



Agenda: June 14, 2024

Toronto Local Appeal Body Business Meeting No. 46

Meeting Date: Friday, June 14, 2024, 9:30 a.m.

Location: Remote Meeting - Electronic

Link to Join:

Q2 - TLAB Public Business Meeting - June 14, 2024

Hosted by Toronto Local Appeal Body

Friday, June 14, 2024 9:30 AM | 7 hours | (UTC-04:00) Eastern Time (US & Canada)

Link to join:

<https://toronto.webex.com/toronto/j.php?MTID=mdde0b8a4ace64029fff82486197bfd6c>

Meeting number: 2631 937 2669

Password: Toronto

Join by video system

Dial [26319372669@toronto.webex.com](https://toronto.webex.com/toronto/j.php?MTID=mdde0b8a4ace64029fff82486197bfd6c)

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: 263 193 72669

Toronto Local Appeal Body - Public Business Meeting – June 14, 2024

Chair: Dino Lombardi

Contact: Claire Holloway, 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
Anthony Brown
Brian Gallagher
Yeta Herscher
Bruce Mullock

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.

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. 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. 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. 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."

Introduction of Newly Appointed TLAB Members by the Chair

Yeta Herscher
Anthony Brown
Brian Gallagher
Bruck Mullock

Confirmation of Minutes – Business Meeting, December 12, 2023.

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

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46.1 – INFORMATION

Summary

At the December 12, 2023, Toronto Local Appeal Body (TLAB) Business Meeting, the TLAB undertook to elect a Vice-Chair for a one-year term for 2024. Unfortunately, while the acclamation of the former Vice-Chair for another term was confirmed at that Business Meeting pursuant to the Procedure By-law, a procedural step was missed by the TLAB.

Rule 7.4 of the TLAB's Procedure By-law requires a motion to confirm the election results:

(4) Confirmation of Election Results

Vice-Chair election results shall be confirmed by the Chair through a motion.

The acclamation of the current TLAB Vice-Chair to another term pursuant to Appendix A, article F of the Procedure By-law will form part of the minutes of the December 12, 2023, meeting. As a result, a Motion is required and must be adopted at the June 14, 2024, Business Meeting in order to confirm the acclamation of Ana Bassios as the Vice-Chair for 2024.

Motion to be considered:

THAT the TLAB confirm the acclamation of Member Ana Bassios as the TLAB Vice-Chair for a one-year term, commencing on January 1, 2024.

46.2 – INFORMATION

Amendment to Rule 21.8 of the Toronto Local Appeal Body's Rules of Practice and Procedure regarding the Seizure of a Member who Conducts a Prehearing Conference and the addition of a new Rule 21.8.1.

Summary

The current language of Rule 21.8 is as follows:

"Member who Conducts Prehearing May or May Not be Seized

21.8 A Member who conducts a prehearing may or may not remain seized of the proceeding."

The Rule, as currently worded, does not outline the manner in which a Member will or will not remain seized on an appeal matter following presiding over a Prehearing Conference. The proposed additional wording to the Rule will add clarity to how that is to be determined as will a new Rule 21.8.1.

Motion to be considered:

"THAT the TLAB adopt the amended Rule 21.8 as revised, and new Rule 21.8.1:

21.8 *Subject to Rule 21.8.1, a Member who conducts a prehearing may remain seized of the Proceeding.*

Where a Member who conducted a prehearing remains seized of the Proceeding, the Member or TLAB will advise the Parties and Participants that they remain seized prior to the Hearing.

21.8.1 *A Member who conducts a prehearing at which the Parties attempt to settle issues shall not preside at the Hearing relating to the matter unless all of the Parties consent and the Member agrees.*

46.3 – INFORMATION

Proposed amendments to Rule 31 – Review of Final Decision or Final Order - of the Toronto Local Appeal Body's Rules of Practice and Procedure, specifically, Rule 31.7 (Review Request not to Exceed 20 Pages) and Rule 31.12 (Response to Review Request not to Exceed 20 Pages).

Summary

Currently, both Rules 31.7 and 31.12 include the same wording regarding the maximum number of pages permitted for a Review Request. The language of each Rule is provided below:

“Excluding the table of contents, case law and transcripts, by-laws, exhibits and other supporting Documents, the Review Request shall not exceed 20 pages, double spaced and written in 12-point font.”

While the length of the actual Review Request document is capped, the Rules do not limit the size an addendum document that might be attached to the Review Request. This is problematic for the Reviewer, given that some submissions received by the TLAB can reach 1,000 pages or more, in size.

A Review Request is not an opportunity for a Party to re-litigate an appeal matter, and review request submissions should not require the Reviewer to have to examine documents that are excessive in size.

The TLAB proposes to amend Rules 31.7 and 31.12 by adding language to cap the size of any addendum package to a Review Request to no more than 500 pages in total.

Motion to be considered:

“THAT the TLAB adopt the following revised Rules 31.7 and 31.12:

Review Request not to Exceed 20 Pages

31.7 Excluding supplemental documents including the table of contents, excerpts from by-laws, exhibits and other supporting Documents, which shall not exceed 100 pages in length, the Review Request shall not exceed 20 pages, double-spaced, and written in 12-point font. Case law and transcripts are not limited.

