



Committee of Adjustment Review

Final Report

City of Toronto

—
January 2023



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1. Executive Summary

1. Executive Summary

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The City of Toronto (“City” or “Toronto”) engaged KPMG LLP (“KPMG”) to help identify recommendations to improve the Committee of Adjustment’s (“CoA”) public hearing process.¹

Over the last several years, the CoA implemented operational improvements to enhance the public hearing process. These changes included:

- Increasing public notice periods;
- Improving hearing notice property signage;
- Increasing the total number of CoA panelists; and,
- Rapidly shifting to virtual public hearings in response to the pandemic.

Despite these ongoing improvement initiatives, our work identified a number of systemic challenges impacting the effectiveness of the hearing process. These challenges include:

- Fundamental misalignment of stakeholder views and opinions on the purpose of the CoA and the public hearing process;
- Inconsistent processes and procedures within and across public hearings;
- Limited and often technical public-facing information and communications;
- No tenant notice of public hearings;
- The length of public hearings, particularly in the Toronto & East York District;
- Unstructured hearing agendas; and,
- The gap between legislated and actual timelines from submission to hearing.

Taken together, these challenges:

- Create significant barriers to participation, particularly for members of the public and inexperienced applicants;

- Reduce the transparency and predictability of the public hearing process; and,
- Contribute to a public perception that the hearing process can be unfair.

Additional information about the challenges facing the CoA is included in Appendix D.

Recommendations: Improving the Public Hearing Process

This report identifies 15 recommendations to improve the effectiveness of the public hearing process. These recommendations include:

- Communicating a clear purpose statement to align stakeholders around a shared understanding of the CoA;
- Developing new tools to enable applicants and members of the public to participate more effectively in public hearings;
- Standardizing public hearing and commenting processes to improve transparency and predictability;
- Notifying impacted tenants of public hearings;
- Providing enhanced training and development for panelists to improve consistency;
- Proactively addressing the technical challenges associated with virtual hearings; and,
- Conducting a comprehensive review of the CoA’s service delivery model to address timelines and improve organizational performance.

These recommendations should be used to inform the CoA’s anticipated shift to hybrid hearings and ongoing response to recently introduced provincial legislative change, including Bill 23.

A summary of our recommendations is included in Table 1 on Page 7. Additional detail about each recommendation is included in Section 2.

1. Executive Summary

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Project Background

Our work took place between February and November 2022. The recommendations included in this report are grounded in a substantive evidence base, including:

- More than 15 hours of virtual consultation with staff, panelists, applicants, members of the public and residents associations;
- Online surveys for experienced applicants, inexperienced applicants and members of the public, which received more than 1,200 responses;
- Leading practice research of five comparator CoAs;
- KPMG's 2019 End-to-End Review of the Development Review Process (End-to-End Review); and,
- A review of more than 40 documents provided by the City, industry representatives and residents associations.

Our work was guided by an assessment framework with specific questions developed in consultation with the City's Project Team.

Additional background information about our approach is included in Appendix A. Our assessment framework, including answers to each assessment question, is included in Appendix B.

How to Read this Document

This report has three sections following the executive summary:

- Section 2 presents our recommendations to improve the public hearing process;
- Section 3 presents an implementation plan for the recommendations identified in Section 2; and,
- Section 4 presents supporting appendices, including additional project background (A), our assessment framework (B), elements of a draft purpose statement and future state objectives (C), the current state assessment (D), a list of stakeholders engaged (E) and a list of documents and data reviewed (F).

1. Executive Summary

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Table 1: Summary of Recommendations

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2.1	Develop and communicate a clear purpose statement to align stakeholders around a shared understanding of the CoA	10
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2. Recommendations

2. Recommendations

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Table 2 on the next page presents our recommendations to improve the public hearing process for applicants and members of the public:

- 2.1 Develop and communicate a clear purpose statement to align stakeholders around a shared understanding of the CoA;
- 2.2 Improve existing and develop new public-facing communications and resources to enhance participation;
- 2.3 Develop and promote an effective participation guide to empower applicants and members of the public;
- 2.4 Regularly engage with applicants and members of the public outside of the public hearing process;
- 2.5 Support equitable tenant participation in the public hearing process;
- 2.6 Consider refreshing application requirements for minor variance and consent applications;
- 2.7 Evaluate opportunities to provide more detailed reasons for CoA decisions;
- 2.8 Consider eliminating substantive revisions to applications following the distribution of the public notice;
- 2.9 Address the technical challenges of the virtual public hearing process;
- 2.10 Standardize hearing practices to improve transparency and predictability;
- 2.11 Implement quarterly members' meetings for panelist training and professional development;
- 2.12 Implement guidance directions to increase consistency within and across panels;
- 2.13 Implement commenting guidelines to improve consistency and enable more effective participation;
- 2.14 Establish KPIs to enable continuous improvement; and,
- 2.15 Conduct a comprehensive review of the CoA's service delivery model.

For each recommendation, we provide a short description and rationale. Implementation actions for each recommendation are included in Section 3. Additional detail about the development of these recommendations is included in Appendix A.

2. Recommendations

Table 2: Recommendations to Improve the Public Hearing Process

#	Recommendation	Description	Rationale
2.1	Develop and communicate a clear purpose statement to align stakeholders around a shared understanding of the CoA	<p>Our current state assessment identified a misalignment between the views and opinions of different stakeholders on the purpose of the CoA as a significant barrier to participation and performance (Finding 6.1.1 in Appendix D).</p> <p>To address this gap, the CoA should consider developing and communicating a purpose statement that clearly articulates i) what the CoA does and ii) why. The statement should be concise, use plain language, and be easily understood by the CoA’s broad range of stakeholders.</p> <p>Appendix C includes five elements that can be used as building blocks by the CoA to draft a purpose statement. The elements were developed through a series of co-design workshops with CoA staff and are meant as a starting point. As an immediate next step, the CoA should consider engaging directly with applicants, members of the public and other stakeholder groups to develop a draft purpose statement.</p> <p>Once finalized, the CoA should communicate the purpose statement by integrating it into:</p> <ul style="list-style-type: none"> — Existing communication and training materials, such as the CoA’s website and notices; and, — The new communication and training materials identified in Recommendations 2.2, 2.3, and 2.4. <p>Alongside a purpose statement, the CoA should consider developing and communicating a service charter. The service charter should be a short one to three page document that articulates what the CoA, applicants and members of the public can expect from one another. The service charter should incorporate existing service levels and integrate with the City’s broader corporate customer service initiatives (e.g., Toronto At Your Service). The charter may include the following:</p> <ul style="list-style-type: none"> — The CoA’s purpose statement; — The roles and responsibilities of the CoA’s different stakeholder groups (e.g., CoA staff, City staff, panelists, applicants, members of the public); 	<ul style="list-style-type: none"> — Improve transparency, predictability, and accountability — Increase stakeholder confidence in public hearing process — Help measure and improve organizational performance

[Recommendation continued on the next page]

2. Recommendations

#	Recommendation	Description	Rationale
2.1		<ul style="list-style-type: none">— General principles to anchor the CoA’s relationship with applicants and members of the public (e.g., professionalism, integrity, respect);— Standards to help guide service delivery to applicants and members of the public (e.g., application timelines, response times to applicant and public inquiries); and,— Staff and panelist expectations of applicants and members of the public (e.g., courtesy, respect, timeliness). <p>Coupled with the purpose statement, the charter would help align stakeholders around a shared understanding of the CoA and provide a standard to help measure performance and set expectations.</p> <p>Appendix C includes seven draft future state objectives that define a high-performing CoA from different stakeholder perspectives. Developed through the series of co-design workshops with CoA staff, the draft objectives can be used as a starting point for the service charter. Similar to the purpose statement, the service charter should be developed through engagement with applicants, members of the public and other stakeholder groups.</p>	

2. Recommendations

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#	Recommendation	Description	Rationale
2.2	Improve existing and develop new public-facing communications and resources to enhance participation	<p>Our research indicates that publicly-available information about the CoA and the public hearing process is often highly technical and not user-friendly, particularly for inexperienced members of the public and one-time applicants (Finding 6.1.6).</p> <p>To address this gap, the CoA should consider i) developing a new, comprehensive public hearing handbook, ii) developing new public-facing informational resources, and iii) refreshing the CoA's website. Each is explained in more detail below.</p> <p>Comprehensive Public Hearing Handbook</p> <p>The proposed public hearing handbook would act as a detailed, step-by-step guide for applicants and members of the public about the public hearing process. The handbook would replace the existing "Getting to Know the Committee of Adjustment" brochure and include, at a minimum, the following information:</p> <ul style="list-style-type: none">— The purpose of the CoA and its jurisdiction under the Planning Act;— The Minor Variance and Consent application process, from submission to decision;— The roles, responsibilities and rights of applicants and members of the public;— The public hearing process, including notice procedures, hearing procedures and examples of a typical public hearing; and,— An overview of how to use the Application Information Centre to find CoA-related information. <p>New Public Facing Resources</p> <p>In addition to the proposed handbook, the CoA should also consider developing new public-facing resources, including:</p> <p><i>[Recommendation continued on the next page]</i></p>	<ul style="list-style-type: none">— Improve transparency and predictability— Enhance participation in public hearing process

