



Business Meeting Minutes: December 12, 2023

Toronto Local Appeal Body Business Meeting No. 45

Meeting Date: Tuesday, December 12, 2023, 9:30 a.m.

Location: Hybrid Meeting - Electronic via City of Toronto Web Conferencing and East York Civic Centre (850 Coxwell Ave)

Toronto Local Appeal Body - Public Business Meeting – December 12, 2023

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

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, October 27, 2023.

Some minor errors to be updated as mentioned by Chair Lombardi, Vice Chair Bassios and Member Tassiopoulos.

Motion

To adopt meeting minutes of Business Meeting held, October 27, 2023.

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

Introduction of the Court Services Director, Dianne Kasias.

Member Swinkin mentioned the online participants noting presence of Mr. Joshua Perell of Duxbury Law.

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

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45.1 – TORONTO LOCAL APPEAL BODY PANEL MEMBER ORIENTATION

Summary

An orientation by way of presentations to the newly appointed Members of the Toronto Local Appeal Body, as directed by City Council:

City of Toronto Office of the Integrity Commissioner, Mr. Jonathan Batty, Integrity Commissioner

Motion

THAT the Toronto Local Appeal Body receive the City's Integrity Commissioner's presentation with thanks.

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

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	Y
John Tassiopoulos	Y
Ted Yao	Y

Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	Y
Trevor Kezwer	Y
Blair Martin	Y

45.2 – INFORMATION

Toronto Local Appeal Body – Proposed Amendment to the TLAB’s Decision-Writing Template

Summary

The Toronto Local Appeal Body will consider incorporating the proposed additional wording under the subheading – **The Legislative and Policy Framework** - in the Decision-Writing template. The wording will reference having regard to matters of provincial interest, as enumerated in **s. 2** as (a) – (s).

Member Kanter mentioned that the template makes reference to the Provincial Legislation policies in section 2, and that to be complete and reflect the interests of parties and obligation of members, this should be included.

Member Yao mentioned the disadvantages of raising the provincial interests (ex. memo of understanding our decisions have to be understandable to the public.)

Member Swinkin supported Member Yao advising that it may give rise to apprehension of public section 2 a test, which is not the case.

Chair Lombardi advised that the decision writing template sent to Members is pre-populated and it is at the Members’ discretion to review that pre-populated section and determine if different sections are relevant.

Supporting Documents

Proposed Amendment to the Toronto Local Appeal Body’s Decision-Writing Template.

Motion

“That the Toronto Local Appeal Body amend the Decision-Writing template by incorporating the following section under the subheading – The Legislative and Policy Framework, which references s. 2 in the Planning Act:

Provincial Interest – S.2

“A decision of the Toronto Local Appeal Body (TLAB) shall have regard to, among other matters, matters of provincial interest, enumerated as (a) – (s) in the Planning Act.”

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

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

Supporting Document(s)

45.3 – INFORMATION

The Toronto Local Appeal Body – Impacts of Bill 23 – *The More Homes Built Faster Act, 2022*, on the current workload of the Toronto Local Appeal Body Panel Members

Summary

Since the introduction of Bill 23 – *The More Homes Built Faster Act, 2022*, which eliminated 'third-party' appeals to the Toronto Local Appeal Body (TLAB), the Tribunal has experienced a significant decrease in the number of appeal files received from the four Panels of the City’s Committee of Adjustment.

While the TLAB has also seen a reduction in its Panel Member complement in the interim due to resignations, the assignment of files to the sitting Members continues to decline well below the expected two (2) hearings per week standard described in the position description.

The City of Toronto has posted the intention to fill four current vacancies in the TLAB Panel complement.

The TLAB Members submit that the City of Toronto should pause the process to fill these four vacancies until an understanding of the impacts of the reduced caseload resulting from the Committee of Adjustment (COA) Appeals can be established.

Vice Chair Bassios is in support of the proposed Motion to pause the appointment of new TLAB Members.

Chair Lombardi asked if there is any process in terms of an evaluation of analysis whether additional Members to fill vacancies is warranted.

Manager Halloran advised of a time consideration, and data required. If reduction in the number of appeals being received continues then the reduction in size of the TLAB may be reviewed by the City.

Chair Lombardi is pleased to hear there is a process on the way but noted that he has not been contacted for input in this regard. The Chair has recently reached out to the Public Appointments Secretariat to express concerns regarding the appointment of additional members to the TLAB and does appreciate that the communication has been received. Both Vice-Chair Bassios and Member Tassiopoulos abstained from voting on the proposed Motion as they are currently under consideration for reappointment to the TLAB.

Chair Lombardi is hoping that this motion will assist with being heard.

Supporting Document(s)

Chart – Files received from the COA by month.

Motion

THAT the Toronto Local Appeal Body (TLAB) strongly supports that the TLAB Chair, with the endorsement of the Membership, engage Senior City of Toronto Officials in expressing the Membership's collective position recommending that the City pause the nominating process to fill vacancies at the TLAB until the third quarter of 2024, and after a further analysis of workload impacts on the Tribunal of Bill 23 - The More Homes Built Faster Act, 2022.

