



Business Meeting Minutes: September 26, 2024

Toronto Local Appeal Body Business Meeting No. 47

Meeting Date: Thursday September 26, 2024, 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 – September 26, 2024

Chair: Dino Lombardi

Contact: Angelina Grkavac, Supervisor, Tribunal Operations

Phone: 416 392-4370

Toronto Local Appeal Body Panel Members

Dino Lombardi (Chair)

Ana Bassios (Vice-Chair)

Ted Yao

Carissa Wong

Gerald Swinkin - remote

Ron Kanter

Trevor Kezwer - remote

Bill Martin

Anthony Brown

Brian Gallagher

Yeta Herscher

Bruce Mullock

Absentee:

Stanley Makuch

Ron Kanter

John Tassiopoulos

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 Anishinaabeg, 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."

Chair Lombardi and Manager of Court and Tribunals, Brian Halloran introduced the new permanent Supervisor of Toronto Local Appeal Body, Angelina Grkavac.

Chair Lombardi acknowledged Member Martin's resignation and thanked him for his service to the Toronto Local Appeal Body (TLAB) and the City of Toronto.

Confirmation of Minutes – Business Meeting, June 14, 2024

No issues or concerns raised.

Motion

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

Moved by Member Gallagher, Seconded by Member Mullock; (Carried).

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	N/A
John Tassiopoulos	N/A
Ted Yao	Y
Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	N/A
Trevor Kezwer	Y
Bill Martin	Y
Anthony Brown	Y
Brian Gallagher	Y
Yeta Herscher	Y
Bruce Mullock	Y

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

- **None**

47.1 – EDUCATION AND TRAINING SESSION FOR TORONTO LOCAL APPEAL BODY MEMBERS (IN-CAMERA)

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 Section 11(1)(f) of the Toronto Local Appeal Body’s Procedure By-law 1-2017.”

Closed session Moved by Vice Chair Bassios, Seconded by Member Wong; (Carried).

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	N/A
John Tassiopoulos	N/A
Ted Yao	Y
Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	N/A
Trevor Kezwer	Y
Bill Martin	Y
Anthony Brown	Y
Brian Gallagher	Y
Yeta Herscher	Y
Bruce Mullock	Y

Summary

The professional development of Toronto Local Appeal Body Members is an integral part of the Tribunal’s operations ensuring ongoing knowledge and support to meet mandated responsibilities.

Each year, the Chair of the Toronto Local Appeal Body is responsible for the scheduling and coordination of the continuing professional development of its Members through education and training opportunities.

Toronto Local Appeal Body received a workshop for its Members presented by Lisa Orchard, Owner and Principal Consultant, Scribe Technical Writers and Editors.

Toronto Local Appeal Body recessed its Public Meeting and moved into a closed session to receive a presentation for Member education and training purposes as permitted by Section 11(1)(f) of the Toronto Local Appeal Body’s Procedure By-law 1-2017.

The In-Camera portion of the Business Meeting lasted approximately 5 hours: from 9:45 a.m. to 1:30 p.m.

Chair Lombardi advised Member Swinkin and Member Kezwer were remotely present.

Motion for Consideration:

THAT Toronto Local Appeal Body move back into Public Session.

Moved by Vice Chair Bassios, Seconded by Member Gallagher; (Carried)

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	N/A
John Tassiopoulos	N/A
Ted Yao	Y
Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	N/A
Trevor Kezwer	Y
Bill Martin	Y
Anthony Brown	Y
Brian Gallagher	Y
Yeta Herscher	Y
Bruce Mullock	Y

IN-CAMERA SESSION CONTINUED

Supporting Document(s):

Workshop Materials – **under separate cover.**

47.2 – INFORMATION

Toronto Local Appeal Body – The Toronto Local Appeal Body Chair’s 2023 Annual Report

Summary

The Toronto Local Appeal Body (TLAB) Chair Lombardi presented the 2023 Chair’s Annual Report and City Staff’s Report for Action highlighting information of its members which provides a summary of the activities of the Tribunal over the past year.

The Chair’s 2023 Annual Report was submitted to the City on May 23, 2024, for consideration by the Planning and Housing Committee at its meeting on June 13, 2024. It was accompanied by a **Report for Action**, prepared by senior Court Services Staff, dated May 30, 2024, which transmitted the Chair’s Annual Report from the TLAB Chair to City Council, via Planning and Housing Committee.

The Chair's 2023 Annual Report was considered by the City's Planning and Housing Committee on June 13, 2024, and deferred to the July 11, 2024, Committee Meeting. At that meeting, the Committee adopted an amended recommendation and City Council adopted that amended recommendation at its meeting on July 24 and 25.