2. Recommendations

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#	Recommendation	Description	Rationale
2.2		<ul style="list-style-type: none">— A Frequently Asked Questions document, which can be posted on the website and included in the proposed handbook; and,— A short, plain-language video overview of the public hearing process. <p>The video would broaden the reach of the information contained in the handbook. The video could also be used at the outset of hearings to set participant expectations and improve consistency across panels.</p> <p>CoA Website Refresh</p> <p>To improve the effectiveness of the CoA website, the CoA should consider i) reviewing all content using a plain-language lens to improve readability, particularly for inexperienced applicants and members of the public, and ii) restructuring the information available on the website to align with the recommended comprehensive handbook.</p> <p>Any new or refreshed public-facing information should be integrated into public notices (e.g., include a link to a consolidated list of CoA-related resources). The CoA should also consider engaging a communications specialist to help develop these and other public-facing materials to help ensure that they are easy-to-use and accessible to a wide audience.</p> <p>Once developed, the CoA should promote these resources using the following channels:</p> <ul style="list-style-type: none">— Posting links on the CoA homepage;— Including a link to the resources in the standard Notice of Hearing; and,— Mailing hard copies of the resources upon request.	

2. Recommendations

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#	Recommendation	Description	Rationale
2.3	Develop and promote an effective participation guide to empower applicants and members of the public	<p>In addition to the new and updated informational resources identified in Recommendation 2.2, the CoA should consider developing an effective participation guide for members of the public and applicants.</p> <p>The CoA should consider engaging an external communications specialist to help draft the guide. The proposed guide should include the following:</p> <ul style="list-style-type: none"> — Best practices for engagement before the public hearing (e.g., how and when to engage neighbours for applicants); — Best practices for effective advocacy during public hearings; — Examples of persuasive and non-persuasive evidence; and, — Sample letters and depositions. <p>Our leading practice research identified these more advocacy-focused materials as effective, low-cost tools to empower members of the public and applicants to participate more fully in the public hearing process.</p> <p>Once complete, the proposed guide should be broadly promoted using the channels identified in Recommendation 2.2.</p>	<ul style="list-style-type: none"> — Enhance public and applicant capacity to participate in public hearing process — Improve transparency and predictability — Increase confidence in public hearing process

2. Recommendations

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#	Recommendation	Description	Rationale
2.4	Regularly engage with applicants and members of the public outside of the public hearing process	<p>The CoA should consider establishing mechanisms to engage with applicants and members of the public outside of the public hearing process. These mechanisms would be free of charge and could include:</p> <ul style="list-style-type: none"> — Semi-annual training sessions for applicants, consultants and members of the public on the application process and how to effectively participate in a public hearing; — Annual meetings with industry and residents associations to gather feedback about the public hearing process, including the implementation of the recommendations included in this report; and, — An annual CoA “drop in” co-hosted with City commenting partners (e.g., City Planning, Engineering & Construction Services) to provide applicants, consultants and members of the public with an opportunity to learn about new requirements, policy changes or to speak directly to commenting partners. <p>Comparator jurisdictions included in our research identified regular, structured engagement with CoA stakeholders as an effective and efficient way to:</p> <ul style="list-style-type: none"> — Improve knowledge and understanding of the CoA and the public hearing process; — Reduce barriers to participation through proactive communication; — Evaluate the effectiveness of operations and improvement initiatives; and — Proactively identify and address stakeholder needs. 	<ul style="list-style-type: none"> — Identify and address needs of applicants and public — Increase confidence in public hearing process — Additional learning opportunities for applicants and members of the public — Opportunity to increase stakeholder alignment on purpose of the CoA

2. Recommendations

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#	Recommendation	Description	Rationale
2.5	Support equitable tenant participation in the public hearing process	<p>The CoA does not currently mail written notice to tenants living within the 60-metre notice area of a CoA application.¹ To enable and improve tenant participation in the hearing process, the CoA should consider:</p> <ul style="list-style-type: none"> — Mailing written notices to all residents living within the notice area for CoA applications (i.e., tenants and homeowners); — Requiring applicants to indicate if a CoA application will substantially impact an existing onsite rental unit (e.g., by updating application forms to include a disclosure requirement); — Developing and making publicly available tenant-specific information (e.g., tenant rights) about the CoA and the public hearing process; and, — Identifying best practices and providing training to panelists on how to consider impacts on existing, on-site rental units within the four tests.² 	<ul style="list-style-type: none"> — Improve tenant participation — Improve alignment of CoA with City’s strategic objectives related to residential tenancies
2.6	Consider refreshing application requirements for minor variance and consent applications	<p>The CoA should consider refreshing application requirements for CoA applications to include:</p> <ul style="list-style-type: none"> — A one-page summary letter; — Contextual drawings; and, — A rationale for why the variance(s) is (are) required. <p>These additional requirements align with leading practice identified through our comparator research and would help panelists and members of the public better and more quickly understand applications.</p> <p>In considering these requirements, the CoA should engage applicants, consultants and industry associations to understand the additional time and cost associated with these requirements and potential mitigation measures.</p>	<ul style="list-style-type: none"> — Improve public participation — Improve panelist experience

¹ The CoA has a legislative requirement to provide notice to all homeowners as opposed to all residents within the specified notice area.

² The four tests are used by the CoA panel to determine Minor Variance applications. They are: i) the variance requested is minor; ii) the proposal is desirable for the appropriate development of the land and/or building; iii) the general intent and purpose of the City’s Zoning By-law is maintained, and, iv) the general intent and purpose of the City’s Official Plan is maintained.

2. Recommendations

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#	Recommendation	Description	Rationale
2.7	Evaluate opportunities to provide more detailed reasons for CoA decisions	<p>CoA panels do not currently provide detailed reasons for decisions (e.g., how an application did or did not meet the four tests). Similarly, our research indicates that panels do not consistently provide detailed oral reasons for decisions during public hearings.</p> <p>Stakeholders, particularly residents associations, consistently identified that the lack of detailed reasons for a decision negatively impacts overall confidence in the public hearing process.</p> <p>To address this gap, the CoA should consider evaluating opportunities to enable panels to provide more detailed reasons for a decision. The evaluation may include the following:</p> <ul style="list-style-type: none"> — The types of applications for which more detailed reasons would be appropriate and impactful (e.g., contested applications, complex applications); — Supporting tools for panelists like templates and picklists (e.g., a picklist with reasons identifying how an application does or does not meet the four tests); — A consistent approach to providing verbal reasons for decisions during hearings; — The acknowledgement of letters and deputations (e.g., acknowledging each letter received and reviewed); — Posting minutes from hearings online (minutes are currently only available upon request); and, — The additional time and staffing costs associated with providing more detailed reasons. <p>Implementing this recommendation may require significant changes to the CoA's existing business practices. It should be considered alongside the broader service delivery model review identified in Recommendation 2.15.</p>	<ul style="list-style-type: none"> — Improve transparency and predictability — Increase confidence in public hearing process

2. Recommendations

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#	Recommendation	Description	Rationale
2.8	Consider eliminating substantive revisions to applications following the distribution of the public notice	<p>Many CoA applications are revised after the notice of the hearing and information about the application has been publicly distributed. These revisions can happen before or during the hearing, and applicants are not required to submit updated application materials.</p> <p>While revisions add flexibility to the CoA process, they can also create barriers to public participation by decreasing the time and materials available to prepare for hearings. Similarly, many panelists indicated that substantial revisions could result in lost time reviewing outdated materials and inadequate, last-minute preparation.</p> <p>To address this gap, the CoA should consider eliminating substantive revisions to applications following the distribution of the public notice. To operationalize this change, the CoA should develop a policy for application revisions that includes:</p> <ul style="list-style-type: none"> — Criteria to identify substantive and inconsequential revisions; — Procedures for re-submitting updated application materials; — Procedures for identifying a new hearing date (e.g., fast-tracking applications to the next available hearing); — Procedures for making updated materials publicly available and notifying interested parties; and, — A mechanism for enabling uncontested revisions (e.g., revisions negotiated by parties at a hearing). <p>The policy should be developed in consultation with internal and external stakeholders. Once complete, the policy should be posted on the CoA’s website and incorporated into the new and updated informational materials identified in Recommendations 2.2, 2.3 and 2.4.</p>	<ul style="list-style-type: none"> — Improve transparency and predictability — Increase confidence in public hearing process — Enhance participation — Increase time available for panelist preparation

