

ATTACHMENT

Consideration to Return to ‘In-Person’ Hearings

Background and Context

At its inception in early 2017, the Toronto Local Appeal Body’s *Rules of Practice and Procedure (Rules)* contemplated holding its hearing in person at its offices on the 2nd floor at 40 Orchard View Boulevard. This became the default for all TLAB Hearings as of February 2017.

However, in March 2020, the world experienced a global pandemic in the form of COVID-19. On March 16, 2020, the Government of Ontario passed an Emergency Order (O.Reg. 73/20) under the Emergency Management and Civil Protection Act, which effectively impacted the proceedings before the TLAB causing the Tribunal to suspend and not schedule any hearing event, including in-person, or teleconference hearings.

The Government of Ontario extended this Emergency Order on several occasions during 2020, until electronic or ‘virtual’ proceedings were permitted later that year. As a result of its all-electronic format for the filing of documents, the Toronto Local Appeal Body was able to pivot to ‘virtual’ or ‘remote’ hearing events to continue hearing appeals for decisions of the four Panels of the City of Toronto’s Committee of Adjustment.

The Toronto Local Appeal Body amended its Rules accordingly to accommodate this type of hearing approach. Virtual Hearings have continued to be the default form of hearing event at the Toronto Local Appeal Body since 2020.

In the interim, the City of Toronto has undertaken improvements to its facilities, including at the Toronto Local Appeal Body’s offices at 40 Orchard View Boulevard in response to the impacts and challenges on public meetings presented by the COVID-19 virus. In late 2021, City Staff advised the Toronto Local Appeal Body that it was able to support in-person hearing events at its 40 Orchard View offices on a limited basis with physical distancing still in place and a requirement for masks to be worn.

Since then, administratively, City Staff have advised the Toronto Local Appeal Body full in-person and/or a hybrid model are supportable for hearings at its 40 Orchard View offices, without limitations.

At its Meeting on July 24/25, 2024, City Council considered the Toronto Local Appeal Body Chair’s 2023 Annual Report and adopted a three-part Motion. Part 2 of the Motion adopted by Council reads as follows:

“2. City Council request the Chair of the Toronto Local Appeal Body to hold in-person hearings as standard, despite the current Rules and Practice Direction.”

As a result, the Toronto Local Appeal Body will be discussing the request by City Council to return to ‘in-person’ Hearings as the default, going forward, for all proceedings before the Tribunal at its upcoming December 13, 2024, Business Meeting.

Your input is appreciated.

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