The amended item adopted by City Council is attached to this Business Meeting agenda.

Attention was brought to the following:

1. The Toronto Local Appeal Body Chair's 2023 Annual report recommendation:
The Director of Court Services, in consultation with the Chair, will continue to assess the impact of recently passed Provincial legislation on the operation of the Toronto Local Appeal Body and review the business structure of the Tribunal to determine the complement, terms of reference, roles and responsibilities, employment terms for Members, and any other structural changes that would benefit the performance of the Toronto Local Appeal Body.
2. The Director of Court Services report for Action, dated May 30, 2024, recommendation:
The Director of Court Services, recommends that:
 1. *City Council receive the 2023 Annual Report from the Chair of the Toronto Local Appeal Body, contained in Attachment 1 to the report for information.*
3. City Council Amended Motion Adopted at the July 24, 2024, Council Meeting
City Council on July 24 and 25, 2024, adopted the following:
 1. *City Council request the Chair of the Toronto Local Appeal Body to consider:*
 - a. *reviewing the current Toronto Local Appeal Body Rules and Practice Direction on the exchange of documents and notification of change in a party's representative to ensure the Toronto Local Appeal Body's rules and practices are in accordance with principles of procedural fairness and transparency to the parties, and whether Toronto Local Appeal Body members could receive additional information and training in relation to this recommendation.*
 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.*
 3. *City Council request Chairs of other City Tribunals to hold in-person hearings as a best practice for all Tribunals.*

With respect to the City Council Amended Motion adopted above, the TLAB had a request from two residents of the City of Toronto to depute regarding this item. They were also present at the Planning Committee session.

Speaker 1, Claudia Aenishanslin spoke to her experience with and reliance on the TLAB Rules of Practice and Procedure, Forms, and other publicly accessible documents to understand the TLAB process.

Speaker 1 questioned Practice Rule 7 and its impact on laypersons participating in the process, i.e., leeway regarding late submissions.

Speaker 2 – Kimberly Hull spoke to her experience, citing the same issues, and felt held to higher standard. System set up inequitably. Form 5 never filed. If filed, then would have been able to make a better informed decision on how to move forward. If someone doesn't hit a deadline, no justifiable reason, but still accepted no repercussions. What are the fact checks on statements?

Chair Lombardi advised that presiding Panel Member controls the process at their discretion, including whether to accept late documents and qualifying Expert Witnesses based on presented qualifications. Members are guided by our rules.

Member Yao proposed a question to the speakers. Is the specific case concluded or ongoing?

Public Members Hull and Aenishanslin wanted to ensure that loopholes that could be exploited were addressed.

Chair Lombardi advised his intent was to not to address item 3 of PH14.3 today to give time to establish new best practices, discuss concerns, and circulate for public opinion. It will be brought up in the December 13, 2024, Public Business Meeting.

Motion for Consideration:

"THAT the Toronto Local Appeal Body (TLAB) receive the Chair's 2023 Annual Report dated May 23, 2024, for information, and direct staff to upload the Annual Report to the TLAB website."

Moved by Member Brown, Seconded by Member Mullock; (Carried).

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	N/A
John Tassiopoulos	N/A
Ted Yao	Y
Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	N/A
Trevor Kezwer	Y
Bill Martin	Y
Anthony Brown	Y
Brian Gallagher	Y
Yeta Herscher	Y
Bruce Mullock	Y

Supporting Documents:

1. [The Toronto Local Appeal Body Chair's 2023 Annual Report](#)
2. [Director of Court Services Report For Action, dated May 30, 2024](#)
3. [City Council Amended Motion Adopted at the July 24, 2024, Council Meeting](#)

47.3 – INFORMATION**Motion**

THAT the Toronto Local Appeal Body (TLAB) amend Section 1.2 (Definitions) in its Rules of Practice and Procedure (Rules) by introducing the following new definition and that TLAB staff amend the Rules accordingly:

A. Additional Definition

The Toronto Local Appeal Body proposes to include an additional definition under Section 1.2 of the Rules of Practice and Procedure for Members who are “Seized on a Proceeding.”

Motion for Consideration:

“THAT the Toronto Local Appeal Body (TLAB) amend Section 1.2 (Definitions) in its Rules of Practice and Procedure (Rules) by introducing the following new definition and that TLAB staff amend the Rules accordingly:

“Seized” means retaining responsibility over a matter.

Moved by Member Gallagher, Seconded by Member Herscher; (Carried).