2. Recommendations

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#	Recommendation	Description	Rationale
2.9	Address the technical challenges of the virtual public hearing process	<p>Our research indicates that the transition to virtual hearings has improved participation for applicants and members of the public. At the same time, our stakeholder research also identified several technical challenges associated with virtual hearings (Finding 6.1.4).</p> <p>During the upcoming transition to hybrid hearings, the CoA should consider opportunities to address these technical challenges by:</p> <ul style="list-style-type: none">— Simplifying the online registration process (e.g., through the use of electronic forms, unique meeting links or identifier PINs);— Increasing speaker microphone, camera and screen sharing permissions;— Piloting a “virtual breakout room” to enable in-hearing mediation between parties (which may be more difficult in a hybrid environment with parties in more than one location);— Implementing in-hearing agenda monitoring tools for applicants and members of the public (e.g., a tool that notifies participants when their application is before the panel); and,— Identifying a dedicated technical resource to support participants during virtual hearings.	<ul style="list-style-type: none">— Reduce barriers to effective participation— Improve stakeholder experience— Reduce hearing lengths

2. Recommendations

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#	Recommendation	Description	Rationale
2.10	Standardize hearing practices to improve transparency and predictability	<p>Stakeholders consistently identified procedural and process inconsistencies within and across hearings. These inconsistencies reduce the transparency and predictability of the public hearing process and contribute to the perception that the process is unfair.</p> <p>To help address this gap, the CoA should standardize its hearing practices, beginning with the following processes identified as inconsistent through our research:</p> <ul style="list-style-type: none"> — Agenda vetting; — Deliberations and remarks offered by chairs; — The use of staff reports, previous decisions, depositions and written submissions in decision-making; — Site visits; — Approaches to late-stage revisions; — Application of the four tests; and, — Threshold for deferrals. <p>Once complete, the standard practices should be included in an updated Panel Members' Manual (2019 – 2022). Alongside the updated manual, the CoA should consider creating a plain-language guide for panelists for quick and easy reference that includes:</p> <ul style="list-style-type: none"> — Best practices for hearing management; — Real-world examples; and, — Frequently asked questions. <p>Once complete, the updated manual should be incorporated into the additional panelist training identified in Recommendations 2.11 and 2.12.</p>	<ul style="list-style-type: none"> — Improve transparency, predictability and accountability — Improve confidence in public hearing process — Improve consistency within and across panels

2. Recommendations

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#	Recommendation	Description	Rationale
2.11	Implement quarterly members' meetings for panelist training and professional development	<p>The CoA operates in a dynamic legislative and regulatory environment. Building on current practice, the CoA should consider increasing the frequency of members' meetings from semi-annually to quarterly to promote alignment and consistency within and across panels.</p> <p>CoA staff should manage the meetings and agendas should be co-developed with CoA panel chairs. Relevant topics for meetings identified through our research include:</p> <ul style="list-style-type: none"> — Process or procedural practices identified as inconsistent; — Changes to the zoning by-laws, regulations or other related documents; — Application of the four tests and how they relate to the Official Plan; — The review of recent CoA and Toronto Local Appeal Body decisions; and, — Adjudicative training, particularly at the beginning of a new CoA term. 	<ul style="list-style-type: none"> — Improve consistency within and across panels — Improve panelist experience — Improve confidence in public hearing process
2.12	Implement guidance directions to increase consistency within and across panels	<p>Alongside more frequent members' meetings, the CoA should consider establishing a mechanism to provide specific guidance to panelists on hearing-related processes and procedural rules.</p> <p>The directions could be:</p> <ul style="list-style-type: none"> — Compiled by CoA staff in consultation with CoA panel chairs; — Incorporated into the updated manual identified in Recommendation 2.10 and quarterly meetings identified in Recommendation 2.11; and, — Posted on an intranet site available to all members. 	<ul style="list-style-type: none"> — Improve transparency, predictability and accountability — Improve consistency within and across panels

2. Recommendations

#	Recommendation	Description	Rationale
2.13	Implement commenting guidelines to improve consistency and enable more effective participation	<p>Our current state assessment identified multiple challenges related to the CoA application commenting process, including comments that are conflicting, missing, inconsistently formatted, or late (Findings 6.2.2 and 6.2.3). To address these challenges, the CoA should consider developing and implementing i) commenting guidelines, ii) commenting templates, and iii) commenting deadlines.</p> <p>Commenting guidelines</p> <p>The CoA should consider developing and implementing commenting guidelines to ensure that applications are quickly and consistently circulated to all relevant commenting partners. Commenting guidelines may include the following:</p> <ul style="list-style-type: none"> — Criteria that identifies which applications require comments from specific commenting partners; and, — Review checklists to facilitate an efficient and effective review by commenting partners (e.g., by identifying the specific components of an application that require review). <p>As part of the proposed service delivery model review in Recommendation 2.15, the CoA should consider a process for consolidating comments before sharing them with applicants. Consolidating comments would represent a significant increase over existing service levels and would likely require changes to the CoA's service delivery model.</p> <p>Commenting templates</p> <p>The CoA should consider developing and implementing commenting templates to ensure that comments are provided in a consistent manner. The templates should be used by all commenting partners and:</p>	<ul style="list-style-type: none"> — Improve transparency, predictability and accountability — Improve participation of applicants and the public — Reduce late-stage revisions — Increase time available for panelist preparation

[Recommendation continued on the next page]

2. Recommendations

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#	Recommendation	Description	Rationale
2.13		<ul style="list-style-type: none">— Clearly identify the specific comments required from each commenting partner;— Follow a standard structure to facilitate ease of understanding by panelists; and,— Include the commenting partner's name and contact information. <p>Commenting deadlines</p> <p>The CoA should consider establishing and enforcing commenting deadlines to ensure that panelists, applicants and members of the public have sufficient time to review comments before the public hearing. Our research indicates that while there are recommended timelines associated with the commenting process, they are inconsistently followed. The CoA should work with commenting partners to identify realistic timelines and evaluate the resourcing needs required to meet those timelines.</p>	

2. Recommendations

#	Recommendation	Description	Rationale
2.14	Establish KPIs to enable continuous improvement	<p>Our research indicates that the CoA does not proactively monitor the efficiency or effectiveness of its services. The CoA should consider establishing key performance indicators (KPIs) to enable continuous improvement. As part of this work, the CoA may consider establishing:</p> <ul style="list-style-type: none">— KPIs for each of the CoA’s services, including efficiency and effectiveness measures, as well as KPIs related to the public hearing process;— Data to support each KPI, including how, when and by whom the data will be collected;— A process for reporting on KPIs; and,— A process for reviewing the effectiveness of KPIs. <p>Data availability and quality will be a significant limitation on the development of KPIs. The CoA should identify opportunities to work with the City’s broader technology modernization initiatives to improve the availability and quality of CoA-related data.</p>	<ul style="list-style-type: none">— Improve capacity to monitor and manage CoA performance, including effectiveness of participation

2. Recommendations

#	Recommendation	Description	Rationale
2.15	Conduct a comprehensive review of the CoA's service delivery model	<p>The CoA currently operates under a decentralized, geographic service delivery model. Our research indicates that this service delivery model contributes to many of the systemic challenges identified in Appendix D of this report, including:</p> <ul style="list-style-type: none"> — Inconsistent processes, procedures and commenting practices; — The gap between legislative and actual timelines; and, — Barriers to participation, like extended public hearings. <p>A review of the CoA's service delivery model was not within the scope of our review, which focused on participation in the public hearing process. However, our research identified a compelling need for a comprehensive review.</p> <p>The proposed comprehensive review should consider including the following elements:</p> <ul style="list-style-type: none"> — A detailed assessment of the current service delivery model, including relative performance across each of the CoA's four districts; — The development and analysis of different service delivery models (e.g., a centralized model, a functional model); — The development and analysis of different CoA panel structure options; and, — The current location of the CoA within the City's organizational structure and its relationship to partner divisions. <p>We anticipate that this review would take approximately three to four months to complete and should include engagement with internal and external stakeholders. Given related transformation initiatives already underway across the City's planning and development services, the CoA has a unique window of opportunity to undertake the proposed review.</p>	<ul style="list-style-type: none"> — Improve operational performance — Improve applicant, public and panelist experience — Enhance participation

3. Implementation Plan

3. Implementation Plan

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This section presents an implementation plan for the recommendations included in Section 2.

To help the City prioritize recommendations, Figure 1, on the next page, presents an estimate of the impact and implementation effort of each recommendation.

