



Agenda: March 28, 2025

Toronto Local Appeal Body Business Meeting No. 49

Meeting Date: Friday, March 28, 2025, 9:30 a.m.

Location: East York Civic Centre (850 Coxwell Avenue), Council Chambers

Link to Join:

Q1 - TLAB Public Business Meeting – March 28, 2025

Hosted by Toronto Local Appeal Body

Friday, March 28, 2025 9:30 AM | 7 hours | (UTC-04:00) Eastern Time (US & Canada)

Link to join:

<https://toronto.webex.com/toronto/j.php?MTID=md183d9701996266bc0edfc95e80753e4>

Meeting number: 2865 627 5570

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Access code: 2865 627 5570

Toronto Local Appeal Body - Public Business Meeting – March 28, 2025

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)
John Tassiopoulos
Carissa Wong
Gerald Swinkin
Ron Kanter
Trevor Kezwer
Anthony Brown
Brian Gallaughier
Yeta Herscher
Bruce Mullock

This meeting of the Toronto Local Appeal Body will be held by electronic means and the proceedings of the Tribunal will be conducted publicly.

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.

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. 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. 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.

The Toronto Local Appeal Body collects this information to enable it to make informed decisions on the relevant issue(s). If you are submitting letters, faxes, emails, presentations or other communications to the Toronto Local Appeal Body, you should be aware that your name and the fact that you communicated with

the Toronto Local Appeal Body will become part of the public record and will appear on the Toronto Local Appeal Body's website. The Toronto Local Appeal Body will also make your communication and any personal information in it – such as your postal address, telephone number or email address – available to the public, unless you expressly request the Toronto Local Appeal Body to remove it.

This agenda and any supplementary materials submitted to the Toronto Local Appeal Body can be found online at www.toronto.ca/tlab. Visit the web page for access to all agendas, decisions, and minutes of the Toronto Local Appeal Body.

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, December 13, 2024.

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

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49.1 – ACTION

DEFERRED AGENDA ITEM 48.3 FROM DECEMBER 13, 2024, BUSINESS MEETING – PROPOSED PRACTICE DIRECTION NO. 8 – PROTOCOL FOR REVISED PLANS AND OTHER REQUIREMENTS

Summary

At its Business Meeting on December 13, 2024, the Toronto Local Appeal Body (TLAB) deferred Agenda Item '48.3 – *Proposed Practice Direction No. 8 – Protocol for Revised Plans and Other Requirements*'. The deferral Motion was adopted to allow the wording of the proposed draft Practice Direction No. 8 to be revised to reflect input from the Members.

As a result of that deferral Motion, the proposed Draft Practice Direction No. 8 was circulated to Members for input regarding revised wording, with the goal of bringing forward a revised Draft for consideration at the TLAB's next business meeting (March 28, 2025).

Therefore, a revised version of the Proposed Practice Direction No. 8 is now brought forward for consideration and adoption which provides a protocol for the submission of supplemental documents after completion of a Hearing.

Supporting Document(s):

1. Revised Practice Direction No. 8 – Protocol for Revised Plans and Other Requirements.

49.2 – ADOPTION

PROPOSED DRAFT DIRECTION NO. 9 – PROTOCOL FOR WITHDRAWAL OF AN APPEAL BEFORE THE TORONTO LOCAL APPEAL BODY

Summary

The Toronto Local Appeal Body (TLAB) is proposing a draft Practice Direction No. 9 – *Protocol for the Withdrawal of an Appeal Before the Toronto Local Appeal Body*. The proposed Practice Direction outlines the necessary requirements and responsibilities for both Parties wishing to abandon an appeal, and for Members considering that request, before the Toronto Local Body can issue a withdrawal.

Supporting Documents:

1. Proposed Practice Direction No. 9 – Protocol for the Withdrawal of an Appeal before the Toronto Local Appeal Body.

49.3 – ADOPTION

PROPOSED AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE OF THE TORONTO LOCAL APPEAL BODY IN THE FORM OF ADDING NEW DEFINITIONS

Summary

The Toronto Local Appeal Body (TLAB) is proposing to amend its Rules of Practice and Procedure (Rules) by including additional defined terms and revising terms under Section 1. – General Definitions, as follows:

Revised Defined Term(s)

- A. **“Affidavit”** means written statements and materials under oath or affirmation, using Form 10.

