

February 5, 2026

Toronto Local Appeal Body Business Meeting No. 51

Meeting Date: Thursday, February 5, 2026, 9:30 a.m.

Location: East York Civic Centre (850 Coxwell Avenue), Council Chambers, and Video Conference (via WebEx).

Toronto Local Appeal Body Chair: Nazila Atarodi-West

Toronto Local Appeal Body Vice Chair: Ana Bassios

Tribunal Secretary/Supervisor of Tribunal Operations: Angelina Grkavac

Contact: 416-392-4697

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This meeting of the Toronto Local Appeal Body was conducted in person and by video conference, and the proceedings of the Toronto Local Appeal Body Tribunal were conducted publicly.

The Members of the Toronto Local Appeal Body listed below for this meeting participated in-person and video conference, and were counted for the purposes of quorum.

Toronto Local Appeal Body Panel Members

- Nazila Atarodi-West (Chair)
- Ana Bassios (Vice-Chair)
- Carissa Wong
- Gerald Swinkin
- Ron Kanter
- Trevor Kezwer
- Anthony Brown
- Brian Gallagher
- Yeta Herscher
- Bruce Mullock

Regrets: John Tassiopoulos

Guest Attendees:

Scott Nowoselski, Solicitor, Legal Services

Allyson Amster, Solicitor, Legal Services

51.01 – TORONTO LOCAL APPEAL BODY CHAIR’S OPENING REMARKS

Toronto Local Appeal Body Chair’s call to order at 9:46 a.m.

Public Deputation by Oral or Written Submissions:

The Chair inquired whether any oral or written public deputations had been submitted; none were received.

Land Acknowledgement for Toronto:

The Chair acknowledged that Toronto Local Appeal Body was meeting on 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. The Chair also acknowledged that Toronto is covered by Treaty 13 with the Mississaugas of the Credit.

Confirmation of Minutes:

The Toronto Local Appeal Body adopted minutes of the September 26, 2025, Public Business Meeting, and approved that the minutes be posted on Toronto Local Appeal Body’s website.

1. Motion to Adopt Minutes moved by Member Kanter, Seconded by Member Mullock (*Carried*)

<i>Nazila Atarodi-West (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</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*:

The Chair called for declarations of interest. None were declared.

51.02 – ELECTION OF THE TORONTO LOCAL APPEAL BODY VICE-CHAIR

ACTION

Summary

In accordance with Section 7 of the Toronto Local Appeal Body By-law No. 1-2017, and Toronto Local Appeal Body's procedures, the Toronto Local Appeal Body elected a Vice Chair for a term of office ending December 31, 2026.

The Chair opened the floor for nominations for the position of Vice-Chair for a term of office ending December 31, 2026. Member Kanter nominated Member Ana Bassios, Member Bassios accept the nomination. No other nominations were put forward.

The Chair declared Ana Bassios as the Vice-Chair of the Toronto Local Appeal Body.

MOTION:

1. THAT Member Ana Bassios be elected Vice-Chair of the Toronto Local Appeal Body for a term ending on December 31, 2026.

Moved by Member Kanter, Seconded by Member Mullock (**Carried**)

<i>Nazila Atarodi-West (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</i>	N/A
<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

51.03 – 2024 TLAB CHAIR'S ANNUAL REPORT

INFORMATION

Summary

The Toronto Local Appeal Body (TLAB) Chair presented and submitted to City Council, through the Director of Court Services, the report of the operations of the TLAB on an annual basis which provided a summary of the activities of the Tribunal over the past year, 2024. One written submission was received, filed on behalf of the Federation of North Toronto Residents' Associations (FoNTRA).

The Chair presented the 2024 Chair's Annual report to the Council. The Chair advised that City Council adopted the report; however, Councillor Fletcher raised questions and proposed amendments during Council meeting.

Supporting Document:

- 1) [Toronto Local Appeal Body Chair's 2024 Annual Report](#)

51.04 – CONSIDERATION OF 2024 TLAB CHAIR ANNUAL REPORT

INFORMATION

Summary

Toronto Local Appeal Body Chair provided key updates from City Council's meeting of November 12–13, 2025 meeting. The City's Legal Services confirmed that City Council adopted the 2024 TLAB Annual report.

The TLAB Chair informed TLAB members that she accepted to present Councillors' motion to the TLAB members during this public business meeting to review the TLAB rules and practice directions on document disclosure and consideration of any necessary amendments to ensure fair hearings, while respecting the tribunal independence.

The Chair advised that Council requested two motions: that the Chair review document disclosure rules to ensure fair hearings, and include data on total TLAB hearings by appellant type.

Legal counsel confirmed that these are requests for the Chair's consideration, not binding directions. Legal Counsel clarified that TLAB remains independent and can decide how to respond. The TLAB is an independent tribunal with full authority over its own rules, operations, and decision-making. Council functions as a stakeholder and funder; the Annual Report is the primary channel of dialogue between the Tribunal and Council.