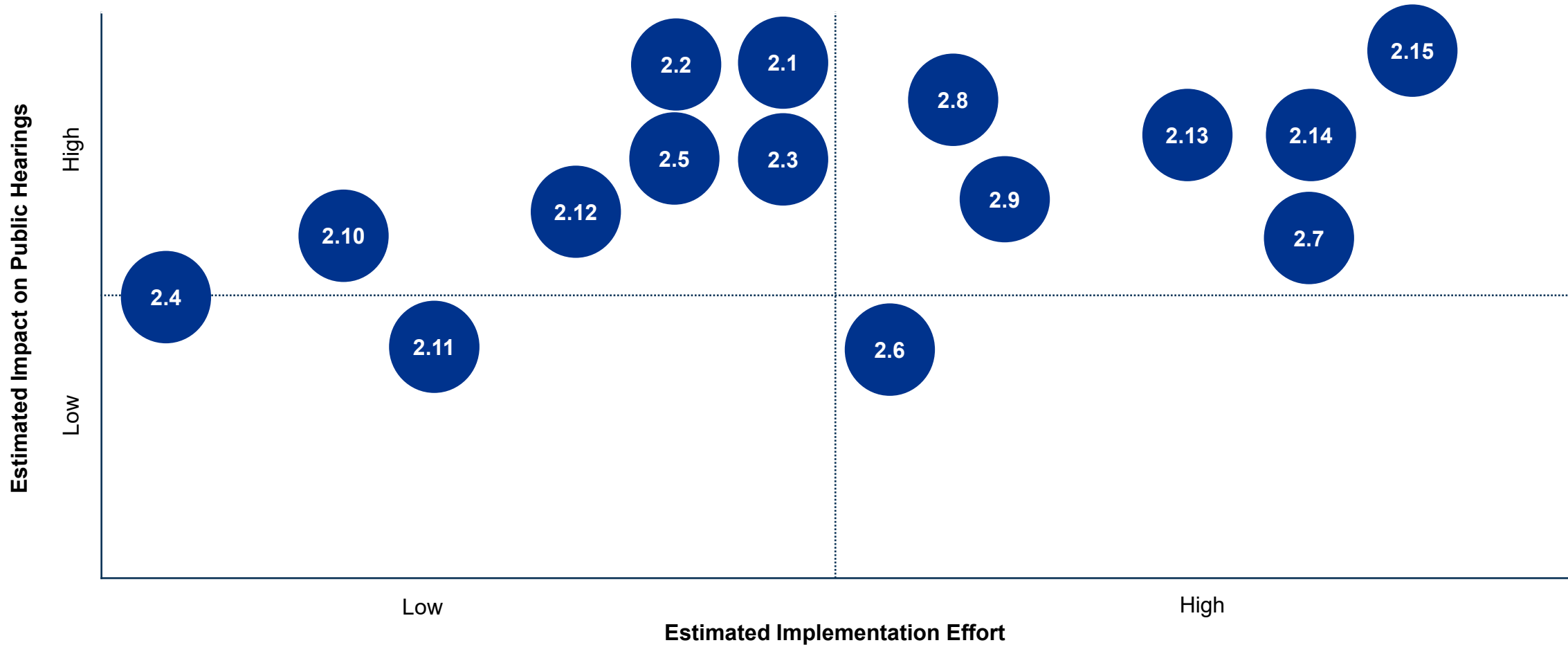
Table 3, beginning on page 29, presents high-level implementation actions for each recommendation as well as an estimated implementation timeline. These actions are based on KPMG leading practice. They are meant as a starting point for use by the CoA and should be refined through the implementation process.

The implementation of all of the recommendations included in this report may go beyond the timeframe included in this section and/or require additional dedicated funding.

The implementation actions included in this section should be considered alongside the CoA's anticipated shift to hybrid hearings, the City's ongoing response to legislative change (e.g., Bill 109 and Bill 23) and the broader transformation of the City's planning and development functions.

3. Implementation Plan

Figure 1: Implementation Matrix



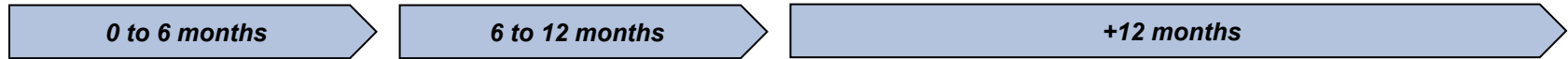
3. Implementation Plan

Table 3: High-level implementation plan

		0 to 6 months	6 to 12 months	+12 months
#	Recommendation	Description of Activities		
2.1	Develop and communicate a clear purpose statement to align stakeholders around a shared understanding of the CoA	<ul style="list-style-type: none"> Engage internal and external stakeholders on the draft elements and draft objectives included in Appendix C. Develop draft purpose statement and service charter, incorporating feedback from stakeholder engagement. Share draft purpose statement and service charter with internal and external stakeholders. Finalize purpose statement and service charter and communicate through existing and new channels identified in Recommendations 2.2, 2.3, and 2.4. 		
2.2	Improve existing and develop new public-facing communications and resources to enhance participation	<ul style="list-style-type: none"> Inventory existing applicant- and public-facing CoA materials to identify gaps and potential starting points. Engage a communications specialist external to the CoA to draft materials. Develop draft materials. Consult with internal and external stakeholders to test the content, format, readability, and effectiveness of draft materials. Incorporate feedback from stakeholders. Publish materials on the CoA homepage. Ensure they are easily accessible, with links made available on notices. Solicit feedback on the effectiveness of these resources through the annual applicant and public touchpoints (Recommendation 2.4) and quarterly members' meetings (Recommendation 2.11). Identify a designated CoA lead responsible for keeping the materials up-to-date. 		

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#	Recommendation	Description of Activities
2.3	Develop and promote an effective participation guide to empower applicants and members of the public	<ul style="list-style-type: none"> — Engage a communications specialist external to the CoA to draft materials. — Develop draft materials, drawing on the current state findings included in this report. — Engage internal and external stakeholders to test and refine draft materials. — Share final materials on the CoA website. — Monitor the effectiveness of these resources through the annual applicant and public touchpoints (Recommendation 2.4) and quarterly members' meetings (Recommendation 2.11). — Identify a designated CoA lead responsible for keeping the materials up-to-date.
2.4	Regularly engage with applicants and members of the public outside of the public hearing process	<ul style="list-style-type: none"> — Consult external stakeholders to identify preferences for engagement, using Recommendation 2.4 as a starting point. — Develop terms of reference to support each engagement mechanism and begin meetings. — Establish a publicly-available repository on the CoA website to save records and materials from additional engagement sessions. — Monitor the effectiveness of these sessions through participant satisfaction surveys. — Identify a designated CoA lead responsible for managing additional engagement mechanisms.

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#	Recommendation	Description of Activities
2.5	Support equitable tenant participation in the public hearing process	<p>— Work with City partners (e.g., Clerks’ Office) to identify a process and/or best practices for providing notice to all residents within CoA notice areas.</p> <p>— Update application forms to include a disclosure requirement on impacted residential tenancies. Engage applicants, consultants and industry associations on the proposed changes.</p> <p>— Create a tenant-specific handbook and promote it through the channels identified in Recommendation 2.2. Use the updated materials identified in Recommendations 2.2 and 2.3 as a starting point.</p>
2.6	Consider refreshing application requirements for minor variance and consent applications	<p>— Engage members of the public, applicants, consultants and industry associations on the additional requirements identified in Recommendation 2.6.</p> <p>— Identify the additional time and cost associated with the enhanced requirements for applicants and staff, and consider against potential benefits identified in Recommendation 2.6.</p> <p>— Consider developing terms of reference or similar documents to support any new application requirements.</p>
2.7	Evaluate opportunities to provide more detailed reasons for CoA decisions	<p>— Engage with internal and external stakeholders on the options included in Recommendation 2.7 (verbal reasons, acknowledgements, minutes).</p> <p>— Incorporating internal and external stakeholder feedback, evaluate the costs, benefits and operational feasibility of the options included in Recommendation 2.7 and any additional options identified through engagement with stakeholders.</p> <p>— Incorporate any changes into the updated training identified in Recommendations 2.11 and 2.12.</p>

3. Implementation Plan






#	Recommendation	Description of Activities
2.8	Consider eliminating substantive revisions to applications following the distribution of the public notice	<div style="background-color: #004a99; height: 15px; width: 100%; margin-bottom: 5px;"></div> <ul style="list-style-type: none"> — Establish a process for addressing substantive late-stage revisions, using Recommendation 2.8 as a starting point. Engage panelists, applicants and members of the public to test and refine the process. — Update the Committee of Adjustment Rules of Procedure, if required, to appropriately reflect the new process. — Update applicant-facing materials (e.g., CoA website, application forms and applicant handbook) to provide information on the process for late-stage or on-the-floor revisions.
2.9	Address the technical challenges of the virtual public hearing process	<div style="background-color: #004a99; height: 15px; width: 100%; margin-bottom: 5px;"></div> <ul style="list-style-type: none"> — Consult with the CoA’s internal technology partners to identify opportunities to increase the capabilities of WebEx to accommodate increased microphone, screen sharing and camera permissions, as well as virtual breakout rooms. — Establish standard operating procedures and update panelist resources and training to reflect changes. Update public-facing information on the virtual/hybrid hearing process to reflect changes. — Identify in-house or external solutions for live agenda monitoring and electronic registration. — Identify a dedicated technical resource at the CoA or City to support participants in the public hearing process. Ensure their contact information is made available during the hearing. — Provide the contact information of this resource in the notice of hearings, agenda and CoA homepage.