Proposed New Terms

- B. **“Withdrawal of an Appeal”** means the act of an Appellant abandoning an Appeal.
- C. **“Evidence”** means the available body of facts or information and may include but not be limited to, written evidence and visual evidence consisting of materials and documents.
- D. **“Visual Evidence”** means images or images with sound intended to be introduced into evidence at a Hearing, including computer-generated images, photographs, maps, videos, plans, charts, graphs, drawings, and surveys.”
- E. **“Written Evidence”** means materials introduced into evidence at a Hearing, including reports, letters, correspondence, notices, memoranda, forms, agreements, emails, and any other written communication recorded or stored by means of any device.”

Motion for Consideration:

“THAT the Toronto Local Appeal Body amend its Rules of Practice and Procedure under Section 1. – General Definitions, by adding defined terms for ‘Affidavit’, ‘Evidence’, ‘Withdrawal of an Appeal’, ‘Visual Evidence’, and ‘Written Evidence’, as proposed in Agenda Item 49.3 of the Toronto Local Appeal Body’s March 28, 2025, Business Meeting.”

Supporting Documents:

1. Section 1. – General Definitions from the TLAB’s Rules of Practice and Procedure

49.4 – INFORMATION

PROPOSED MINOR AMENDMENTS TO THE TORONTO LOCAL APPEAL BODY’S PROCEDURE BY-LAW 1-2017

Summary

The Toronto Local Appeal Body (TLAB) proposes to amend its Procedure By-law 1-2017, to improve the clarity and functionality of the By-law. The TLAB will consider the Motion below, to eliminate the following subsection in Procedure By-law 1-2017, as it is considered redundant for business meeting procedural purposes:

- i. **S. 21 (1) – The Secretary shall prepare the minutes for every Business Meeting for** submission to the TLAB for confirmation or approval as amended, at the next meeting of the TLAB, or as soon as reasonably practicable. After the TLAB adopts the minutes, the Chair signs them.

Motion for Consideration:

“THAT the Toronto Local Appeal Body amend its Procedure By-law 1-2017 by amending the wording of S.21(1) as follows:

***S. 21 (1) – The Secretary shall prepare the minutes for every Business Meeting for** submission to the TLAB for confirmation or approval as amended, at the next meeting of the TLAB, or as soon as reasonably practicable. After the TLAB adopts the minutes, the adopted Minutes shall be considered final and be posted on the TLAB’s website.”*

Supporting Documents:

1. TLAB’s Procedure By-law 1-2017 – S. 23 (1)

49.5 – INFORMATION

TORONTO LOCAL APPEAL BODY CHAIR’S UPDATE

1. Official Plan Amendment 727 & Associated Zoning By-law – Update
2. Updates to the Toronto Local Appeal Body’s Website

3. Adjudicative Screening (pursuant to Rule 9 of the TLAB's Rules of Practice & Procedure)
4. Member Responsibilities after the Completion of a Hearing – Communication with TLAB Staff

49.6 – INFORMATION

SUPERVISOR'S AND MANAGER'S UPDATE

Summary

Tribunals, Local appeal Body Supervisor and Court Operations, Tribunals, Manager to provide administrative updates.

49.7 – EDUCATION AND TRAINING SESSION FOR TORONTO LOCAL APPEAL BODY MEMBERS (In-Camera)

Summary

The professional development of Toronto Local Appeal Body Members is an integral part of the Tribunal's operations and for its Members, ensuring ongoing knowledge and support to meet mandated responsibilities. The education/training of its Members occurs from time to time at its business meetings but typically once each year or when deemed necessary by the TLAB Chair.

Therefore, the Toronto Local Appeal Body will recess its Public Meeting and 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.

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."

49.8 – CLOSING BUSINESS AND REMARKS

Summary

Toronto Local Appeal Body Chair's Closing Remarks

Adjournment

Attachment 01

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Revised Practice Direction 8 – Protocol for Revised Plans and Other Requirements

Effective Date: March 28, 2025

Number: 8

PRACTICE DIRECTION: **Protocol for Filing Revised Plans and Other Requirements After a Hearing**

Where any documents, plans or materials are to be submitted to the Toronto Local Appeal Body (TLAB) following the conclusion of a Hearing, whether by reason of an undertaking of a Party during the Proceeding or at the direction of the TLAB, they shall be submitted to the TLAB and to such other Persons as have been identified by the undertaking or the direction of the TLAB within the time stipulated by the Party or by the TLAB or at such later date as may have been requested by the Party and authorized by the TLAB. Failure of timely submission shall not prevent the TLAB from proceeding and rendering a final disposition of the matter before it.

Approved by the Toronto Local Appeal Body on this 28th day of March, 2025.

