



# Minutes: December 13, 2024

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## Toronto Local Appeal Body Business Meeting No. 48

Meeting Date: Friday, December 13, 2024, 9:30 a.m.

Location: Scarborough Civic Centre, Council Chambers

Toronto Local Appeal Body - Public Business Meeting – December 13, 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)

Stanley Makuch

Ted Yao - remote

Carissa Wong

Gerald Swinkin - remote

Ron Kanter

Trevor Kezwer - remote

Anthony Brown

Brian Gallagher - remote

Yeta Herscher

Bruce Mullock

### **Absentee:**

John Tassiopoulos

**This meeting of the Toronto Local Appeal Body will be held 'in-person' and the proceedings of the Tribunal will be conducted publicly.**

**A link has also been provided for the public to attend the meeting 'virtually' for those who wish to do so.**

**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](mailto: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](mailto: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](mailto: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.

Meeting started at: 9:43 a.m. (technical difficulties)

### **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, September 26, 2024.

MOTION: THAT the Toronto Local Appeal Body adopt minutes of the September 26, 2024, Business Meeting and post the minutes on Toronto Local Appeal Body's website.

*Moved by Member Vice-Chair Bassios; Seconded by Member Bruce Mullock (Carried).*

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>Stanley Makuch</i>	Y
<i>John Tassiopoulos</i>	N/A
<i>Ted Yao</i>	Y
<i>Carissa Wong</i>	Y

<i>Gerald Swinkin</i>	Y
<i>Ron Kanter</i>	Y
<i>Trevor Kezwer</i>	Y
<i>Bruce Mullock</i>	Y
<i>Yeta Herscher</i>	Y
<i>Anthony Brown</i>	Y
<i>Brian Gallagher</i>	Y

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

No declarations of Conflicts of Interest were made by any Member.

## **48.1 – INFORMATION**

### **CONSIDERATION TO RETURN TO ‘IN-PERSON’ HEARINGS AT THE TLAB**

#### **Comments:**

**Chair:** Virtual hearings have been the default since COVID. 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 advised the TLAB full in-person and/or a hybrid model are supportable for hearings at its 40 Orchard View offices, without limitations.

As a result, TLAB discussed 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.

Elicit and receive input from the public. Issue a notice/advisory seeking comments posted on TLAB website and also sent to approximately 50 stakeholders.

Advisory was sent on November 4<sup>th</sup>, 2024 with a deadline for comments on November 30, 2024.

A total of four responses were received, which have been attached to Agenda under Supporting documents. One late correspondence was received.

C. Mercado, representing the Long Branch Neighbourhood Association, provided feedback.

#### **Summary**

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, TLAB discussed 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.

The Toronto Local Appeal Body (TLAB) will consider input received from the public, including oral and/or written deputations, regarding the request by City Council to the TLAB to return to “in-person” Hearings as the default for all Proceedings before the TLAB, going forward.

The Toronto Local Appeal Body intends to gather stakeholder input at this Business Meeting and then bring forward a Motion at the next Business Meeting.

### **Deputations from the Public:**

The Toronto Local Appeal Body (TLAB) received a deputation from Ms. Christine Mercado, on behalf of the Long Branch Neighbourhood Association (LBNA), outlining the LBNA’s opposition to requiring ‘in-person’ hearings as a go-forward default position.

Chair Lombardi confirmed receiving a late written submission from FoSTRA, the Federations of South Toronto Residence Associations. He noted that it highlights how in-person hearings deter participation.

Member Kanter suggested that the default approach should either be virtual or left to the discretion of the Presiding Member and the involved parties, indicating that virtual hearings may not always need to be the default option.

Member Yao opposed hybrid and in-person hearings due to difficulties in communication.

### **MOTION:**

THAT the Toronto Local Appeal Body receive correspondence from the public, and the deputation from Long Branch Neighbourhood Association, regarding business meeting Agenda Item 48.1;

That City Council be advised that the Toronto Local Appeal Body (TLAB) solicited stakeholder input regarding Council’s request that the TLAB hold in-person hearings as standard, and on the basis of responses received, the current Rule 24 of the Rules of Practice and Procedure will not be amended, and is declared as the best practice.

*Moved by Chair Lombardi; Seconded by Member Swinkin (Carried).*

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>Stanley Makuch</i>	Y
<i>John Tassiopoulos</i>	N/A
<i>Ted Yao</i>	Y
<i>Carissa Wong</i>	Y
<i>Gerald Swinkin</i>	Y
<i>Ron Kanter</i>	Y
<i>Trevor Kezwer</i>	Y
<i>Bruce Mullock</i>	Y

<i>Yeta Herscher</i>	Y
<i>Anthony Brown</i>	Y
<i>Brian Gallagher</i>	Y

**Supporting Document(s):**

1. Circulated Notice/Advisory Attachment
2. Motion Adopted by City Council on July 24, 2024
3. Correspondence received from the public

**48.2 – ACTION**

## DEFERRED – 47.3 (B) AGENDA ITEM FROM SEPTEMBER 26, 2024, BUSINESS MEETING – AMEND LANGUAGE OF RULE 14.1 OF THE TORONTO LOCAL APPEAL BODY’S RULES OF PRACTICE AND PROCEDURE

**Summary**

The Toronto Local Appeal Body (TLAB) proposes to amend the language of Rule 14.1 of the TLAB’s Rules of Practice and Procedure (Rules) to be more definitive in the wording of the Rule as it relates to the responsibilities of an Authorized Representative.

