



# Minutes: April 5, 2023

---

## Toronto Local Appeal Body Business Meeting No. 42

Toronto Local Appeal Body - Public Business Meeting

Meeting Date: Wednesday, April 5, 2023

Location: Electronic via City of Toronto Web Conferencing

**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

*Vacancy*

*Vacancy*

**Meeting started at 9:30 a.m.**

### **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 15, 2023.

**Motions:**

**Motion** THAT the Toronto Local Appeal Body adopt the minutes of the February 15, 2023, Toronto Local Business Meeting number 41.

Moved by Chair Lombardi (carried)

Dino Lombardi (Chair)	Yes
Ana Bassios (Vice-Chair)	Yes
Sabnavis Gopikrishna	Yes
Stanley Makuch	Yes
Ted Yao	Yes
Carissa Wong	Yes
Gerald Swinkin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Blair Martin	Yes
Sean Karmali	Not Present
John Tassiopoulos	Not Present

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

None.

**Motions:**

**Motion** THAT the Toronto Local Appeal Body (TLAB) allow the Federation of North Toronto Residents' Associations (FoNTRA) and Confederation of Resident & Ratepayer Associations in Toronto (CORRA) deputations to be included in Agenda Item 42.2.

No mover, no seconder (Carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sabnavis Gopikrishna	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes

## 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. Regrets: Karen Jones, Senior Corporate Management Policy Consultant; Jonathan Batty, Integrity Commissioner.

#### a. **Chair Introduction**

Presenter: Chair D. Lombardi

The orientation provides the TLAB Members with foundational training and support as they assume their new duties as adjudicators of appeals and decisions of the Committee of Adjustment.

#### b. **Court Services**

Presenter: Brian Halloran, Manager Court Operations

Court Services provides administrative support to the TLAB, including bookkeeping, facilities access requests, scheduling of appeals, management of case files, and payroll services.

#### c. **Public Meetings**

Presenter: Gary Clarke, Manager Community Councils & Committees

The presentation spoke to the principles of open and closed business meetings.

### **Mid-morning Break**

#### d. **Public Appointments Office**

Presenter: Kate Trotscha, Committee/Council Administrator

The presentation spoke to the responsibilities, terms of office, and eligibility of the appointments.

### **Supporting Documents:**

Presentations

## 42.2 PUBLIC DEPUTATIONS TO THE TORONTO LOCAL APPEAL BODY

### Summary

Federation of North Toronto Residents Association (FoNTRA), represented by Geoff Kettel, submitted a public deputation.

Confederation of Resident & Ratepayer Association in Toronto (CORRA), represented by Veronica Wynne, submitted a public deputation.

FoNTRA and CORRA spoke to concerns stemming from *Bill 23 – More Homes Built Fast Act 2022*, and whether it hindered the public's ability to participate in the TLAB appeals. TLAB's Rules of Practice and

Procedure have not been amended; the public can elect Party and Participant status in accordance with the Rules.

### Motions:

**Motion** THAT the Toronto Local Appeal Body receive the letter from the Federation of North Toronto Resident Association (FoNTRA), dated April 2, 2023, and correspondence from the Confederation of Resident and Ratepayer Associations in Toronto (CORRA), dated April 3, 2023, respectively, regarding *Bill 23 - More Homes Built Faster Act 2022*, for information purposes; and

THAT the Chair of the Toronto Local Appeal Body respond, formally in writing, to both FoNTRA and CORRA in this regard.

Moved by Member Tassiopoulos, Seconded by Member Makuch (Carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sabnavis Gopikrishna	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes

### Supporting Documents:

FoNTRA Letter  
CORRA Letter

## 42.3 – 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.”

#### Motions:

**Motion** THAT the Toronto Local Appeal Body move 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.

Moved by Member Wong, seconded by Member Yao, (carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sabnavis Gopikrishna	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Sean Karmali	Not Present
Stanley Makuch	Abstain

**Motion** THAT the Toronto Local Appeal Body return to Public Session.

Moved by Vice Chair Bassios, seconded by Member Kezwer, (Carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Sabnavis Gopikrishna	Not Present

**Motion** THAT the Toronto Local Appeal Body amend its Rules of Practice and Procedure (revised December 16, 2022), as follows:

By amending the language to section 1. General, subsection 1.2 Definitions with the following sentence: A final decision does not include a Decision or Order on costs.

Moved by Member Tassiopoulos, seconded by Member Kezwer (Carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Sabnavis Gopikrishna	Not Present

**Motion** THAT the Toronto Local Appeal Body amend its Rules of Practice and Procedure (revised December 16, 2022), as follows:

By adding a new definition in Section 1. General, subsection 1.2 Definitions for “Costs” as follows:

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

Moved by Chair Lombardi, seconded by Member Makuch (Carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Sabnavis Gopikrishna	Not Present

**Motion** THAT the Toronto Local Appeal Body amend its Rules of Practice and Procedure (revised December 16, 2022), as follows:

By adding a new Rule 28.9 as follows:

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.

Moved by Vice Chair Bassios, seconded by Member Yao (Carried)

Ana Bassios	Yes
Dino Lombardi	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
John Tassiopoulos	Yes
Ted Yao	Yes
Blair Martin	Yes

Trevor Kezwer	Yes
Gerald Swinkin	No
Ron Kanter	No
Carissa Wong	Abstain
Sabnavis Gopikrishna	Not Present

**Motion** THAT the Toronto Local Appeal Body amend its Rules of Practice and Procedure (revised December 16, 2022), as follows:

By amending the language of Rule 28.6 h) as follows:

Whether any person acted disrespectfully or maligned the character of any person connected with the Hearing.

Moved by Vice Chair Bassios, seconded by Member Yao, (Carried)

Ana Bassios	Yes
Dino Lombardi	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Sabnavis Gopikrishna	Not Present

## Supporting Documents

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

## 42.4 – 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

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.”*

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.”*

## Motions:

**Motion** THAT the Toronto Local Appeal Body modify the wording in its Notice of Hearing – Form 2, and Rule 24.1 and 24.2 of its Rules of Practice and Procedure as recommended in Agenda Item 42.3 of its Q2 Business Meeting of April 5, 2023.

Moved by Member Tassiopoulos, seconded by Member Kanter (Carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Sabnavis Gopikrishna	Not Present

**Motion** THAT the Toronto Local Appeal Body modify the wording in its Notice of Hearing (Form 2), and Rules 24.1 and 24.2 of its Rules of Practice and Procedure (Revised December 16, 2022) as recommended in Item 42.3 in the revised Agenda of its Q2 Business Meeting of April 5, 2023.

Moved by Member Tassiopoulos, seconded by Member Kanter (Carried).

Ana Bassios	Yes
Dino Lombardi	Yes
Sean Karmali	Yes
Stanley Makuch	Yes
Gerald Swinkin	Yes
John Tassiopoulos	Yes
Carissa Wong	Yes
Ted Yao	Yes
Blair Martin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Sabnavis Gopikrishna	Not Present

## Supporting Documents

The Toronto Local Appeal Body's Notice of Hearing (Form 2)

Rule 24 of the Toronto Local Appeal Body's Rules of Practice and Procedure

## 42.5 – SUPERVISOR AND MANAGER'S UPDATE

### Summary

Court Services Supervisor and Manager to provide an update on administrative matters. The floor was open for the Supervisor or Manager to address administrative questions.

## 42.6 - CLOSING BUSINESS AND REMARKS

## Adjournment