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	N/A
John Tassiopoulos	N/A
Ted Yao	Y
Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	N/A
Trevor Kezwer	Y
Bill Martin	Y
Anthony Brown	Y
Brian Gallagher	Y
Yeta Herscher	Y
Bruce Mullock	Y

B. Amend the Language of Rule 14.1

The Toronto Local Appeal Body (TLAB) proposed to amend the language of Rule 14.1 of the TLAB's Rules of Practice and Procedure to be more definitive in the language of the Rule as to the responsibilities of Representatives.

Chair Lombardi advised that some authorized Representatives are Form 1 and/or Form 5. The proposed amendment puts the responsibility on the authorized Representative to limit confusion.

No member spoke to this item.

Motion for Consideration:

"THAT the Toronto Local Appeal Body (TLAB) amend the language of Rule 14.1 of the TLAB's Rules of Practice and Procedure (Rules) as follows, and direct staff to amend the Rules accordingly:

14. REPRESENTATIVES

Parties and Participants may be Represented

14.1 Parties or Participants may be represented by a Representative. Representatives must confirm authorization to act for a Party or Participant by having the Party or Participant indicate on Form 1 that they are duly authorized and by the Representative Serving and Filing a Form 5. If authorization changes, the Party, Participant or newly authorized Representative shall immediately notify the TLAB and all other Parties of such changes in representation by Serving and Filing a Form 5.

Moved by Member Mullock, Seconded by Chair Lombardi. Recorded vote was interrupted by Member Kezwer who asked for clarity as to the language of the amended language as the proposed new rule only places responsibility on the new Representative.

Chair Lombardi advised that the proposed draft language was sent to legal counsel for review and comments and advised that the matter could be deferred.

Member Yao advised that hearing the Members of Public speak today has brought new views to the table and he would recommend the motion be tabled so they could respond accordingly considering the new information.

As a result, the matter was deferred by way of a friendly amendment to the Motion.

Supporting Document(s):

1. [The Toronto Local Appeal Body's Rules of Practice and Procedure](#)

Motion in Consideration:

THAT the Toronto Local Appeal Body (TLAB) defer Part B of Item 47.3 on the September 26, 2024 Business Meeting Agenda to the December 13, 2024 Business Meeting.

Moved by Member Yao, Seconded by Member Wong; (Carried)

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	N/A
John Tassiopoulos	N/A
Ted Yao	Y
Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	N/A
Trevor Kezwer	Y
Bill Martin	Y
Anthony Brown	Y
Brian Gallagher	N
Yeta Herscher	Y
Bruce Mullock	Y

47.4 – CHAIR’S UPDATE

Summary

The Chair provided summary updates on the following items:

A. Provincial Planning Statement – Update

An abridged overview of the new Provincial Planning Statement was circulated to Panel Members.

Chair Lombardi reminded Members that consistency with the Provincial Planning Statement was still required in TLAB Decisions.

B. Major Street Study (Townhouses & Small-Scale Apartment Buildings) & OPA 727, adopted by City Council on May 23, 2024, has been appealed to the OTL, reference number 24 122626 STE 10 OZ with a video hearing scheduled for November 14, 2024.

C. Bill 185, Cutting Red Tape to Build More Homes Act, 2024 proposes amendments to Bill 23 and O.REG. 299/19, that would reduce or eliminate the need for owners of properties that contain additional residential units (ARUs) to get rezoning or minor variance permits.

Motion in Consideration:

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

Moved by Member Bassios, Seconded by Member Brown; (Carried).

Dino Lombardi (Chair)	Y
Ana Bassios (Vice-Chair)	Y
Stanley Makuch	N/A
John Tassiopoulos	N/A
Ted Yao	Y
Carissa Wong	Y
Gerald Swinkin	Y
Ron Kanter	N/A
Trevor Kezwer	Y
Bill Martin	Y
Anthony Brown	Y
Brian Gallagher	Y
Yeta Herscher	Y
Bruce Mullock	Y

47.5 – SUPERVISOR’S AND MANAGER’S UPDATE

Summary

Tribunals, Local Appeal Body Supervisor and Court Operations, Tribunals, Manager already updated and introduced the new supervisor for TLAB.

47.6 – CLOSING BUSINESS & REMARKS

Chair Lombardi advised the next Business Meeting is scheduled for December 13, 2024.

Member Yao advised that his term is coming to an end in December 2024. Member Yao thanked the Chair, Vice Chair, and staff.

Panel Members thanked Member Yao for his continued and excellent service to the TLAB and his civic duty to the City of Toronto.

Adjourned at 2:35 p.m.