



Business Meeting Minutes: June 23, 2023

Toronto Local Appeal Body Business Meeting No. 43

Meeting Date: Wednesday, June 23, 2023, 9:30 a.m.

Location: Electronic via City of Toronto Web Conferencing

Toronto Local Appeal Body - Public Business Meeting – June 23, 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)

Stanley Makuch

John Tassiopoulos

Ted Yao

Carissa Wong

Gerald Swinkin

Ron Kanter

Trevor Kezwer

Blair Martin

Sean Karmali

Vacancy

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, April 5, 2023.

Motion to adopt meeting minutes of Business Meeting held, April 5, 2023

Moved by Member Chair Lombardi Seconded by Member Makuch (Carried).

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

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

None

Chair Lombardi informed the Members that Member Gopikrishna has resigned and has been appointed to the Ontario Land Tribunal (OLT) and thanked Member Gopikrishna for his long-standing service to the City of Toronto and to TLAB as one of the original members. Chair Lombardi asks the Members to join him in wishing Member Gopikrishna the best of luck in his new position.

43.1 – TORONTO LOCAL APPEAL BODY PANEL ORIENTATION (In-Camera)

The Meeting is intended to be an 'in-camera' training and education orientation session for the Members as permitted by the TLAB's Procedural By-law 1-2017 by way of a series of information presentations from City staff to the newly appointed Members of the Toronto Local Appeal Body. In addition, Duxbury Law will provide a brief presentation at that Meeting of legal matters pertaining to the adjudication process relevant to the TLAB.

a. Chair Introduction

Members will move into closed session to hear information presentations from City staff as permitted by the TLAB's Procedure By-law 1-2017.

Member Wong advised that her name was recorded twice during the vote in the last meeting on item regarding Rule 28.9.

Motion to proceed to agenda item 43.2 in the interim until the Urban Forestry department is ready to proceed with their presentation.

Moved by Member Kanter, Seconded by Member Wong (Carried).

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

43.2 – INFORMATION

Toronto Local Appeal Body – Proposed Addition of New Rule 2.17 to the Toronto Local Appeal Body’s *Rules of Practice and Procedure* regarding the Resignation of a Member During a Hearing.

Summary

A new Rule 2.17 is proposed to address the resignation of a TLAB Member during a proceeding and before a decision has been issued. The current TLAB *Rules of Practice and Procedure* deal only with circumstances in which a Member’s term expires during a hearing. The draft Rule confers discretion upon the TLAB Chair to appoint another Member to review the transcripts, complete the hearing, and issue a decision.

TLAB has recently been made aware by the Public Appointments office that members whose terms have expired will continue as members until either a new member has been appointed or that member resigns. The proposed new draft rule addresses the circumstances where a member has resigned but has heard no evidence in a hearing matter. The proposed, revised language would confer discretion upon the TLAB Chair to appoint another member to review the transcripts, complete the hearing and issue a decision. The new draft rule does not prevent the Chair from ordering a new hearing.

Supporting Documents

Rule 2 of the Toronto Local Appeal Body’s *Rules of Practice and Procedure* (December 2, 2020, as amended).

On an inquiry from Member Swinkin as to whether a member who has resigned has lost all authority to function as a member as of the date of their resignation, Chair Lombardi advised that a member who resigns is still required to complete any final decisions assuming that the hearings have been completed and that member has heard all the evidence.

Member Swinkin underlined the importance of encountering the evidence anew for thorough examination and comprehensive evaluation.

Vice-Chair Bassios cited Rule 2.15, which speaks to whether a member has the authority to issue a decision after their term has expired.

Motion THAT agenda item 43.2 of the June 23, 2023, Toronto Local Appeal Body Business Meeting be deferred to the afternoon session of the Business Meeting.

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

Dino Lombardi (Chair)	Yes
Ana Bassios (Vice-Chair)	Yes
Stanley Makuch	Yes
Ted Yao	Yes
Carissa Wong	Yes
Gerald Swinkin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Blair Martin	Yes
Sean Karmali	Yes
John Tassiopoulos	Yes

Motion THAT the June 23, 2023, Business Meeting of the Toronto Local Appeal Body move into a closed session to allow for an orientation, education and training session of the panel Members as permitted by Section 11(1)(f) of the Procedure By-Law 1-2017, which allows the Toronto Local Appeal Body to close a Business Meeting to the public to undertake the education or training of the Members.

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

Dino Lombardi (Chair)	Yes
Ana Bassios (Vice-Chair)	Yes
Ted Yao	Yes
Carissa Wong	Yes
Gerald Swinkin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Blair Martin	Yes
Sean Karmali	Yes
John Tassiopoulos	Yes
Stanley Makuch	Yes

In-Camera

a. Urban Forestry

- i. Presenter: Kim Statham, Director, Urban Forestry;

Nicholas Trevisan, Manager, Tree Protection Strategic Projects, and
Yaroslav Medwidsky, Urban Forestry Planner

b. Community Planning

i. Presenters:

Carola Perez-Book, Project Manager, Official Plan and Legislation, Strategic Initiatives, Policy and Analysis, City Planning
Matthew Zentner, Senior Planner, Zoning and Committee of Adjustment, City Planning; and
Nicole Ivanov, Senior Planner, Toronto and East York District Committee of Adjustment, City Planning

Motion THAT the Toronto Local Appeal Body move back into public session.

