



Minutes: 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

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

Brian Gallagher

Yeta Herscher

Bruce Mullock

Regrets: Anthony Brown

Meeting started at: 9:30 a.m.

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.

MOTION: THAT the Toronto Local Appeal Body adopt minutes of the December 13, 2024 Business Meeting, and post the minutes on the Toronto Local Appeal Body’s website.

Moved by: Member Mullock, Seconded by: Member Herscher (Carried)

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</i>	Abstain
<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>	-
<i>Brian Gallagher</i>	Y

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

None.

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

During the 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.

Chair Lombardi expressed hesitation in voting on the motion presented to members at the December 13, 2024, business meeting, indicating a need for additional time to consider it.

A draft practice direction was shared with members for feedback and has since been revised and improved. The practice direction outlines the protocol for the submission of supplemental documents following the conclusion of a hearing.

Supporting Document(s):

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

MOTION: THAT the Toronto Local Appeal Body adopt Practice Direction #8 attached as item No. 49.1 to the March 28, 2025 Business Meeting Agenda, and upload the Practice Direction to the Toronto Local Appeal Body website.

Moved by: Member Herscher, Seconded by: Member Mullock (Carried)

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</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>	-
<i>Anthony Brown</i>	n/a
<i>Brian Gallagher</i>	Y

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.

During a recent meeting, members of the Tribunal discussed procedural concerns arising from two recent cases and reviewed language used in Practice Direction No. 9.

Chair Lombardi underscored the importance of supporting hearing participants. Vice-Chair Bassios raised concerns about procedural inefficiencies when the Appellant is not the Proponent, resulting in unnecessary hearings where no party defends the Committee of Adjustment (COA) decision. While Member Swinkin noted such cases are becoming rare and may resolve naturally, Vice-Chair Bassios stressed the need for

formal closure. Member Mullock inquired about applicable procedures, and Chair Lombardi recommended revisiting the issue in a future meeting.

Separately, Member Gallagher advocated for plain language in Practice Directions, specifically objecting to the term “colour of authority.” Chair Lombardi supported a friendly amendment to remove the phrase from Practice Direction No. 9.

Supporting Documents:

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

MOTION FOR CONSIDERATION:

THAT the Toronto Local Appeal Body adopt Practice Direction #9 attached as item No. 49.2 to the March 28, 2025 Business Meeting Agenda, as amended, and upload the Practice Direction to the Toronto Local Appeal Body website.

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

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	-
<i>John Tassiopoulos</i>	Y
<i>Carissa Wong</i>	-
<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>	n/a
<i>Brian Gallagher</i>	Y

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.”

Chair Lombardi presented a proposed revision to the definition of “Affidavit” as part of broader efforts to improve the Rules of Practice and Procedure. This proposal will clarify that it includes written statements and materials under oath or affirmation, aligning with legal counsel's advice and related rule updates. The change aims to distinguish affidavits from “written evidence,” which is now separately defined as evidence accepted at a hearing. Members discussed the rationale and need for consistency across definitions.

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.

Moved by: Member Mullock, Seconded: Chair Lombardi (Carried)

<i>Dino Lombardi (Chair)</i>	-
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</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>	n/a
<i>Brian Gallagher</i>	Y

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 s. 21(1) 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.

Chair Lombardi noted that meeting minutes have never been signed by the Chair, and signing is unnecessary since adoption by members at the following business meeting confirms their validity. There were no requests to speak on this matter.

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)

Moved by: Member Herscher, Seconded by: Member Mullock (Carried)

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</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>	-
<i>Yeta Herscher</i>	-
<i>Anthony Brown</i>	n/a
<i>Brian Gallagher</i>	Y

49.5 – INFORMATION

TORONTO LOCAL APPEAL BODY CHAIR'S UPDATE

1. Official Plan Amendment 727 & Associated Zoning By-law – Update

Chair Lombardi provided an update on OPA 727, noting that on September 26, 2024, a member of City Planning briefed on policies related to ECON, townhouses, and small apartment buildings in designated neighbourhoods. Both OPA 727 and 608 have been appealed to the Ontario Land Tribunal.

2. Updates to the Toronto Local Appeal Body's Website

Chair Lombardi introduced a new "Practice Directions and Announcements" section on the TLAB website to inform the public without requiring staff to circulate updates. The first announcement, posted March 11, 2025, sets a 30MB limit for document submissions.

Members discussed challenges with large files. It was emphasized that submitters do not need to submit full public documents (e.g., Official Plans, Legislation, Policies) as these are already publicly available online. Member Swinkin asked about breaking large files into volumes; Vice Chair Bassios expressed concern over fragmentation. TLAB Administrative staff confirmed that 30MB accommodates 17,000 pages of text, though photo size varies.