The TLAB is also proposing to introduce a new ‘Change in Authorized Representative Form (Form 5A)’ that must be filed when a change in authorization occurs.

Chair Lombardi suggests a further amendment to Rule 14.1 new Form 5(a); when a client chooses to have a new solicitor or forgo solicitor and act on their own behalf. The proposed new form (5A) is to address both situations. Chair thanks Member Yao for his suggestion for a new form.

**Speakers:**

Member Yao noted that 97% are in favor of the proposal. He emphasized that if a lawyer goes off the record, they must inform everyone. In such cases, the lawyer most familiar with the procedure should provide the advice.

Member Swinkin suggested wording changes to the Motion, while Vice-Chair Bassios stated that the appellant holds ultimate responsibility. Member Makuch suggested having movers and seconders for both the main motion and any amendments, with amendments prepared in advance.

**Motion for Consideration: (MOTION #1)**

THAT the Toronto Local Appeal Body adopt the following two-part Motion:

- A: Adopt the proposed new ‘Change in Authorized Representative Form 5A’ attached as part of Agenda Item 48.2 at the December 13, 2024, TLAB Business Meeting; and
- B: Amend the wording of Rule 14.1 of the Toronto Local Appeal Body’s *Rules of Practice and Procedure (Rules)* as follows and amend the *Rules* accordingly:

*“Parties and Participants may be Represented*

*14.1 A Party or Participant 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 the Notice of Appeal Form 1 that they are duly authorized or by the Representative Serving and Filing an Authorized Representative 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 Change in Authorized Representative Form 5A.*

**(MOTION #2)**

THAT the Toronto Local Appeal Body adopt the following two-part Motion:

- A: Adopt the proposed new ‘Change in Authorized Representative Form 5A’ attached as part of Agenda Item 48.2 at the December 13, 2024, TLAB Business Meeting; and
- B: Amend the wording of Rule 14.1 of the Toronto Local Appeal Body’s *Rules of Practice and Procedure (Rules)* as follows and amend the *Rules* accordingly:

*“Parties and Participants may be Represented*

- 14.1 A Party or Participant 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 the Notice of Appeal Form 1 that they are duly authorized or by the Representative Serving and Filing an Authorized Representative Form 5. If authorization changes, the Party or Participant, shall ensure the TLAB and all other Parties are immediately notified of such changes in representation by Serving and Filing a Change in Authorized Representative Form 5A.*

*(Motion #2) Moved by Vice Chair Bassios; Seconded by Member Gallaugh (Carried).*

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

**Supporting Documents:**

1. The Current 14.1 of the TLAB’s Rules of Practice and Procedure
2. Proposed New Form 5A – Change in Authorized Representative

## 48.3 – ADOPTION

### DRAFT PRACTICE DIRECTION NO. 8 – PROTOCOL FOR REVISED PLANS AND OTHER REQUIREMENTS

#### Summary

The Toronto Local Appeal Body is proposing to adopt a new Practice Direction No. 8 which provides a protocol for the submission of supplemental documents after a Hearing has been completed.

#### Motion for Consideration:

THAT the Toronto Local Appeal Body adopt Practice Direction No. 8 attached as Item 48.3 to the December 13, 2024, Business Meeting Agenda and upload the Practice Direction to the Toronto Local Appeal Body website.

#### Speakers:

**Vice Chair Bassios** expressed concern that counsel or a representative may provide documents independently; this should only occur at the request of a member. Counsel or a representative may be asked by a member to supply additional documentation if needed.

**Chair Lombardi recommended** that due to issues raised by Members regarding the language of the proposed Motion, the TLAB should consider deferring this matter to the next business meeting to allow the Chair to receive input from its Members.

#### Supporting Documents:

1. Draft Practice Direction No. 8.

#### MOTION:

THAT the Toronto Local Appeal Body defer Agenda Item 48.3, draft Practice Direction 8 to the next business meeting of 2025.

*Moved by Chair Lombardi; Seconded by Member Kanter (Carried).*

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>Stanley Makuch</i>	Y
<i>John Tassiopoulos</i>	N/A
<i>Ted Yao</i>	Y
<i>Carissa Wong</i>	Y
<i>Gerald Swinkin</i>	Y
<i>Ron Kanter</i>	Y
<i>Trevor Kezwer</i>	Y
<i>Bruce Mullock</i>	Y
<i>Yeta Herscher</i>	Y

<i>Anthony Brown</i>	Y
<i>Brian Gallagher</i>	N

## 48.4 – ADOPTION

### AMENDED WORDING IN DECISION WRITING TEMPLATE RE S.3 – PROVINCIAL POLICY – NEW PROVINCIAL PLANNING STATEMENT 2024

#### Summary

On October 20, 2024, the new Provincial Planning Statement (PPS), 2024, came into effect in Ontario, replacing both the Provincial Policy Statement, 2020, and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019*. This new PPS establishes a streamlined, province-wide land use planning framework.

