



Business Meeting Minutes: October 27, 2023

Toronto Local Appeal Body Business Meeting No. 44

Meeting Date: Friday, October 27, 2023, 9:30 a.m.

Location: Electronic via City of Toronto Web Conferencing

Toronto Local Appeal Body - Public Business Meeting – October 27, 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

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	-
Blair Martin	-

Chair Lombardi shared the resignation of Member Karmali and thanked him for his service to TLAB. Chair Lombardi also acknowledged that Claire Holloway has now been appointed as the Acting Supervisor, Toronto Local Appeal Body.

Confirmation of Minutes – Business Meeting, June 23, 2023.

Moved by A. Bassios, seconded by S. Makuch (Carried)

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

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44.1 – INFORMATION

Toronto Local Appeal Body – *The Toronto Local Appeal Body Chair's 2022 Annual Report*

Summary

The Toronto Local Appeal Body (TLAB) Chair prepares and submits a report of the operations of the TLAB on an annual basis to City Council which provides a summary of the activities of the Tribunal over the past year.

The TLAB Chair's 2022 Annual Report was considered by the City's Planning and Housing Committee on September 28, 2023, and by City Council on October 12, 2023. The 2022 Annual Report was accompanied by a Report for Action, prepared by senior City Staff, dated September 14, 2023, which transmits the Chair's Annual Report from the TLAB Chair to City Council for information purposes.

Chair Lombardi advised that he attended the meeting and provided Planning and Housing Committee Members with an abbreviated overview of the Annual Report and requested the Members to adopt the five (5) Recommendations in the Annual Report.

Vice Chair Bassios stated that the (the decision makers are not focused on TLAB's functioning and) Chair decision makers are limited in their focus and that attention to functioning or performance is not high on the agenda, and noted her concerns regarding the feedback on how members can have better access to TLAB and CoA resources.

Member Kanter expressed surprise at the disconnection between the Recommendations in the Chair's Annual Report and the City's recommendation. It should have been a courtesy to respond or comment on the Chair's proposals.

Veronica Edwards confirmed that City legal will attend all Business Meetings and will provide support at the request of the Chair and the request of staff.

Member Kanter asked if the hiring of more members is still scheduled to occur before the end of this year.

Veronica Edwards spoke about the Panel Member compliment increase from 10 to 14 based on a 2020 recommendation to Council. The City Clerks division is currently undertaking recruitment and will be shortlisting candidates based on the actual numbers that were put forward by City Council.

Veronica Edwards advised that City clerks will move on the recommendations from Council

Chair Lombardi confirmed that he will be meeting in November with the new Director of Court Services, Dianne Karias, and that this will be one of the issues discussed.

Motion

That the Toronto Local Appeal Body (TLAB) receive the TLAB Chair's 2022 Annual Report, dated July 14, 2023, for information, and

That Court Services Tribunal Staff upload the TLAB 2022 Annual Report to the TLAB'S website.

Moved by Member Wong, Seconded by Member Tassiopoulos (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	-

Supporting Document(s)

1. The Toronto Local Appeal Body Chair's 2022 Annual Report, dated July 14, 2023
2. City Staff's Report For Action – TLAB Chair's 2022 Annual Report and New Arrangements for Legal Support, dated September 14, 2023.

44.2 – INFORMATION

Toronto Local Appeal Body – *City of Toronto Committee of Adjustment Benchmarking Study, dated July 21, 2023, prepared for the Building Industry and Land Development Association (BILD) by the Altus Group.*

Summary

The City of Toronto Committee of Adjustment Benchmarking Study provides an analysis of the City's Committee of Adjustment timelines for decisions on minor variances. The Study also proffers comparative assumptions and conclusions concerning disposition timelines for appeals to the Toronto Local Appeal Body (TLAB) for variance applications.

The Chair of the Toronto Local Appeal Body brought forward the Study for information and discussion purposes.

Motion

THAT the Toronto Local Appeal Body (TLAB) receive the Altus Group's City of Toronto Committee of Adjustment Benchmarking Study, dated July 31, 2023, for information purposes.

Moved by Member Swinkin, 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	-

Supporting Document(s)

City of Toronto Committee of Adjustment Benchmarking Study, dated July 21, 2023, prepared by Altus Group Economic Consulting.

44.3 – INFORMATION

Toronto Local Appeal Body – *Proposed Draft Revisions the Toronto Local Appeal Body’s Practice Direction No. 3 – Document Referencing*

Summary

The proposed draft revisions to the wording of Practice Direction No. 3 of the Toronto Local Appeal Body (TLAB) are intended to incorporate additional procedures for Persons filing documents with the TLAB to assist in reducing the time required by Members to conduct hearings and to review and reference pre-filed documents.