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#	Recommendation	Description of Activities
2.10	Standardize hearing practices to improve transparency and predictability	 <ul style="list-style-type: none"> — Engage staff and panelists to develop standard hearing practices, using Recommendation 2.10 as a starting point. — Develop an updated draft manual and share with staff and panelists. Incorporate feedback and finalize the updated manual. — Identify a designated CoA lead responsible for keeping the materials up-to-date. Incorporate into panelist onboarding and training.
2.11	Implement quarterly members' meetings for panelist training and professional development	 <ul style="list-style-type: none"> — Gather feedback from panelists on training topics. Shortlist those of interest using Recommendation 2.11 as a starting point. — Develop terms of reference to guide and structure the quarterly meetings, including roles and responsibilities. — Create a central online repository to store all materials in a way that is easily accessible to panelists. — Identify a designated CoA lead to manage the quarterly sessions.
2.12	Implement guidance directions to increase consistency within and across panels	 <ul style="list-style-type: none"> — Create a draft template for guidance directions. Share with panelists for review and feedback. — Identify an inconsistent practice (for example, through the proposed quarterly panelist meetings) to test and refine a pilot practice direction. Update template as required. — Identify a designated CoA lead to manage guidance directions.

3. Implementation Plan



#	Recommendation	Description of Activities
2.13	Implement commenting guidelines to improve consistency and enable more effective participation	 <ul style="list-style-type: none"> — Work with commenting partners to develop draft commenting guidelines. — Consider formalizing guidelines in a terms of reference or similar document. — Finalize commenting guidelines and develop roll out plan, including training and communication. — Engage commenting partners at six-month intervals to assess effectiveness of guidelines. — Identify a designated CoA lead responsible for keeping the materials up-to-date.
2.14	Establish KPIs to enable continuous improvement	 <ul style="list-style-type: none"> — Inventory existing performance measures in place for the CoA including metrics, systems, collection frequency, and use. — Identify opportunities to align data collection activities with commenting partners (e.g., the data collection program being developed to support the City’s development review process). — Identify a designated CoA lead responsible for managing KPIs. — Establish an annual review of KPIs, including their collection, use and overall effectiveness as a performance management tool.
2.15	Conduct a comprehensive review of the CoA’s service delivery model	 <ul style="list-style-type: none"> — Establish terms of reference for a service delivery model review, including objectives, outcomes, scope, roles and responsibilities. — Identify an internal project team to manage the review. Consider including other City partners (e.g., Community Planning) on the project team or a supporting committee. — Consider opportunities to align the review with the City’s broader planning and development transformation initiatives (e.g., City Planning Program Review).

Appendix A: Project Background

Project Background

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The City engaged KPMG to conduct a review of the CoA's virtual public hearing process. This report presents our findings to inform the City's Project Team.

Objectives and Scope

The objective of the review was to identify recommendations to improve the participation of the public and applicants in the public hearing process.

The scope of our review included public hearing practices, virtual public hearings, and public-facing information and materials, among other topics that surfaced through the research.

Assessment Framework

Our work was guided by an assessment framework developed with the Project Team. We used the framework to structure our research activities, including stakeholder engagement and leading practice research. The assessment framework is included in Appendix B.

Work Plan

Our four-phase work plan is included on page 39.

Phase One

In phase one, we worked closely with the City's Project Team to confirm the project objectives, workplan and assessment framework. We also reviewed and refined the stakeholder engagement strategy, including the identification of stakeholders, engagement tactics and engagement timelines. The engagement strategy and updated project charter was approved by the Project Team in April 2022.

Phase Two

During phase two, we built a substantive evidence base to understand and evaluate the current state as well as identify challenges and initial opportunities for improvement.

Several qualitative and quantitative data sources were used, including:

- Document and data review;
- Stakeholder research;
- Survey questionnaires; and,
- Leading practice research.

Document and Data Review

We conducted an in-depth review of 33 documents provided by the Project Team. Documents included Council motions and agenda items, staff reports, and communications related to the CoA. Data provided by the Project Team included application volumes and appeal rates since 2017.³ Additional documents were provided by external stakeholders for review. These included consolidated comments and recommendations, studies and background materials.

A list of documents and data reviewed is included in Appendix F.

³ Data sources were limited due to constraints with the City's information management systems.

Project Background

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Stakeholder Research

We conducted a comprehensive stakeholder engagement exercise, involving approximately 15 hours of stakeholder engagement with more than 62 internal and external stakeholders. This included:

- Seven one-on-one interviews with representatives from the City, CoA and Toronto Local Appeal Body;
- Two workshops with CoA panelists;
- One workshop with 18 industry representatives, including applicant agents and representatives from the Building Industry and Land Development Association; and,
- Three workshop with 23 public stakeholders including residents associations and other public-related organizations.

To encourage frank and constructive dialogue, interviews and focus groups were conducted confidentially and without attribution. Notes were taken to facilitate our analysis but were not shared.

One-on-one interviews were typically 30-90 minutes in length. We followed a semi-structured approach that included interview guides with questions distributed in advance but also allowed interviewees to identify new issues. Workshops were several hours in length, and followed a similar, semi-structured approach.

Survey Questionnaires

We developed and distributed separate online surveys for applicant and public stakeholders. The surveys were open for several weeks and included questions focused on identifying existing strengths, challenges, and improvement opportunities. In total, 224 responses were received in the applicant survey and over 1,000 responses were received in the public survey.

Leading Practice Research

The purpose of the research was to gather leading practice information to inform the development of our recommendations.

Working closely with the City's Project Team, we identified five jurisdictional comparators based on criteria including: population size and growth, geography, urban fabric and development volume.

The comparators were:

- Ottawa;
- Hamilton;
- Mississauga;
- Oakville; and,
- San Francisco.

We conducted detailed research into comparator municipalities through interviews with representatives to identify specific improvement opportunities for Toronto's CoA. We focused on what each jurisdiction does well, rather than a side-by-side comparison or analysis of each jurisdiction's development review or equivalent processes.

The output from this work was integrated into the recommendations included in this report.

We synthesized our findings from the first two phases of work into a preliminary findings report. The report included a summary of the current state, as well as a long list of improvement opportunities for consideration and additional development during Phase 3. The report was presented to the Project Team in August 2022.

Project Background

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Phase Three





In the third phase of work, we refined our preliminary improvement opportunities into the recommendations included in this final report using two main inputs: the leading practice research completed in Phase 2 and co-design workshops.

We facilitated three co-design workshops with staff from the CoA and Community Planning. Each workshop was approximately two hours in length and focused on developing the detailed improvement opportunities included in our preliminary findings report. The output from these workshops was incorporated into the recommendations included in this report.

Phase Four

During the fourth and final phase, we synthesized our findings into this final report and implementation roadmap. Draft versions of this report were shared with and reviewed by the Project Team. Revisions have been incorporated into this final version.

Work Plan

	Phase 1: Project Set Up 	Phase 2: Assess Current State 	Phase 3: Develop Improvement Opportunities 	Phase 4: Recommend & Report 
Objectives	Establish a strong project foundation and review work completed to date.	Confirm strengths, challenges, and opportunities for improvement.	Develop, test, and refine improvement opportunities.	Synthesize work into concise final report with recommendations.
Activities	<ul style="list-style-type: none"> — Identify a project reporting structure — Finalize the work plan — Identify documents — Develop a stakeholder engagement plan — Develop a leading practice research plan 	<ul style="list-style-type: none"> — Document review — Stakeholder engagement — Leading practice research — Gap analysis — Project Team presentation 	<ul style="list-style-type: none"> — Design and facilitate co-design workshops with City staff 	<ul style="list-style-type: none"> — Final Report — Presentation of Final Report
Deliverables	<ul style="list-style-type: none"> ✓ Project Charter ✓ Bi-weekly status meetings ✓ Stakeholder engagement plan ✓ Leading practice research plan 	<ul style="list-style-type: none"> ✓ Project Team presentation of preliminary findings and high-level improvement opportunities 	<ul style="list-style-type: none"> ✓ Project Team presentation of detailed improvement opportunities identified through the co-design workshops 	<ul style="list-style-type: none"> ✓ Final Report synthesizing work completed ✓ Presentation of Final Report

Appendix B:

Assessment Framework

Assessment Framework Responses

Table 4 presents responses to the questions included in our assessment framework. For each question, we also identify related findings from our current state assessment (Appendix D) and recommendations (Section 2). See Appendix A for more information about the Assessment Framework.