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

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

Lunch Break

Motion THAT the June 23, 2023, Business Meeting of the Toronto Local Appeal Body move back into a closed session to allow for an orientation, education and training session of the panel Members as permitted by Section 11(1)(f) of the Procedure By-Law 1-2017, which allows the Toronto Local Appeal Body to close a Business Meeting to the public to undertake the education or training of the Members.

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

Dino Lombardi (Chair)	Yes
Ana Bassios (Vice-Chair)	Yes
Ted Yao	Yes
Carissa Wong	Yes
Gerald Swinkin	Yes
Ron Kanter	Yes

Trevor Kezwer	Yes
Blair Martin	Yes
Stanley Makuch	Yes
John Tassiopoulos	Not Present
Sean Karmali	Not Present

In Closed Session

c. Governance Orientation

- i. Presenter: Karen Jones, Acting Director, Intergovernmental and Agency Relations

d. Duxbury Law

- i. Presenter: Brian Duxbury

Supporting Documents

Some presentations under separate cover

Motion THAT the Members of the Toronto Local Appeal Body move into public session.

Moved by Member Makuch, seconded by Member Wong (Carried).

Dino Lombardi (Chair)	Yes
Ana Bassios (Vice-Chair)	Yes
Stanley Makuch	Yes
Ted Yao	Yes
Carissa Wong	Yes
Gerald Swinkin	Yes
Ron Kanter	Yes
Trevor Kezwer	Yes
Blair Martin	Yes
Sean Karmali	Yes
John Tassiopoulos	Yes

Motion THAT the Members of the Toronto Local Appeal Body receive the orientation presentations provided as part of agenda item 43.1 of the June 23, 2023, Business Meeting, and
That the presentations be posted on the Toronto Local Appeal Body's website.

Moved by Member Makuch, seconded by Member Wong (Carried).

Dino Lombardi (Chair)	Yes
Ana Bassios (Vice-Chair)	Yes
Stanley Makuch	Yes
Ted Yao	Yes

Carissa Wong	Yes
Gerald Swinkin	Yes
Ron Kanter	No
Trevor Kezwer	Yes
Blair Martin	Yes
John Tassiopoulos	Yes
Sean Karmali	Not Present

43.2 – INFORMATION

Toronto Local Appeal Body – Proposed Addition of New Rule 2.17 to the Toronto Local Appeal Body’s *Rules of Practice and Procedure* regarding the Resignation of a Member During a Hearing.

Motion THAT the following draft language for new Rule 2.17 as proposed at the June 23, 2023, Business Meeting of the Toronto Local Appeal Body be adopted and that the Toronto Local Appeal Body’s Rules of Practice and Procedure be amended accordingly.

Rule 2.17: If a Member presiding over a hearing resigns from the TLAB before a decision or determination in that Proceeding is given, the Chair may appoint another Member to complete the Proceeding, and issue a decision.

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

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

Supporting Documentation

Rule 2 of the Toronto Local Appeal Body’s Rules of Practice and Procedure (December 2, 2020, as amended).

43.3 – INFORMATION

Toronto Local Appeal Body Chair’s Update

Summary

The Toronto Local Appeal Body Chair to provide an update(s) on the following matters:

1. City of Toronto's Expanded Housing Options in Neighbourhoods: Multiplex Study – Final Report - Status.
Amendment to the by-law adopted by Council on May 10, 2023. The appeal period passed as of June 13, 2023. The only appeal body allowed to appeal was the Ministry of Municipal Affairs and Housing. OPA 649 and Zoning By-law 474-23 are now adopted. This legislation will have an impact on appeals at TLAB.
2. New TLAB Member Appointments
The TLAB currently consists of eleven (11) Members although the Council-approved compliment is fourteen (14) Members. The nomination and appointment process for filling TLAB Member vacancies has been paused and it's the Chair's understanding that the appointment process will recommence in Fall 2023.
Member Kanter asked the Chair to consider reducing the number of Members, citing the decline in case files being transferred to TLAB since the backlog has been cleared.
Chair Lombardi responded that this recommendation had already been put forward to the City.
3. In-person TLAB Business Meetings in the 2nd half of 2023
The Chair raised the prospect of 'in-person' Hearings and Business Meetings at the TLAB to gauge the Membership's interest in doing so. TLAB Court Services Staff has advised that we do not have the technical ability to provide Hybrid Business Meetings at this time.
Member Swinkin suggested that this format works for the Members and that he is not interested in in-person Business Meetings.

43.4 – 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.

Manager of Court Services – Tribunals, Brian Halloran advised that they have been conducting Hybrid hearings for quite some time in Provincial Offences Court. If we want to have a in-person Business Meeting, we have to act quickly to secure the booking.

Motion THAT the Toronto Local Appeal Body receive for information the updates from the Toronto Local Appeal Body Chair and supervisor and Manager, Tribunal operations

Moved by Chair Lombardi and seconded by Vice Chair Bassios (Carried).

Dino Lombardi (Chair)	Yes
Ana Bassios (Vice-Chair)	Yes

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

43.5 - 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.