There was consensus on improving the Public Documents section by enhancing its organization, and clarifying that links reference current city versions, not definitive sources. Member Kanter suggested stating that users cannot rely solely on those links, and Chair Lombardi agreed to consider adding a disclaimer.

The website now includes:

- Public Document List
- Governing Legislation
- Chair's Annual Report
- 2025 Business Meeting Schedule

The goal is to improve access, reduce redundant submissions, and promote clarity and discipline in document handling.

3. Adjudicative Screening (pursuant to Rule 9 of the TLAB's Rules of Practice & Procedure)

Chair Lombardi acknowledged that the previous process for appeal screening was not working effectively, prompting the implementation of an updated adjudicative protocol in response to ongoing concerns. Feedback was received from parties, participants, and members who expressed

frustration with the process. To improve efficiency and oversight, Chair Lombardi has taken on the responsibility of reviewing appeals once they are received, transferred to TLAB, and have undergone administrative screening by staff. This will ensure compliance with Rules 9.1 – 9.2 before hearing begin.

4. Member Responsibilities After the Completion of a Hearing – Communication with TLAB Staff

Chair Lombardi reminded members to contact the Case Manager by both email and phone if a hearing is adjourned. Members should provide the Case Manager with updated hearing dates, details on exhibits, whether the presiding member has instructed parties to submit any documents, and relevant deadlines.

MOTION FOR CONSIDERATION:

THAT the Toronto Local Appeal Body received the Chair's update for information purposes.

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

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	-
<i>John Tassiopoulos</i>	-
<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>	n/a
<i>Brian Gallagher</i>	Y

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 s. 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.

Moved by Chair Lombardi, Seconded by Member Wong

<i>Dino Lombardi (Chair)</i>	-
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</i>	Y
<i>Carissa Wong</i>	-
<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>	n/a
<i>Brian Gallagher</i>	Y

Chair Lombardi posed a procedural issue concerning the requirement for the mover and seconder to have their vote recorded. The discussion shifted to redo the recorded vote.

Motion Carried

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</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>	n/a
<i>Brian Gallagher</i>	Y

Vice Chair Bassios raised a point of order, proposed a motion to treat prior votes where the mover and/or seconder did not vote as assent, and Chair Lombardi suggested a precautionary motion.

Moved by: Member Mullock, Seconded by: Member Wong

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</i>	Y
<i>Carissa Wong</i>	Y

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

During the recorded vote, uncertainty was expressed regarding the motion's intent, and a potential process gap for movers/seconders being incorrectly recorded as absent was raised. A deliberation took place regarding the motions, which carried with a majority of affirmative votes and no opposition, prompting Chair Lombardi to seek clarification from City Legal's solicitors. Legal counsel S. Nowoselski confirmed that votes are valid if a quorum is maintained and the majority agrees, even if the mover and/or seconder is absent or votes differently. Clarification was provided that, although most votes are not always recorded individually, there is the option to do so. The recorded vote was recanvassed.

MOTION FOR CONSIDERATION:

THAT those members of the Toronto Local Appeal Body who moved and/or seconded motions for Agenda Items 49.1 through 49.5 whose votes were not recorded are deemed to assent to those items.

Moved by: Member Mullock, Seconded by: Member Wong (Carried)

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

49.6 – INFORMATION

SUPERVISOR'S AND MANAGER'S UPDATE

Summary

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

Manager of Tribunal Operation, B. Halloran, confirmed that applications for the new TLAB Chair are open until March 31, 2025. Chair Lombardi will remain in the role until City Council appoints a successor following the nominating panel's review and recommendation.

Returning to Agenda item 49.7 - EDUCATION AND TRAINING SESSION FOR TORONTO LOCAL APPEAL BODY MEMBERS (In-Camera)

Chair Lombardi requested the recorded vote again.

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.

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

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</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>	n/a
<i>Brian Gallagher</i>	Y

CLOSED SESSION AT 11:46 a.m.

RETURN TO PUBLIC SESSION - ON RECORD

MOTION to return to public session.

Moved by Vice Chair Bassios, Seconded by Member Swinkin (Carried)

<i>Dino Lombardi (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	Y
<i>John Tassiopoulos</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>	n/a
<i>Brian Gallagher</i>	Y

49.8 – CLOSING BUSINESS AND REMARKS

Summary

Toronto Local Appeal Body Chair's Closing Remarks

The next meeting is scheduled for September 2025. This is Chair Lombardi's last meeting as the chair unless there is a special meeting called before May 23, 2025, which is when Council is expected to have a new candidate in front of them.

Motion to Adjourn

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

The vote was not recorded.

ADJOURNMENT, at 2:30 p.m.