



# Agenda: December 16, 2022

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## Toronto Local Appeal Body Business Meeting No. 40

Meeting Date: Friday, December 16, 2022, 9:30 a.m.

Location: Electronic via City of Toronto Web Conferencing

Link to Join:

**Toronto Local Appeal Body Public Business Meeting - December 16, 2022**

Hosted by Toronto Local Appeal Body

**Friday, 16 Dec, 2022 9:30 am | 7 hours | (UTC-05:00) Eastern Time (US & Canada)**

Meeting number: **2457 565 6197**

Password: **Toronto**

<https://toronto.webex.com/toronto/j.php?MTID=m718aff77a47fb1a796c0747d33bd36c0>

**Join by video system**

Dial [24575656197@toronto.webex.com](tel:24575656197@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: **245 756 56197**

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](mailto: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](mailto: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](mailto: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](http://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 30, 2022

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

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## **40.1 – INFORMATION**

### **TORONTO LOCAL APPEAL BODY – AMENDMENTS TO THE TORONTO LOCAL APPEAL BODY’S PROCEDURE BY-LAW 1-2017**

#### **Summary**

The Toronto Local Appeal Body will consider the following revisions to its Procedure By-law 1-2017 to facilitate amendments to the language or additions/deletions to the By-law to enhance the TLAB’s operation as an efficient and effective independent, quasi-judicial tribunal.

#### **A. Section 12. Quorum**

Add the following Subsections 4(a) and 4(b) to Section 12 (Quorum) of the Procedure By-law:

4(a) “The TLAB may, despite any other provisions of this Procedure By-law, hold a Business Meeting where some or all of the Members participate electronically and no physical meeting is held.

4(b) “Where a Business Meeting is being held in accordance with subsection (4)(a):

1. Any Member participating in the meeting electronically will be deemed present for the purposes of quorum and will have the right to vote on any business before the TLAB;
2. Any Member participating in the meeting electronically will be entitled to participate in any portion of the Business Meeting closed to the public; and
3. The Procedural By-law 1-2017 will apply to the meeting, with any other minor modifications as may be required.

**B. Section 14. Agenda - General**

The addition of the following revised Section (5) to Section 14. Agenda – General:

(5) Introduction of New Agenda Items

- a) Any item not included on the agenda may only be introduced by a Member at a Business Meeting with the consent of the majority of the TLAB Members present.
- b) Despite paragraph 14(5)(a), an item with respect to amending or repealing the Procedure By-law may not be added to the agenda at a Business Meeting.

**C. Section 20(2) – Register a Written Submission**

Amending the language of Subsection 20(2) of the Procedure By-law to reduce the timeline to register Public deputations by written submission with the TLAB from at least five (5) business days prior to the Business Meeting to two (2) business days. The amended language recognizes that the TLAB is required to publish the Business Meeting Agenda seven (7) days prior to the Business Meeting.

**D. Section 24. General Rules on Voting**

- The deletion of Subsection (5) to Section 24 and the re-numbering of Section 24 to reflect the deletion of the Subsection

(The Toronto Local Appeal Body may go into a closed session to receive legal advice from its external legal Counsel that is subject to solicitor-client privilege as permitted by S. 11(1)(a) of its Procedure By-law 1-2017, for any of the sections of Item 40.2, cited above.)

**Supporting Documents**

1. The Toronto Local Appeal Body Procedure By-law 1-2017.

## 40.2 – INFORMATION

### **Toronto Local Appeal Body – Proposed Amendments to the Toronto Local Appeal Body’s Rules of Practice and Procedure (as amended)**

**Summary**

The Toronto Local Appeal Body will consider amendments to its Rules of Practice and Procedure (as amended on December 2, 2020), related to Rules 3.8 (Copies of TLAB Documents and Digital Recordings) and 31.8 (Transcripts). The amendments are intended to clarify the rules regarding the request for a copy of “an audio copy” of a TLAB Hearing that has been recorded.