Dino Lombardi

Chair

Attachment 02

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Proposed Practice Direction 9 – Protocol for the Withdrawal of an Appeal before the Toronto Local Appeal Body

Effective: March 28, 2025

Number: 9

PRACTICE DIRECTION: Protocol for Withdrawal of an Appeal before the Toronto Local Appeal Body

From time to time, an Appellant who appeals to the Toronto Local Appeal Body (TLAB) a decision of the City of Toronto Committee of Adjustment may, prior to a Hearing being held by the TLAB, wish to abandon that appeal matter. This Practice Direction is intended to clarify the obligations in that regard.

In the event that an Appellant wishes to abandon an appeal, the Appellant personally, or by way of a representative with colour of authority, must contact the TLAB in writing to inform of their request to withdraw the Appeal using unequivocal language. In that correspondence, the Appellant must state that: the withdrawal is unconditional; there are no other outstanding appeals; and all matters related to s. 45 and/or s. 53 of the *Planning Act* under appeal are incorporated in the withdrawal.

Once this has been received by the TLAB and these issues confirmed, The TLAB will then issue a Decision and Order dismissing the appeal, confirming the Committee of Adjustment decision in the first instance as final and binding, and closing the TLAB file.

Approved by the Toronto Local Appeal Body on this **28th** day of **March 2025**.

Dino Lombardi

Chair

Attachment 03

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Section 1 – General Definitions from the TLAB's Rules of Practice and Procedure

1. GENERAL

Application

- 1.1 These Rules apply to the TLAB established on May 3, 2017, and come into force and effect in accordance with Rule 2.9.

Definitions

- 1.2 In these Rules the following words or phrases, including any singular, plural or tense change as the context may require, have the following meaning:

“Affidavit” means written evidence under oath or affirmation, using Form 10;

“Appeal” means an appeal to the TLAB;

“Applicant” means any Person who has made an application to the Committee of Adjustment under Section 45 or Section 53 of the Planning Act;

“Appellant” means a Person who brings an Appeal;

“Case File” means the referral number, name or nomenclature used by the TLAB to identify a Proceeding brought before it;

“Chair” means a person appointed by Council to act as the Chair of the TLAB and who may delegate such matters to the Vice Chair or other Member, as the Chair determines;

“Costs” means an amount of money a Party is ordered to pay to another Party for the expenses incurred by that Party associated with the hearing before the TLAB, including legal fees, expert fees, and disbursements, not including any claim for economic loss or any other form of damage.

“Council” means the body politic constituted and empowered pursuant to the City of Toronto Act, 2006, S.O. 2006, c. 11, Sched. A;

“Days” means calendar days;

“Document” includes data and information recorded or stored by any means;

“Electronic Hearing” means a Hearing held by conference telephone call or some other form of electronic technology allowing Persons simultaneously to hear or hear and see one another;

“Email” means messages distributed by electronic means from one device user to one or more recipients via a network;

“Exchange” means to pass between or amongst Parties, Participants, Persons, and the TLAB, as may be directed by these Rules;

“File” means to send or deliver a Document to the TLAB in accordance with these Rules;

“Final Decision” means the decision made by the TLAB following the Hearing of evidence and submissions. A Final Decision does not include a Decision or Order on Costs.

“Form” means a Document required by the TLAB for the Filing of certain Documents and available on the TLAB’s website;

“Hearing” means the stage in a Proceeding when the TLAB hears evidence and submissions and includes an Electronic Hearing, an Oral Hearing and a Written Hearing;

“Holiday” means Saturday or Sunday and the statutory Holidays of New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any special Holiday proclaimed by the Governor General or the Lieutenant Governor in Council. Where New Year’s Day, Canada Day, Christmas Day, Boxing Day or Remembrance Day fall on a Saturday or Sunday, the following Monday is a Holiday. Where Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are Holidays, and where Christmas Day falls on a Friday, the following Monday is a Holiday;

“Mediation” means mediation as described in these Rules;

“Member” means a member of the TLAB;

“Motion” means a request that the TLAB make a decision or issue an order at any stage in a Proceeding;

“Moving Party” means a Person who makes a Motion to the TLAB;

“Oral Hearing” means a Hearing at which Persons attend before the TLAB in person;

“Participant” means a Person who is a participant under Rule 13;

“Party” means a Person who is a party under Rule 12;

“Person” includes a corporation, and the entities included within the meaning of a person in the Statutory Powers Procedure Act;

“Practice Direction” means practice directions issued by the TLAB from time to time;

“Proceeding” means a matter at any stage before the TLAB;

“Public Document” means a publication accessible on the List of Public Documents maintained by the TLAB on its Website;

“Representative” means a Person who acts for a Party or Participant in a Proceeding and is authorized under the Law Society Act, or is otherwise authorized by law to represent a Party or Participant in a Proceeding;