Response to Review Request not to Exceed 20 Pages

31.12 Excluding supplemental documents including the table of contents, excerpts from by-laws, exhibits and other supporting Documents, which shall not exceed 100 pages in length, a Response to Review Request shall not exceed 20 pages, double-spaced, and written in 12-point font. Case law and transcripts are not limited.”

46.4 – INFORMATION

Proposed Amendments to the wording of the Toronto Local Appeal Body’s Rule 31 (Review of Final Decision or Final Order) and the Public Guide, to expand notice of a request to review a Member’s Final Decision or Final Order to Participants in an Appeal Matter.

Summary

In 2022, the TLAB received correspondence from the Federation of North Toronto Residents Association (FoNTRA) suggesting changes to its Rules of Practice and Procedure. In response, Member Yao suggested changes to the Rules to reflect those highlighted by FoNTRA and, subsequently, at its February 2023 Business Meeting, the TLAB adopted most of those changes.

However, one Rule change, ‘Participants should be entitled to be notified of Review Requests’ was not considered.

As a result, Member Yao proposes amending parts of Rule 31 to expand notice of a Review Request to include Participants. Giving Participants ‘notice’ of a Review Request is consistent with the TLAB’s general rules about transparency and citizen participation.

The Public Guide would also be amended to reflect this ‘notice’ provision.

Motion to be considered:

“THAT the TLAB amend Rule 31 of its Rules of Practice and Procedure and its Public Guide as follows, to reflect expanding the ‘notice’ requirement for Review Requests to Participants (the additional proposed language is highlighted for illustration purposes only):

Deadline for, and Service of, Review Request

31.5 A Review request shall be provided to all Parties, Participants, and the TLAB by Service within 30 Days of the Final Decision or final order, unless the Chair directs otherwise.

Transcripts

31.8 If any Party or Participant wishes to refer to any oral evidence presented at the Hearing and if that oral evidence is contested and wishes to present it to the TLAB and a recording thereof is available, any Party or Participant may request an audio copy of the TLAB hearing and the relevant portion of the proceeding shall be transcribed and certified by a qualified Court Reporter, and provided to all Parties and Participants and the TLAB by service forthwith and at the requesting Party’s or Participant’s sole expense.

Administrative Screening

31.9 The TLAB shall, upon the filing of a request for Review, review it for compliance and advise the Parties and Participants if:

- a) it does not relate to a Final Decision or final order; or
- b) it was not received within 30 Days after the Final Decision or final order was made, unless the Chair directs otherwise; or
- c) it failed to provide the requisite fee.

Public Guide

I don’t agree with the TLAB’s decision – can I ask that it be reviewed?

*For the TLAB to consider a review of a decision, you need to prove that it made an error that, if known, may have changed the decision resulting from the hearing. The availability of a request to review a final Decision and Order of a TLAB Member (Review Request) engages an internal reconsideration and administrative process. It is **mostly just** for Parties, who must comply with the provisions of Rule 31 of the TLAB Rules of Practice and Procedure. Although Participants cannot request a review, they will receive notice of any request by a Party. The review process is by written motion; typically, there is no oral hearing.”*

Supporting Document(s):

1. Excerpt of Rule 31 of the Toronto Local Appeal Body’s Rules of Practice and Procedure
2. Memo to the Chair – **under separate cover**

46.5 - CHAIR’S UPDATE

Summary

- A. Overview - Chair’s Presentation to the Ontario Association of Committees of Adjustment and Consent Authorities (OACA) Annual Conference on June 3, 2024.
- B. Overview - TLAB Chair’s 2023 Annual Report.
- C. Planning legislation - Update
 - a. Bill 185 - The Cutting Red Tape to Build More Homes Act, 2024.
 - b. Draft Provincial Planning Statement (PPS)
 - c. Expanding Housing Options in Neighbourhoods (EHON) - Major Streets Study
 - i. OPA 727 & ZBA
- D. Loeb v. Toronto (City) Divisional Court Decision.

Supporting Document(s):

The TLAB Chair’s 2023 Annual Report.

46.6 – SUPERVISOR’S AND MANAGER’S UPDATE

Summary

Tribunals, Local appeal Body Supervisor and Court Operations, Tribunals, Manager to provide administrative updates (Claire to populate this item).

46.7 – PRESENTATION ON ZONING BY-LAW 474-2023 (MULTIPLEXES) (IN-CAMERA)

Summary

The Toronto Local Appeal Body will move into a closed session to receive a presentation for Member education and training purposes as permitted by Subsection 11(1)(f) of the Toronto Local Appeal Body’s Procedure By-law 1-2017.

Motion for consideration:

“THAT the Toronto Local Appeal Body move into a closed session to receive a presentation for Member education and training purposes as permitted by Subsection 11(1)(f) of the Toronto Local Appeal Body’s Procedure By-law 1-2017.”

Supporting Document(s):

None.

46.9 – CLOSING BUSINESS & REMARKS

Adjournment