Table 4: Assessment Framework Responses

#	Assessment Question	Response	Related Findings / Recommendations
1	Is the participation of the public and applicants in the virtual public hearing process effective?	<p>A majority of members of the public and applicants indicated that the shift to virtual hearings positively impacted participation in the public hearing process. Virtual hearings were consistently identified as more convenient and accessible than in-person hearings. Many members of the public also indicated that they felt more comfortable participating in a virtual setting.</p> <p>At the same time, our research also identified several gaps and technical challenges related to the virtual public hearing process, including:</p> <ul style="list-style-type: none"> — Limited opportunities for informal mediation between parties during the hearing, a strength associated with in-person hearings; — No in-hearing agenda monitoring tools and limited participant controls; and, — A cumbersome registration process. <p>Alongside these virtual hearing-specific challenges, our research also identified a number of broader challenges impacting both in-person and virtual hearings. These challenges are identified in Table 6.1 (Appendix D).</p>	Finding 6.1.4
1(a)	Are there specific opportunities to improve participation in the virtual public hearing process (e.g., changes related to procedures, processes, or technology)?	<p>This report identifies 15 recommendations to improve participation in the public hearing process. Most of these opportunities apply to in-person and virtual public hearings; however, we have also identified specific opportunities related to the virtual hearing process (see Recommendation 2.9).</p>	Recommendations 2.1 to 2.15

Assessment Framework Responses

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#	Assessment Question	Response	Related Findings / Recommendations
1(b)	How can the Committee of Adjustment improve access and remove barriers to participation for equity-deserving communities?	<p>The scope of work for this project did not allow for targeted outreach to equity-deserving communities, and our broader engagement activities did not identify any barriers specific to equity-deserving communities.</p> <p>Our work did include specific outreach to tenants through the City's Tenant Advisory Committee. This report identifies specific barriers to tenant participation in the public hearing process (see Finding 6.1.8) and recommendations to improve participation (see Recommendation 2.5).</p>	<p>Finding 6.1.8</p> <p>Recommendation 2.5</p>
2	Are existing supporting materials and information provided by the Committee of Adjustment to the public and applicants effective?	<p>Our research indicates that existing supporting materials are a barrier to effective participation, particularly for inexperienced members of the public and applicants. Specific challenges consistently identified by stakeholders include:</p> <ul style="list-style-type: none"> — The use of difficult-to-understand, technical language; — Informational gaps (e.g., how to effectively engage in the CoA process and how to use the City's Application Information Centre); and, — The timing of information (e.g., staff reports are not always available prior to a hearing). 	<p>Finding 6.1.6</p>
3	How can the Committee of Adjustment promote good conduct by the public and applicants at hearings?	<p>Members of the public, applicants, panelists and City staff engaged through our work did not identify any significant or specific challenges related to participant conduct at public hearings. That said, many of our recommendations will help the CoA promote good conduct at public hearings, including identifying a shared purpose statement and service charter (Recommendation 2.1) and developing new and improved public-facing materials (Recommendations 2.2 and 2.3).</p>	<p>Recommendations 2.1 - 2.3</p>
4	What are the advantages and disadvantages of establishing a Committee of Adjustment Advisory Committee?	<p>Our research activities did not identify sufficient information to evaluate the proposal to establish an Advisory Committee. We received no information about the proposal (e.g., purpose, roles, responsibilities, structure, membership, etc.), and establishing an Advisory Committee did not surface through our internal or external engagement activities.</p> <p>This report includes a recommendation to expand engagement with applicants and members of the public outside of the hearing process to help identify and address stakeholder needs, share information and increase stakeholder alignment (Recommendation 2.4).</p>	<p>Recommendation 2.4</p>

Assessment Framework Responses

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#	Assessment Question	Response	Related Findings / Recommendations
5	Are there any other opportunities to improve public and applicant participation in the virtual hearing process or a future hybrid model (e.g., organizational changes, recommendations identified through the End-to-End Review, etc.)?	<p>In addition to improving supporting materials and information, this report includes a broad range of opportunities to improve public and applicant participation in the hearing process, including:</p> <ul style="list-style-type: none">— Developing and communicating a clear purpose statement to align stakeholders around a shared understanding of the CoA;— Standardizing public hearing and commenting processes;— Enhanced training and professional development opportunities for panelists;— Evaluating opportunities to provide more detailed reasons for decisions; and,— Undertaking a comprehensive review of the CoA’s service delivery model. <p>Taken together, these recommendations will help reduce barriers to participation and improve the transparency, consistency and predictability of the public hearing process.</p>	Recommendations 2.1 to 2.15



Appendix C:

Elements of a Draft Purpose Statement &

Future State Objectives

Elements of a Draft Purpose Statement

Table 5 presents draft elements to support the development of the purpose statement identified in Recommendation 2.1. Developed through our co-design workshop series, they are meant as a starting point for engagement with internal and external stakeholders.

Table 5: Elements of a Draft Purpose Statement


#	Element	Description
1	Fair	— Decisions are evidence-based and the decision-making process is consistent with the principles of natural justice.
2	Open	— Applicants and members of the public are empowered to participate in the public hearing process.
3	Efficient	— Decisions on applications are made in a timely way through a cost-effective process.
4	Gradual change	— The Committee of Adjustment enables gradual change that is consistent with the Official Plan and the City's broader policy framework.
5	Quasi-judicial	— The Committee of Adjustment is a quasi-judicial administrative tribunal that makes decisions in accordance with Ontario's <i>Planning Act</i> and <i>Statutory Powers Procedures Act</i> .

Draft Future State Objectives


This page presents seven draft future state objectives for the CoA. Developed through a series of co-design workshops with CoA staff, the objectives are meant to help define a high-performing CoA from different stakeholder perspectives. They are included here as a starting point for the service charter identified in Recommendation 2.1. Additional detail is included in the implementation plan (see Section 3, page 29).

Defining what good performance looks like can also help the CoA to:


- Manage operations, including prioritizing work and resources;
- Assess performance against established criteria; and,
- Help ensure that internal and external stakeholder expectations are met.

Fair 


Process and decision-making consistent with legislative mandate and the principles of natural justice.

Efficient 

Enables the timely, cost-effective processing of applications from submission to decision.

User Friendly 


Empowers applicants and the public to participate and instills confidence in the decision-making process.

Transparent 


Predictable, consistent process for applicants and the public from submission to decision.

Supportive 

Attracts and retains highly qualified, knowledgeable staff and panelists.

Adaptable 

Responds quickly to change and focuses on continuous improvement.

Effective 

Results in good city-building outcomes that align with City policy objectives.

A dark blue background featuring a faint, low-angle view of the Toronto skyline at night, with the CN Tower and various skyscrapers visible against a dark sky. The foreground shows a calm body of water.

Appendix D: Current State Assessment

Current State Assessment

This Appendix presents challenges identified through our current state assessment. Table 6.1 presents challenges impacting public and applicant participation in the public hearing process. Table 6.2 presents challenges impacting the overarching performance of the CoA.

Table 6.1: Challenges – Participation in Public Hearings

#	Challenge	Description	Impacts
6.1.1	Stakeholder misalignment on the purpose of the CoA	<p>Applicants and members of the public have fundamentally different understandings of the purpose of the CoA. Applicants believe the CoA is an arms-length approval authority for technical amendments to municipal planning rules. Members of the public believe the CoA is a City-led agency with a mandate to uphold and enforce existing municipal planning rules.</p> <p>There is no comprehensive description of the purpose or mandate of the CoA on the City’s public-facing website. Similarly, there is no definition of effective participation in the in-person or virtual hearing process.</p> <p>The misalignment contributes to variations in satisfaction with the public participation process across the two stakeholder groups. For example, nearly half of applicant respondents to our survey indicated that their participation in the public hearing process was either good or outstanding, while nearly 70% of members of the public indicated that their participation was not satisfactory.</p>	<ul style="list-style-type: none"> — Different expectations about the public hearing process, including the role of the panel, evidence, decision-making and outcomes — Contributes to public perception that hearing process is unfair — Public and applicant frustration
6.1.2	Hearing lengths and unstructured agendas	<p>Stakeholder research indicates that CoA hearings can exceed five hours in length ⁴, often in higher volume districts like Toronto & East York and North York.</p> <p>Interviewees frequently stated that agendas are unstructured and matters are heard in order of appearance rather than a perceived order of importance or complexity. This can significantly increase the time required to participate in a hearing.</p> <p>Applicants and members of the public consistently identified hearing lengths as a significant barrier to participation, requiring them to wait hours before it is their turn to speak.</p>	<ul style="list-style-type: none"> — Barrier to applicant and public participation, particularly for equity-deserving communities — Public and applicant frustration

⁴ Data on hearing lengths is not consistently tracked.