Member Kanter had a concern with respect to the excerpt regarding tabs and their usefulness when receiving document submissions.

Member Swinkin wouldn’t discourage use of tabs, and finds them particularly useful, but notes the creator must organize them well.

Member Yao suggested a friendly amendment be added to the draft Motion to include bylaws of the former municipalities.

Vice-Chair Bassios suggested the Members leave the draft Motion as is. Member Kanter acquiesced to that friendly Member’s suggestion and reconsidered his request to amend the draft Motion.

Motion

THAT the Toronto Local Appeal Body (TLAB) modify Practice Direction No. 3 with the supplementary wording as proposed in Agenda Item 44.3 of the October 27, 2023, Business Meeting, and

Staff be directed to include in the TLAB's list of public documents zoning by-laws of the former municipalities with appropriate disclaimers and exceptions with respect to technical limitations, and

That staff modify the Notice of Hearing (Form 2) with wording regarding the submission of documents and the link to the TLAB’s Common Document Base.

Moved by Member Kanter, Seconded by Chair Lombardi (Carried)

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

Gerald Swinkin	Y
Ron Kanter	Y
Trevor Kezwer	Y
Blair Martin	-

Supporting Document(s)

Revised Draft Toronto Local Appeal Body Practice Direction No. 3.

44.4 – TORONTO LOCAL APPEAL BODY CHAIR’S UPDATE

Toronto Local Appeal Body – *Chair’s Update*

Summary

The Toronto Local Appeal Body Chair will provide an update on the following matters:

- i. The TLAB Chair’s attendance at the Ontario Professional Planners Institute’s (OPPI) 2023 Annual Conference on September 21, 2023.

Chair Lombardi shared that the session was well attended and he fielded several questions from attendees as to how well the TLAB is operating.

- ii. Province of Ontario’s Bill 134 – *Affordable Homes and Good Jobs Act, 2023*.
Chair Lombardi provided the Members with a brief update on the status of this pending provincial legislation.

Motion

THAT the Toronto Local Appeal Body (TLAB) receive the Chair’s update for information.

Moved by Member Makuch, Seconded by Tassiopoulos (Carried)

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

Blair Martin	-

44.5 – SUPERVISOR AND MANAGER'S UPDATE

Summary

The Court Services Tribunal Supervisor and Manager to provide an update on Administrative Matters:

Acting Supervisor Claire Holloway shared some of the updated TLAB Forms updates which align with Bill 23 changes, namely the Notice of Appeal and the Notice of Motion. All forms will be updated with new wording regarding disclosure including completed forms, and other disclosure being public record.

The AIC website testing status update was shared and a few of the changes such as the naming conventions and a possible “download all” feature is still currently pending request.

The challenges of having a hybrid business meeting were noted as technology related. Council Chambers have been prioritized to receive updated technological support.

Ms. Holloway confirmed that there has been a increase in case files received from the Committee of Adjustment since January 2023. Currently, Panel Members are being assigned, on average, one new Hearing per month.

Senior Manager of Court Services, Tribunal Operations, Veronica Edwards briefly shared the announcement of the appointment by City Council of the new Director of Court Services, Dianne Kasias.

Motion

THAT the Toronto Local Appeal Body (TLAB) receive the update from the Supervisor and Manager, Court Services.

Moved by Chair Lombardi, Seconded by Member Yao (Carried)

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

Trevor Kezwer	Y
Blair Martin	-

44.6 - MEMORANDUM DISCUSSION (IN-CAMERA)

Summary

The Toronto Local Appeal Body will move into a closed session to discuss and review a confidential memorandum from the Chair and to receive information from its external legal counsel that is subject to solicitor-client privilege, including communications necessary for that purpose, as permitted by Subsection 11(1)(a) of the Toronto Local Appeal Body's Procedure By-law 1-2017.

Motion

THAT the Toronto Local Appeal Body (TLAB) move into a closed session to consider and discuss confidential memoranda and receive information from its external legal counsel which is subject to solicitor-client privilege, including communications necessary for that purpose, as permitted by Subsection 11(1)(a) of its Procedure By-law 1-2017.

Moved by Member Chair Lombardi, Seconded by Vice-Chair Bassios (Carried)

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

Motion

THAT the Toronto Local Appeal Body (TLAB) move back into public session to deal with the remainder of the October 27, 2023, Business Meeting Agenda.

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

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

Supporting Document(s)

Confidential Memoranda (under separate cover).

44.7 - CLOSING BUSINESS AND REMARKS

December 12, 2023 – Proposed new date for a rescheduled December 15, 2023, Business Meeting (TLAB Staff will canvas for location)

November 17, 2023 – Professional Development Day Business Meeting

Adjournment at 3:24pm

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.