
- b) Subcommittee Meeting – addition of a definition of "Subcommittee Meeting" in Section 1 of Procedural By-law 1-2017 – "Subcommittee Meeting – A gathering of Subcommittee Members."
- c) The addition of Section 30 to Procedural By-law 1-2017 as follows: "The Members may, by Motion, establish Subcommittees to discuss items of interest to the TLAB. The Members of a Subcommittee may, on notice to each Member of the Subcommittee, schedule a meeting of a Subcommittee."
- d) A revision of Section 12(3) of Procedural By-law 1-2017 as follows: 'Members participating in the Business Meeting electronically are counted towards quorum'.
- e) The deletion of Section 29(2) (Voting Requirements and Notice) of Procedural By-law 1-2017.

(The Toronto Local Appeal Body may go into a closed session to receive legal advice from Counsel that is subject to solicitor-client privilege as permitted by S. 11(1)(a) of the Procedural By-law 1-2017, for any of the subsections for Item 38.2, above cited)

Supporting Documents

1. The Toronto Local Appeal Body's Procedural By-law 1-2017

38.3 – ADOPTION

REVISIONS TO THE WORDING IN THE TORONTO LOCAL APPEAL BODY'S RULES OF PRACTICE AND PROCEDURE

Summary

Various technical revisions to the wording of sections of the Toronto Local Appeal Body's Rule of Practice and Procedure (rules) to clarify those sub rules and/or to add a new sub rule.

- a) Addition of new Rule 12.2.1 and amended wording of the TLAB's Public Guide accordingly to reflect automatic Party status for Appellants
- b) Revision to Rule 24.3 (Objection to Electronic Hearings) – 5-day rule

Supporting Documents

- a) New Rule 12.2.1 to be added to the Toronto Local Appeal Body's Rules of Practice and Procedure & Amended Wording to the Public Guide
- b) Revised Wording for Rule 24.3 of the Toronto Local Appeal Body's Rules of Practice and Procedure

Motions to be considered:

THAT a new Rule 12.2.1, as proposed in the attachment to Agenda Item 38.4 a), be added to the Toronto Local Appeal Body's *Rules of Practice and Procedure*, as amended, and that the Rules be amended accordingly; and

THAT the Toronto Local Appeal Body amend the wording of the Public Guide under the heading 'What is a Party' as proposed in the attachment to Agenda Item 38.4 a) and that the Public Guide be amended accordingly; and

THAT Rule 24.3 of the Toronto Local Appeal Body's Rules of Practice and Procedure be revised to reflect the proposed wording in the attachment to Agenda Item 38.4 b) and that the Rules be amended accordingly.

38.4 – ADOPTION

REVISIONS TO THE TORONTO LOCAL APPEAL BODY'S FORMS

Summary

The Toronto Local Appeal Body will consider technical amendments to the wording of the following Forms:

- a) Notice of Intention (Election) to be a Party or Participant (Form 4) & Responding Expert Witness Statement (Form 21)

Supporting Documents:

The Toronto Local Appeal Body's Forms 4 and 21

Motion to be considered:

THAT the Toronto Local Appeal Body's Forms 4 and 12 be amended as proposed and the revised Forms be uploaded to the Toronto Local Appeal Body's website.

38.5 – INFORMATION

CHAIR'S UPDATE

Summary

- a) CanLII TLAB Decision Search Engine Initiative
- b) Remote Mediation Process – Guideline
- c) Hybrid-In-person Hearings – Update

Supporting Documents

N/A

38.6 – INFORMATION

SUPERVISOR & MANAGER'S UPDATE

Summary

Tribunals, Local Appeal Body Supervisor and Court Operations, Tribunals, Manager provide administrative updates.

Supporting Documents

N/A

38.7 – INFORMATION

Toronto Local Appeal Body – Legal Advice from External Legal Counsel regarding Rule 31 (Review of Final Decision or Final Order) of the Toronto Local Appeal Body's Rules of Practice and Procedure

Summary

The Toronto Local Appeal Body will go into closed session to receive legal advice from Counsel regarding consideration of the elimination of Rule 31 (Review of Final Decision or Final Order) from its Rules of Practice and Procedure, as amended.

(The Toronto Local Appeal Body will go into closed session to discuss this item as the Toronto Local Appeal Body's Procedural By-law 1-2017 and the City of Toronto Act, 2006, permit a closed meeting to receive advice that is subject to solicitor-client privilege, including communications necessary for that purpose).

Supporting Documents:

1. Rule 31 of the Toronto Local Appeal Body's Rules of Practice and Procedure, as amended on December 2, 2020.
2. Duxbury Law – Confidential Attachment (under separate cover)

38.8 – INFORMATION

Toronto Local Appeal Body – Update from Its External Legal Counsel regarding Motions for Leave to Appeal to Divisional Court of TLAB Decisions.

Summary

The Toronto Local Appeal Body will go into closed session to receive an update from its external legal counsel regarding the status of Motions for Leave to Appeal to the Divisional Court for TLAB Decision as permitted by S. 11 (1) of the Toronto Local Appeal Body's Procedural By-law 1-2017, as amended.

38.9 – INFORMATION

SCHEDULE OF REMAINING BUSINESS MEETINGS 2022

Summary

The Toronto Local Appeal Body will confirm the two (2) remaining Business Meetings in 2022.

- a) Member Education & Training – November 30th
- b) Last Business Meeting of 2022 – December 15th

38.10 – CLOSING BUSINESS AND REMARKS

Adjournment