Current State Assessment

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#	Challenge	Description	Impacts
6.1.3	Inconsistencies within and across public hearings	<p>Applicants and members of the public consistently identified procedural and process inconsistencies within and across hearings, including:</p> <ul style="list-style-type: none"> — Hearing procedures, such as agenda vetting, deliberations and remarks offered by CoA panel chairs; — The use of evidence and supporting materials, including staff reports, written submissions, depositions and recent decisions on similar applications; — Approaches to late-stage revisions to applications; — Site visits; — The application of the four tests; and, — Approaches to contested matters, including the threshold for deferrals. <p>Similarly, the lack of reasons provided in CoA decisions exacerbated these inconsistencies and reduced the transparency and predictability of the hearing process.</p>	<ul style="list-style-type: none"> — Reduces transparency and predictability of public hearing process and outcomes — Contributes to public perception that hearing process is unfair — Public and applicant frustration
6.1.4	Technical challenges related to virtual hearing platform and associated procedures	<p>Our review found several technical challenges related to the set up of the current virtual hearing platform. These challenges included the following:</p> <ul style="list-style-type: none"> — No virtual equivalent to the informal mediation that can take place between applicants and members of the public during an in-person hearing, such as a virtual break out room, which can lead to additional deferrals; — No in-hearing agenda monitoring tools; — Limited participant controls (e.g., share screen, unmute, turn on camera); — A cumbersome registration process to speak at hearings that can result in missed opportunities to participate; and, — Limited technical support for panelists, applicants and the public, particularly during a public hearing. 	<ul style="list-style-type: none"> — Barrier to applicant and public participation — Extended application timelines — Increases administrative burden on CoA staff

#	Challenge	Description	Impacts
6.1.5	Late-stage application revisions	<p>Members of the public consistently identified late-stage revisions to applications as a significant barrier to effective participation in the hearing process. In addition, revisions are hard to find for members of the public, although they are often available on the Application Information Centre.</p> <p>Similarly, last-minute revisions during a hearing can be highly disruptive and difficult to address in the context of a contested hearing and could extend hearing times.</p>	<ul style="list-style-type: none"> — Barrier to effective public participation in hearing process — Contributes to public perception that hearing process is unfair — Reduces transparency and predictability of public hearing process and outcomes — Extends length of public hearings
6.1.6	Limited or technical public-facing information	<p>Our review of publicly available information and analysis of stakeholder findings identified the following gaps related to publicly available information about the CoA and the public hearing process:</p> <ul style="list-style-type: none"> — There is no easy-to-use, non-technical guide for members of the public about the CoA, the CoA's jurisdiction, the public hearing process or how to effectively engage in the CoA process; — Despite recent changes, notices are still technical and difficult to understand for members of the public; — The Application Information Centre is not easy to navigate, particularly for inexperienced applicants and members of the public, and application materials are often difficult to understand; and, — Staff reports and revisions to applications are not always made available on the Application Information Centre prior to the hearing. <p>These gaps contribute to the different understandings of the CoA's purpose identified in Finding 6.1.1.</p>	<ul style="list-style-type: none"> — Barrier to public participation — Contributes to public perception that hearing process is unfair — Reduces transparency and predictability of public hearing process and outcomes

Current State Assessment

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#	Challenge	Description	Impacts
6.1.7	One-size-fits-all speaking structure	<p>There is a broadly shared perception that the current speaking timeslots (5 minutes) do not correspond to the relative complexity of individual applications. This challenge is made worse when there are multiple affected parties and/or City staff reports for complex applications.</p> <p>Members of the public also consistently identified the lack of rebuttal for concerned parties is unfair.</p>	<ul style="list-style-type: none">— Contributes to public perception that hearing process is unfair— Public and applicant frustration
6.1.8	No tenant notification	<p>The CoA is not required to provide a written and mailed notice to tenants living within the 60-metre notice area of an application, even if the hearing concerns their residential address.</p> <p>Similarly, CoA notices and related materials do not identify whether a CoA application concerns a rental property.</p>	<ul style="list-style-type: none">— Concerns of unfairness in the public hearing process, particularly for equity-deserving communities

Table 6.2: Challenges – CoA Performance

#	Challenge	Description	Impacts
6.2.1	Unbalanced district workloads	<p>Application volumes vary significantly across districts. Stakeholders indicated that the recent changes to district boundaries exacerbated these differences.</p> <p>For the most part, staffing and CoA panel resources do not reflect application volumes, leading to significant workload imbalances across districts. In addition, stakeholders indicated that there is a similar staffing gap in many partner divisions (e.g., City Planning, Urban Forestry).</p> <p>For example, in 2021, the busiest district, Toronto & East York District, received nearly 70% more applications than the second busiest district, North York, yet had only 20% more panelists.</p>	<ul style="list-style-type: none"> — Inconsistencies across districts — Extended application times — Staff and panelist fatigue — Extends hearing lengths (in some districts), a barrier to effective participation
6.2.2	Unmet legislative timelines and non-adherence to commenting deadlines	<p>Information about the average time taken between application submission and a hearing was not available for our review.</p> <p>The time between application submission and a hearing date can often exceed three months, well beyond the 30-day statutory requirement, and often much more for complex applications.</p> <p>Similarly, commenting deadlines from many internal commenting partners (e.g., Community Planning, Urban Forestry) are seldom met and comments are often received too late to be fully reviewed or incorporated into submissions during the hearing. Late comments contribute to late-stage revisions, leading to confusion for members of the public and panelists.</p>	<ul style="list-style-type: none"> — Reduces transparency, predictability and accountability of CoA process — Extends application times — Barrier to effective participation of public and applicants

Current State Assessment

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#	Challenge	Description	Impacts
6.2.3	Unclear, inconsistent commenting practices	<p>Applicants and panelists consistently identified three main challenges with the commenting process:</p> <ul style="list-style-type: none"> — No criteria to trigger comments from Community Planning and inconsistencies across individuals and districts in when comments are provided; — Conflicting comments (comments are not consolidated by the Community Planner or CoA staff); and, — Difficulty identifying and communicating with the staff assigned to comment on a file from commenting partners (e.g., Community Planning, Urban Forestry, Transportation Services, etc.). 	<ul style="list-style-type: none"> — Increases administrative burden on panelists and applicants — Reduces transparency, predictability and accountability of CoA process
6.2.4	Notices of Decision	<p>Notices of Decision are not delivered to applicants and commenting partners consistently.</p> <p>While some districts provide Notices of Decision to applicants by email, others only do so by mail, extending processing times. Similarly, commenting partners are not typically notified of decisions, which increases the coordination burden on applicants.</p>	<ul style="list-style-type: none"> — Extends application times — Applicant frustration and increased administrative burden
6.2.5	Staff turnover	<p>Information on staff turnover was not available for our review; however, City stakeholders consistently indicated that turnover was high, with many using the CoA as a steppingstone to higher paying Community Planning positions.</p> <p>The impacts of staff turnover have been exacerbated by the virtual environment, which creates a barrier to effective training and onboarding.</p>	<ul style="list-style-type: none"> — Increases staff administrative burden

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#	Challenge	Description	Impacts
6.2.6	Limited information and performance management	<p>The City does not consistently collect or use data and information about CoA operations to manage performance. The little information that is collected tends to be highly manual and time intensive, creating a significant barrier to its use in performance management.</p> <p>Information that could help manage performance but is not currently collected includes:</p> <ul style="list-style-type: none"> — The timelines associated with the intake, processing and circulation process; — The average time by district between application submission and hearing; — The number of registered speakers in opposition or in support of an agenda item; and, — The average hearing time length and number of agenda items per district. 	<ul style="list-style-type: none"> — Extends application times — Applicant frustration and increased administrative burden
6.2.7	Disconnect between CoA and broader City objectives	<p>There does not appear to be a connection between the CoA and the City's broader strategic objectives.</p> <p>For example, there are no mechanisms to prioritize applications that advance broader City objectives, such as affordable housing. Similarly, there are no mechanisms to address applications that negatively impact broader City objectives (e.g., an application that may negatively impact the availability of rental housing).</p>	<ul style="list-style-type: none"> — Reduces capacity of CoA to contribute to broader City objectives
6.2.8	Errors in zoning reviews	<p>Applicants indicated that errors in zoning reviews are a consistent challenge, resulting in downstream delays when errors are identified.</p> <p>For example, missed variances contribute to late-stage revisions when they are identified downstream, often close to the hearing date. Late-stage revisions were identified as a challenge impacting the effectiveness of the public hearing process (Finding 6.1.5).</p> <p>Applicants indicated that this challenge is exacerbated by the difficulty of contacting zoning examiners to rectify errors.</p>	<ul style="list-style-type: none"> — Contributes to applicant frustration and late-stage revisions — Contributes to delays and deferrals

Appendix E: List of Stakeholders



Stakeholder List

This Appendix presents stakeholders engaged during our project, including representatives from the City, Toronto Local Appeal Body, panelists, applicants, residents associations and other organizations.