“Responding Party” means a Person answering an Appellant or Moving Party;

“Rules” means these Rules of Practice and Procedure;

“Rules of Civil Procedure” means the Rules in effect for the Superior Court of Justice for Ontario;

“Review” means a review pursuant to Rule 31;

“Seized” means retaining responsibility over a matter;

“Service” means to serve a Document or any other thing upon another Party, Participant, other Person or the TLAB, in accordance with these Rules;

“Vice Chair” means a Member who is appointed pursuant to the procedural by-law by a majority vote of Members as the Vice Chair of the TLAB and thereafter performs such additional duties as assigned to him or her by the Chair or as set out in the procedural by-law;

“Written Hearing” means a Hearing held by the Exchange of Documents; and

“Website” means the website maintained by or on behalf of the TLAB at www.toronto.ca/tlab.

2. APPLICATION OF THE RULES

Interpretation of these Rules

- 2.1 The TLAB is committed to fixed and definite dates. These Rules shall be interpreted in a manner which facilitates that objective.
- 2.2 These Rules shall be liberally interpreted to secure the just, most expeditious and cost-effective determination of every Proceeding on its merits.

Attachment 04

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TLAB's Procedure By-law 1-2017 – S. 21 (1)
and S. 23 (1)

4:30pm. Written submissions can be submitted by email to 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.

(3) **Public deputations (written) on non-Business Meeting agenda items not accepted**

Public deputations by written submission on non-Business Meeting agenda items shall not be accepted unless otherwise directed by the Chair. If the Chair directs otherwise, the matter may be deferred to the next scheduled Business Meeting.

(4) **Registered written submissions will be posted on the TLAB website.**

All registered public deputations by written submission on Business Meeting agenda items shall be posted on the TLAB website.

F. Minutes of TLAB Business Meetings

21. (1) **Secretary submits minutes to next regular Business Meeting**

The Secretary shall prepare the minutes for every Business Meeting for submission to the TLAB for confirmation or approval as amended, at the next meeting of the TLAB, or as soon as reasonably practicable. After the TLAB adopts the minutes, the Chair signs them.

(2) **Member may request reading of the minutes**

If any Member requests, the Secretary reads the minutes or any requested portion of the minutes, before the minutes are adopted or amended.

(3) **Secretary to post minutes on TLAB website**

The Secretary shall post the minutes on the TLAB website within seven (7) calendar days after confirmation by the Members.

G. Rules of Debate

22. (1) **Order of speaking**

For each matter under consideration, the Chair shall maintain a list of TLAB Members who have requested to speak and shall designate Members to speak in accordance with that list.

(2) **Questioning – use of statements**

Questions must be clear and concise. Statements will be allowed as long as they are related to a question.

(3) **Every Member has a chance to speak before a second round**

No TLAB member shall speak more than once until every Member who wishes to speak has done so.

(4) **Member not to ask the same question**

The Chair may rule a question out of order if a Member has already asked substantially the same question in the same form.

(5) **Questions of Members**

Members may question only:

- (a) The Chair;
- (b) City Officials;
- (c) The previous speaker, if that speaker has moved a motion, for clarification of the motion only; and
- (d) Members of the public, for clarification purposes.

23. General Rules on Making Motions

(1) **Motions not requiring written notice or consent of Members**

The following matters may be introduced by TLAB Members without written notice and without consent of the TLAB:

- (a) A point of order or procedure;
- (b) The presentation of petitions;
- (c) A motion to suspend or not follow a rule of procedure;
- (d) A motion to adjourn the meeting;
- (e) A motion that the vote on a matter be taken;

- (f) Any other motion of a purely procedural nature.

(2) **Seconders required**

A motion requires a seconder.

(3) **Withdrawing a motion**

After a TLAB Member has made a motion, the Member may only withdraw it with the consent of the TLAB.

(4) **Procedural motions and their order**

- (a) A Member may make procedural motions defined in Subsection (b) at any time when the Member has the floor.
- (b) The TLAB shall consider the following procedural motions in the following order:
 - (1) Motion to amend the agenda;
 - (2) Motion to adjourn;
 - (3) Motion to recess;
 - (4) Motion to end debate;
 - (5) Motion to extend debate;
 - (6) Motion to limit debate;
 - (7) Motion to fix a time for a reconvened meeting;
 - (8) Motion to reopen or reconsider;
 - (9) Motion to refer; and
 - (10) Motion to defer.

(5) **Procedural motions voted on first**

A procedural motion takes precedence over any other motion and shall be put immediately to a vote following its debate.

H. Voting

24. General Rules on Voting