Moved by Member Makuch, Seconded by Member Kanter (Carried)

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

45.4 – INFORMATION

Toronto Local Appeal Body – Proposed Addition of a New Rule 27.5 to the Toronto Local Appeal Body’s *Rules of Practice and Procedure*

Summary

A new Rule 27.5 is proposed to address situations regarding the failure of a Party of record or that Party’s representative to arrive on time at the commencement of a Hearing, whether that be an ‘in-person’ or ‘virtual’ hearing event. The draft new Rule outlines the procedure to be instituted by the presiding Member in the event of such a situation.

This is a matter raised by Member Swinkin as a result of a situation he experienced regarding an applicant who failed to show on the hearing date and did not formally withdraw. There is currently no TLAB rule providing direction for Members when applicants do not attend at the commencement of a Hearing and the Hearing is delayed as a result.

Vice Chair Bassios expressed concern about embedding this in the rules and suggested leaving it to the discretion of the panel Members.

Chair Lombardi supports the Motion to add a new Rule to provide clarity for citizens as to what procedure will be followed.

Member Swinkin clarifies that his suggestion is the time to be fifteen (15) minutes in the rules.

Motion

THAT the Toronto Local Appeal Body add the following new Rule 27.5 under the ‘CONDUCT OF PROCEEDINGS’ section of its Rules of Practice and Procedure (December 2, 2020, as amended):

New Rule 27.5 – The TLAB will not proceed for at least thirty (30) minutes after the commencement time given in the Notice of Hearing for an ‘in-person’ if a Party of record or that Party’s

representative, confirmed to the TLAB pursuant to Rule 14 of its Rules of Practice and Procedure, has not yet appeared, unless prior notice has been given to the TLAB that the person will not attend at the scheduled time.

The TLAB will not commence an electronic Hearing for a period of fifteen (15) minutes after it is scheduled to begin should a Party of record or that Party's representative not be connected to the proceeding at that time.

The TLAB may start the Hearing after waiting the requisite time for that format of the hearing event.

Moved by Member Martin, Seconded by Member Swinkin (Carried).

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

45.5 – INFORMATION

ELECTION OF THE TORONTO LOCAL APPEAL BODY VICE-CHAIR, 2023

Summary

The Toronto Local Appeal Body will consider candidates and elect a Vice Chair for 2023. Appendix A to the Procedure Bylaw passed by TLAB will govern the election of the Vice Chair.

Vice-Chair Bassios was the only Member who put their name forward for consideration.

Chair Lombardi thanked Vice-Chair Bassios for her continued service and acknowledged her as the Vice Chair for 2024.

Supporting Documents

Procedure By-law 1-2017, To govern the meetings of the Toronto Local Appeal Body – Appendix A.

45.6 – INFORMATION

TORONTO LOCAL APPEAL BODY CHAIR'S UPDATE

Summary

The Toronto Local Appeal Body Chair will provide an update on the following two (2) items:

- i. Chair's Presentation to the Building Industry and Land Development (BILD) Association

A virtual presentation attended by approximately 100 attendees. Chair Lombardi fielded questions about TLAB and how well it was operating in the City of Toronto.

- ii. An Update regarding Bill 134 – Affordable Homes and Good Jobs Act, 2023.

In reading that Bill, there was going to be a discussion re: service delivery standards, specifically OLT. To date, there are no impacts to the TLAB from this Bill but the Chair will continue to keep Members updated.

Motion

THAT the TLAB received the Chair's update.

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

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

45.7 – INFORMATION

TORONTO LOCAL APPEAL BODY – Supervisor's and Manager's Update.

There were no updates provided by the Supervisor of TLAB.

Brian Halloran, Manager of Court and Tribunal Operations spoke about the procurement process and not being able to secure a speaker for Professional Development of Tribunal Members.

Motion

THAT the TLAB received the Manager and Supervisor's update.

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

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

45.8 – INFORMATION

TORONTO LOCAL APPEAL BODY - SCHEDULE OF BUSINESS MEETINGS, 2024

Summary

The Toronto Local Appeal Body will set the dates of their 2024 Public Business Meetings.

Subsection 8(1) of the Toronto Local Appeal Body's Procedure By-law 1-2017 requires that the Tribunal hold at least two (2) Business Meetings per year.

The Toronto Local Appeal Body will consider dates for four (4) Business Meetings in 2024.

The proposed meeting dates for 2024 to be held in:

March 2024, June 2024, September 2024, and December 2024 (no later than December 14th).

Chair Lombardi asks that staff canvass the Members for their availability.

There will be one Professional Development day to be held in either October or November 2024.

No motion required.

45.9 - CLOSING BUSINESS AND REMARKS

Have a safe and holiday season.

Meeting adjourned