



## Agenda: April 5, 2023

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### Toronto Local Appeal Body Business Meeting No. 42

Meeting Date: Wednesday, April 5, 2023, 9:30 a.m.

Location: Electronic via City of Toronto Web Conferencing

Link to Join:

**Q2 TLAB Business Meeting - April 5, 2023**

**Hosted by Toronto Local Appeal Body**

**Wednesday, April 05, 2023 9:30 AM | 7 hours | (UTC-04:00) Eastern Time (US & Canada)**

**Meeting number: 2454 728 3950**

**Password: Toronto**

<https://toronto.webex.com/toronto/j.php?MTID=m18a07614c7dbfe6bbcb568ca1618a0cc>

**Join by video system**

Dial 24547283950@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: 245 472 83950**

Toronto Local Appeal Body - Public Business Meeting – April 5, 2023

**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  
Stanley Makuch  
John Tassiopoulos  
Ted Yao  
Carissa Wong  
Gerald Swinkin  
Ron Kanter  
Trevor Kezwer  
Blair Martin  
Sean Karmali

**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.

### **Land Acknowledgement for Toronto**

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, February 14, 2023.

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

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## **42.1 – TORONTO LOCAL APPEAL BODY PANEL ORIENTATION**

### **Summary**

An orientation by way of presentations to the newly appointed members of the Toronto Local Appeal Body on:

**a. Chair Introduction**

- i. 9:30 a.m. – 9:45 a.m.

**b. Governance Orientation**

- i. Presenter: Karen Jones, Senior Corporate Management Policy Consultant
- ii. 9:45 a.m. – 10:05 a.m.

**c. Public Meetings**

- i. Presenter: Gary Clarke, Manager, Tribunals, Boards, and Council Advisory Bodies
- ii. 10:05 a.m. – 10:25 a.m.

**Mid-morning Break**

**10:25 a.m. – 10:45 a.m.**

**d. Public Appointments Office**

- i. Presenter: Kate Trotscha, Committee/Council Administrator
- ii. 10:45 a.m. – 11:05 a.m.

e. **Integrity Commissioner**

- i. Presenter: Jonathan Batty, Integrity Commissioner
- ii. 11:05 a.m. – 11:35 a.m.

f. **Court Services**

- i. Presenter: Brian Halloran, Manager Court Operations
- ii. 11:35 a.m. – 11:55 p.m.

**Supporting Documents**

Presentations

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## 42.2 - INFORMATION

### **Toronto Local Appeal Body – Proposed Modifications to the Wording of Rule 28 (Costs) of its Rules of Practice and Procedure**

#### **Summary**

The Toronto Local Appeal Body will consider the following revisions/additions to its Rules of Practice and Procedure (revised December 16, 2022), to facilitate amendments to the language of Rule 28 – Costs. The proposed amendments are intended to clarify that a decision of the Toronto Local Appeal Body for an award of costs pursuant to Rule 28 is not reviewable under Rule 31 – Review of Final Decision or Final Order, and to add wording to Rule 28 language to refine how the Rule is applied by Members.

1. General
- 1.2 Definitions

“Final Decision” means the decision made by the TLAB following the Hearing of evidence and submissions. A Final Decision does not include a Decision or Order on Costs.

“Costs” have the same meaning as “costs” in the Rules of Civil Procedure.

“Costs” means an amount of money the unsuccessful Party is ordered to pay the successful Party for the expenses incurred by the successful Party associated with the Hearing before the TLAB, including legal fees, expert fees, and disbursements, but not including any claim for economic loss or any other form of damage.

#### **New Rule 28.9**

“In no case, where a Party has brought a Motion requesting an award of costs against a Party or Parties in a Proceeding, shall an award of costs be greater than:

- 100% of disbursements
- 90% of planners’ or analogous professionals’ fees; and
- 60% of the fees of a legal representative.

Amended Rule 28.6:

“h) whether a Party acted disrespectfully or maligned the character of any person connected with the Hearing.”

**MOTION FOR CONSIDERATION:**

*“THAT the Toronto Local Appeal Body amend Rule 28 of its Rules of Practice and Procedure (revised December 16, 2022), as proposed in Agenda Item 42.2 at its Q2 Business Meeting of April 5, 2023.”*

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 42.2 cited above.

**Supporting Documents**

Rule 28 of the Toronto Local Appeal Body’s Rules of Practice and Procedure

## 42.3 – INFORMATION

### **Toronto Local Appeal Body – Proposed Modifications to the Notice of Hearing (Form 2) and Rule 24 of its Rules of Practice and Procedure.**

#### **Summary**

Due to the uncertainty created by Public Health concerns related to the Covid-19 pandemic, the Toronto Local Appeal Body has held its Hearings and Business Meetings electronically (virtually) since April 2020. However, the City of Toronto is no longer operating in a state of emergency and the ‘interim’ operations implemented by the Toronto Local Appeal Body during the 2020 pandemic should be reconsidered. Although the Toronto Local Appeal Body is working cooperatively with Court Services Tribunal staff to investigate hybrid Hearing options, a return to ‘in-person’ Hearings, nevertheless, is premature at this juncture for the Toronto Local Appeal Body.

Therefore, the wording in the Notice of Hearing (Form 2) should be modified as follows to continue to make electronic or ‘virtual’ Hearings the default mode for Toronto Local Appeal Body proceedings:

#### **Notice of Hearing – Form 2**

- I. Remove the following wording from Page 2 of the Notice of Hearing:

*“Hearings may be postponed due to the uncertainty created by Public Health concerns and the usability of Facilities.”*

- II. Amend the Wording of Rules 24.1 and 24.2 of the TLAB’s Rules of Practice and Procedure as follows:

Rule 24.1 – *“The TLAB may hold an Electronic Hearing, an Oral Hearing or a Written Hearing.”*

Rule 24.2 - *“Unless the TLAB directs or these Rules provide otherwise, Hearings shall be by Electronic Hearing.”*

### **MOTION FOR CONSIDERATION**

“THAT the Toronto Local Appeal Body modify the wording in its Notice of Hearing – Form 2, and Rule 24 of its Rules of Practice and Procedure as recommended in Agenda Item 42.3 of its Q2 Business Meeting of April 5, 2023.”

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 42.3 cited above.

### **Supporting Documents**

1. The Toronto Local Appeal Body’s Notice of Hearing (Form 2)
2. Rule 24 of the Toronto Local Appeal Body’s Rules of Practice and Procedure

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## **42.4 – SUPERVISOR AND MANAGER'S UPDATE**

Toronto Local Appeal Body – Supervisor's and Manager's Update.

### **Summary**

Court Services Supervisor and Manager to provide an update on administrative matters.

## **42.5 - CLOSING BUSINESS AND REMARKS**

### **Adjournment**

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