Table 7.1: City and Toronto Local Appeal Body Representatives

#	Position	Department/Division
City Staff		
1	Acting Director, Zoning and Secretary-Treasurer, CoA	City Planning
2	Director, Community Planning, Etobicoke York District	City Planning
3	Manager and Deputy Secretary-Treasurer, Committee of Adjustment, Etobicoke York District	City Planning
4	Senior Planner, Committee of Adjustment, North York District	City Planning
5	Application Technician, Committee of Adjustment, North York District	City Planning
6	Principal Planner, Community Planning, Scarborough District	City Planning
Toronto Local Appeal Body (TLAB)		
7	Chair	TLAB

Stakeholder List

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Table 7.2: Panelists

#	Position	CoA Panel
1	Chair	Scarborough
2	Member	Scarborough
3	Chair	Toronto & East York
4	Chair	Toronto & East York
5	Chair	Toronto & East York
6	Member	Toronto & East York
7	Member	Toronto & East York
8	Member	Toronto & East York
9	Member	Toronto & East York
10	Member	Etobicoke York
11	Member	Etobicoke York
12	Member	North York
13	Member	North York
14	Member	North York

Stakeholder List

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Table 7.3: Applicant Representatives

#	Organization
Experienced Applicants	
1	Lorne Rose Architect
2	Rubinoff Design Group
3	Placement Designs Inc.
4	Arichtalcan Design Inc.
5	Action Planning Consultants
6	Epic Designs Inc.
7	EPK Designs Inc.
8	For Walls & A Roof
9	Peter Higgins Architect Inc.
Building Industry & Land Development Association (BILD) and Renovators	
10	BILD
11	Golden Bee Homes
12	Men At Work Design Build Ltd
13	Fairside Homes
14	Design Plan Services Inc.
15	Cliff & Evans
16	Lifestyle Custom Homes
17	Fairmont Properties Inc.
18	Inspire Homes Inc.

Stakeholder List

Table 7.4: Residents Association Representatives

#	Organization
Residents Associations	
1	Federation of North Toronto Residents Associations (FONTRA)
2	Long Branch Neighbourhood Association (LBNA)
3	Cliffcrest Scarborough Village SW Residents Association
4	Leaside Residents Association
5	Lytton Park Residents Organization
6	South Armour Heights Residents Association
7	South Eglinton Davisville Residents Association
8	Lawrence Park Ratepayers Association
9	Edithvale-Yonge Community Association
10	ABC Residents Association
11	Don Mills Residents Inc. (DMRI)
12	St. Andrew's Ratepayers Association
13	Annex Residents Association
14	Baby Point Heritage Foundation
15	Summerhill Residents Association
16	Thompson Orchard Community Association
17	Birch Cliff Village Residents Association
18	Beaconsfield Village Residents Association
19	Rathnelly Area Residents Association
20	Golden Mile & Neighbourhoods Community Association

Table 7.5: Other Organizations

#	Organization
Other Organizations	
1	More Neighbours Toronto
2	SOS Save Our City Association
3	Tenant Advisory Committee

Appendix F: Documents Reviewed

Document List

This Appendix presents a list of documents reviewed during our work. These documents were provided by the CoA, residents associations and industry associations.

Table 8.1: Documents provided by the CoA

#	Document Name	Document Date
Documents provided by the City		
1	PG2.4 – Agenda Item History – Committee of Adjustment Continuous Improvement Initiatives	March 31, 2015
2	PG2.4 – Staff Report – Committee of Adjustment Continuous Improvement Initiatives	February 5, 2015
3	PG2.5 – Agenda Item History – Feasibility and Advisability of Professional Experience or Education Qualification	February 9, 2015
4	PG2.5 – Staff Report – Feasibility and Advisability of Professional Experience or Education Qualification	February 9, 2015
5	PG2.4 – Agenda Item History – Inter-Divisional Strategy to Address after the Fact Variance Applications before the Committee of Adjustment	May 11, 2016
6	PG17.6 – Agenda Item History – Committee of Adjustment Digital Application Submissions and Other eService Delivery Updates	January 11, 2017
7	PG34.22 – Agenda Item History – Towards a Functional Committee of Adjustment	June 19, 2014
8	PG11.14 – Agenda Item History – Committee of Adjustment Application Analyses and Service Improvements	December 17, 2019
9	PG11.14 – Staff Report – Committee of Adjustment Application Analyses and Service Improvements	November 21, 2019
10	PH20.6 – Agenda Item History – Committee of Adjustment Changes to Improve Tenant Participation	February 2, 2021
11	PH20.6 – Letter from Ana Bailão – Tenant Participation	January 19, 2021
12	PH22.7 – Original Motion	April 22, 2021
13	PH22.7 – Agenda Item History – Update on Committee of Adjustment Virtual Public Hearings	May 5, 2021
14	PH22.7 – Report for Action – Update on Committee of Adjustment Virtual Public Hearings	April 6, 2021
15	PH29.14 – Agenda Item History – Committee of Adjustment Status Update	November 10, 2021
16	PH29.14 – FONTRA Letter – Committee of Adjustment Status Update	November 24, 2021
17	PH29.14 – Long Branch Neighbourhood Association – Committee of Adjustment – Status Update	November 25, 2021

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#	Document Name	Document Date
18	PH30.7 – Staff Report – Implementing the One-Stream Preliminary Review Program for Building Permit Applicants	December 20, 2021
19	PH29.14 – Status Update on Committee of Adjustment	November 10, 2021
20	PH30.7 – BILD Communication – Implementing the One-Stream Preliminary Review Program for Building Permit Applicants	January 11, 2022
21	PH30.7 – FONTRA Communication – Implementing the One-Stream Preliminary Review Program for Building Permit Applicants	January 11, 2022
22	PH30.7 – SAHRA Communication - Implementing the One-Stream Preliminary Review Program for Building Permit Applicants	January 12, 2022
23	PH31.14 – Agenda Item History – Improving Committee of Adjustment Virtual Meetings	February 15, 2022
24	PH31.14 – Letter from Paula Fletcher – Improving Committee of Adjustment Virtual Meetings	February 14, 2022
25	PH30.7 – Agenda Item History – Implementing the One-Stream Preliminary Review Program for Building Permit Applicants	February 2, 2022
26	Committee of Adjustment Applications by District (2017-2021)	--
27	Committee of Adjustment Decision and Appeal Rates (2017-2021)	--
28	Committee of Adjustment Virtual Public Hearing Guide for Applicants and Public Deputants	February 2, 2022
29	Rates of Remuneration for Public Members of City Tribunals	February 19, 2022
30	Information Related to the CoA panels	March 30, 2022
31	End-to-End Review Recommendations – March Status Update	March 2022
32	Committee of Adjustment Panel Members' Manual 2019-2022	September 2019
33	Letter from Ombudsman Toronto to KPMG	March 10, 2022

Document List

Table 8.2: Documents provided by residents associations and industry associations

#	Document Name	Document Date
Documents received from Residents Associations		
33	FONTRA – Committee of Adjustment Experience Survey – Report Card	June 10, 2022
34	FONTRA – Committee of Adjustment Review – Four Hearings and a Scorecard	April 2022
35	FONTRA – Committee of Adjustment Review – Issues list	June 22, 2022
36	FONTRA – Committee of Adjustment Review – eBlast	June 23, 2022
37	FONTRA – Summary of articles dealing with Leadsid applications at North York Committee of Adjustment, 2011 to 2022	June 30, 2022
38	Thompson Orchard Community Association – Additional Feedback	June 29, 2022
39	Lytton Park Residents Organization – KPMG Review: Committee of Adjustment Issues	June 30, 2022
40	Cliffcrest Scarborough Village Residents Association – Concerns about Committee of Adjustment	June 30, 2022
41	South Armour Heights Residents Association – Comments on the Committee of Adjustment	June 30, 2022
42	Don Mills Residents Inc. – DMRI Comments on the Committee of Adjustment	June 30, 2022
43	ABC Residents Association – Committee of Adjustment Review	June 30, 2022
44	RGB Comments for KPMG Review	June 29, 2022
45	SEDRA – Best Practices of CoAs in the GTA	June 25, 2022
Documents received from Industry Representatives		
46	BILD Renovator Letter – Toronto CoA Review	July 15, 2022



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