**MOTION TO BE CONSIDERED:**

“THAT, pursuant to section 25.1 of the *Statutory Powers Procedure Act*, RSO 1990, c S.22, and s 142-3 of the Toronto Municipal Code, the *Rules of Practice and Procedure* of the Toronto Local Appeal Body be amended as follows:

1. The replacement of Rule 3.8 with the following: “Any Person may request an audio copy of a TLAB Hearing which has been digitally recorded, and receive same, after paying the required fee, unless a statute, a Court Order, an order or Practice Direction of the TLAB, or these Rules, provide otherwise.”

2. The replacement of Rule 31.8 with the following: “If any Party wishes to refer to any oral evidence presented at the Hearing and if that oral evidence is contested and a recording thereof is available, any party may request an audio copy of the TLAB hearing and the relevant portion of the proceeding shall be transcribed and certified by a qualified court reporter and provided to all Parties and the TLAB by Service forthwith and at the requesting Party’s sole expense.”

The Toronto Local Appeal Body may go into closed session to receive legal advice from its external legal Counsel that is subject to solicitor-client privilege as permitted by S. 11(1)(a) of the Procedure By-law 1-2017, for any of the sections of Item 40.2, cited above.

#### **Supporting Documents**

1. Rules 3.8 and 31.8 of the Toronto Local Appeal Body’s Rule of Practice and Procedure

## **Deferred item**

### **40.3 – INFORMATION**

#### **THE TORONTO LOCAL APPEAL BODY – CONSIDERATION OF THE ELIMINATION OF RULE 31 (REVIEW OF FINAL DECISION AND FINAL ORDER) OF THE TORONTO LOCAL APPEAL BODY’S RULE OF PRACTICE AND PROCEDURE (as amended).**

#### **Summary**

The Toronto Local Appeal Body will consider the elimination of Rule 31 (Review of Final Decision and Final Order) of its Rules of Practice and Procedure (as amended) and hear deputations and consider submissions, if any.

The Toronto Local Appeal Body will go into closed session to discuss this item as permitted by S. 11(1)(a) of the Toronto Local Appeal Body’s Procedure By-law 1-2017, 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 (previously provided for the October 19, 2022 Business Meeting) – Under separate cover.
3. Any public written submissions received by the TLAB in this regard.

(The Toronto Local Appeal Body (TLAB) will go into closed session to discuss this item as the TLAB’s Procedure By-law 1-2017 permits a closed meeting to receive advice that is subject to solicitor-client privilege, including communications necessary for that purpose.)

## 40.4 – INFORMATION

### TORONTO LOCAL APPEAL BODY CHAIR'S UPDATE

#### Summary

- a) Bill 23 – *More Homes Built Faster Act 2022* – Update from the Toronto Local Appeal Body Chair

#### Supporting Documents

1. Report For Action from the City Manager and Chief Planner, City Planning, to City Council regarding Bill 23, *More Homes Built Faster Act*, dated November 16, 2022.
2. Attachment 1 to the Report For Action: Interim City Manager's FYI Briefing Note to Mayor and Members of Council – Bill 23, *More Homes Built Faster Act, 2022*, dated November 3, 2022.

(The Toronto Local Appeal Body (TLAB) may go into closed session to discuss this item and to receive legal advice from its external legal Counsel pursuant to S. 11(1)(a) of its Procedure By-law 1-2017.)

## 40.5 – INFORMATION

### SUPERVISOR'S AND MANAGER'S UPDATE

#### Summary

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

## 40.6 – INFORMATION

### ELECTION OF THE TORONTO LOCAL APPEAL BODY VICE-CHAIR, 2023

#### Summary

The Toronto Local Appeal Body will consider candidates and elect a Vice Chair for 2023. Appendix A to the Procedure Bylaw passed by TLAB will govern the election of the Vice Chair.

#### Supporting Documents

Procedure By-law 1-2017 To govern the meetings of the Toronto Local Appeal Body – **Appendix A**

## **40.7 – INFORMATION**

### **SCHEDULE OF BUSINESS MEETINGS, 2023**

#### **Summary**

The Toronto Local Appeal Body will set the dates of their 2023 Public Business Meetings. The Tribunal will schedule a total of five (6) Meetings in 2023. Dates to be determined.

## **40.8 – CLOSING BUSINESS AND REMARKS**

### **Adjournment**