The Toronto Local Appeal Body’s decision-writing template currently references the previous PPS and Growth Plan under the subheading “Provincial Policy – S. 3” within the “Legislative and Policy Framework” section. To ensure alignment with the updated policy framework, the TLAB proposes an amendment to the decision writing template to reflect the new PPS.

#### Motion for Consideration:

THAT the Toronto Local Appeal Body amend the wording of the section ‘Provincial Policy – S. 3’ in its decision writing template as follows:

“Provincial Policy – S. 3

A Decision of the Toronto Local Appeal Body (TLAB) must be consistent with the 2024 Provincial Planning Statement for the subject area.”

*Moved by Vice-Chair Bassios; Seconded by Member Makuch (Carried).*

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



**Supporting Documents:**

1. The TLAB’s decision-writing template
2. Masters v. Claremont Development Corporation (Ontario Superior Court of Justice, Judgement issued May 5, 2021, LPAT Case # PL171210)
3. Bahardoust v. Toronto (City), OLT Decision dated October 12, 2021 (OLT Case 3 PL130592)

## 48.5 – INFORMATION

### CHAIR’S UPDATE

**Summary**

The Toronto Local Appeal Body Chair provided Members with updates regarding matters of interest to the Tribunal and relevant to its function as a land-use planning appeal tribunal.

1. Proposed Amendments to Ontario Regulation 299/19 – Status Update
  - Algin zoning by-law; garden suites basement suites
2. 2024 Fall Red Tape Reduction Package/ Bill 227 – Cutting Red Tape, Building Ontario Act, 2024 – Status Update
  - Received Royal Assent on December 4, 2024
  - Provides a variety of options: laneway homes, garden suites.
  - Government has yet to provide detailed information. On transition regulations
3. The New Provincial Planning Statement (PPS) (2024)
  - Came into force and effect on October 20, 2024, modifying provincial statement.
  - Test of consistency still exists but conformity does not exist.
  - Province hasn’t provided transition regulations.
4. Canada Post Strike
  - The Chair observed that some case files lack email addresses, which could impact TLAB operations during the strike.

**Motion for Consideration:**

“THAT the Toronto Local Appeal Body receive the Chair’s updates.”

**Supporting Documents:****The New Provincial Planning Statement (PPS) (2024)**

*Moved by Member Makuch; Seconded by Member Brown (Carried).*

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>Stanley Makuch</i>	Y
<i>John Tassiopoulos</i>	N/A
<i>Ted Yao</i>	Y

<i>Carissa Wong</i>	Y
<i>Gerald Swinkin</i>	Y
<i>Ron Kanter</i>	Y
<i>Trevor Kezwer</i>	Y
<i>Bruce Mullock</i>	Y
<i>Yeta Herscher</i>	Y
<i>Anthony Brown</i>	Y
<i>Brian Gallagher</i>	Y

## 48.6 – ELECTION OF THE TLAB VICE-CHAIR

### Summary

The Toronto Local Appeal Body will consider candidates and elect a Vice Chair for 2025. Appendix A to the Procedure Bylaw 1-2017, passed by TLAB will govern the election of the Vice Chair.

**Chair Lombardi** noted that no nominations had been received by the TLAB prior to the Business Meeting and invited Members to put their names forward for the Vice Chair position. The only Member to do so was current Vice Chair Bassios.

### MOTION:

THAT the Toronto Local Appeal Body affirm the acclamation of Member Ana Bassios as the Vice-Chair of the Toronto Local Appeal Body for one year commencing January 1, 2025.

*Moved by Chair Lombardi; Seconded by Member Herscher (Carried).*

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

### Supporting Documents:

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

## 48.8 – INFORMATION

### TORONTO LOCAL APPEAL BODY - SCHEDULE OF BUSINESS MEETINGS, 2025

#### Summary

The Toronto Local Appeal Body will set the dates of their 2025 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 tentative dates for four (4) Business Meetings in 2025, inclusive of one Business Meeting for the Professional Development and training of its Members.

#### MOTION:

THAT the Toronto Local Appeal Body staff canvass the Members for their availability in 2025 for four (4) Business Meetings and upload those dates on the Tribunal's website as tentatively scheduled Business Meeting dates

*Moved by Member Herscher; Seconded by Member Wong (Carried).*

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

## 48.8 – CLOSING BUSINESS AND REMARKS

#### Summary

Toronto Local Appeal Body Chair's Closing Remarks:

**Chair Lombardi** reflected on his term ending, expressing gratitude to staff, past and present supervisors, and members. He also thanked Vice-Chair Bassios for her contributions and support.

Adjournment 1:05pm