The Toronto Local Appeal Body already has a practice direction in place, No. 7, which governs late filings and came into effect on 15 June 2022. Legal counsel clarified that TLAB remains independent and can decide how to respond

Members discussed concerns regarding document disclosure and the fairness implications of Motion Item No. 1, data gaps with respect to third-party appeals, and changes in caseload the enactment of Bill 23.

Motion No. 1 (Document Disclosure / Fairness).

Member Swinkin inquired as to whether any action is intended with respect to Motion Item No. 1 regarding document disclosure. He noted that, in his assessment, the existing TLAB Rules already require disclosure, and expressed that he was not entirely clear on the nature of the complaint or inquiry that gave rise to Council's request on this matter.

Vice-Chair Bassios noted that this matter is a continuation of concerns raised by Councillor Fletcher during the previous annual report cycle. She further noted that the TLAB Rules had previously been amended to require written authorization for any change of representative, which she identified as the specific concern that

Councillor Fletcher's motion was seeking to address. Vice-Chair Bassios acknowledged that the Rules can always be revisited and reviewed again should members determine that further amendments are warranted. Vice-Chair Bassios further noted that the TLAB Rules are among the most robust and thoroughly scrutinized components of the Tribunal's operations. She suggested that the focus going forward should be directed not at the Rules themselves, but rather at the mechanics of how those Rules are implemented in practice. The Vice-Chair suggested that the Chair's next Annual Report could respond to both Council requests and document any actions taken.

Member Kezwer raised a concern regarding the wording of Motion Item No. 1, specifically the phrase "to ensure fair hearings." He expressed the view that this language carries an implication that the Tribunal's hearings are not presently conducted fairly, which he considered to be an unfair and inaccurate characterization of the Tribunal's operations. Member Kezwer noted that the Tribunal and its members are committed to ensuring that all hearings are conducted fairly and to the highest possible standard. He directed a question to the Chair as to whether there is any appetite among members to formally address and respond to this implication. Legal counsel advised that a future Annual Report would be the most appropriate vehicle for responding to Council's requests, with no obligation to do so but with recognition of Council's role in the administration and financing of the TLAB.

Motion No. 2 (Statistical Data by Appellant Type)

Member Gallagher asked for clarification on what is meant by 'type of application' in Motion Item No. 2. Vice-Chair Bassios observed that, following the elimination of third-party appeal rights, only two categories of appellants now exist — a public body or the owner/applicant — and that these are the two exclusive categories. She noted that the data requested by Council is substantially already captured in the existing statistics, as the hearing data already reflects how many appeals were initiated by the City of Toronto and how many were initiated by the applicant. Vice-Chair Bassios further noted that the underlying concern is that third parties no longer have standing to appeal, and that Council is effectively seeking a formal confirmation of that fact through the data.

Manager of Court Operations confirmed that staff are working to compile historical data as far back as records permit for inclusion in future Annual Reports.

Supporting Document(s):

- 1) Motion (PH25.9), <https://secure.toronto.ca/council/agenda-item.do?item=2025.PH25.9>
- 2) [Toronto Local Appeal Body – Practice Directions and Announcements – City of Toronto](#)

51.05 – CONSIDERATION OF 2024 TLAB CHAIR'S ANNUAL REPORT: FoNTRA CORRESPONDENCE

INFORMATION

Summary

The Toronto Local Appeal Body Chair reviewed comments submitted on behalf of the Federation of North Toronto Residents' Association regarding the 2024 Annual Report, including constructive recommendations

on expanded reporting of appeal participants and outcomes, resident access and operational matters, reconsideration of in-person hearings, and the timing of the Chair's Annual Report.

The Federation of North Toronto Residents' Associations (FoNTRA) supporting document highlighted trends of interest: who is making appeals and how these have changed over time, given that third parties can no longer appeal Committee of Adjustment decisions, as well as the outcomes of these appeals. It also included recommendations on operational issues raised by residents and users, and measures to improve resident access to TLAB, including consideration of in-person hearings due to reduced appeal rights and potential impacts on neighbours.

Staff will compile additional statistics, to the extent that the data is available, and the Chair will bring forward a proposal for members' consideration at the next meeting.

Supporting Document:

- 1) <https://www.toronto.ca/legdocs/mmis/2025/ph/comm/communicationfile-197452.pdf>

Motion to Recess moved by Chair Atarodi-West.

51.06 – PROPOSAL TO AMEND CITATIONS IN DECISION TEMPLATE

ACTION

Summary

The Toronto Local Appeal Body to revisit the decision style template (citation) to explore the preferred or best approach.

Member Herscher introduced a proposal to amend the statutory citations in the TLAB Decision Template (Form 2 — Notice of Hearing Template and Decision Template) to correct inaccurate and unnecessarily broad references to the *Planning Act*.

A suggestion was also made to use italics for statute names as the proper legal citation style, alongside a note that accessibility implications of italics should be reviewed.

Supporting Document(s):

1. Form 2 - Notice of Hearing Template
2. Decision Template

MOTION to Consider:

1. THAT the description in the decision template that reads PROCEEDING COMMENCED UNDER be amended to read, as the case may be:

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act R.S.O. 1990, c. P.13*, as amended

OR

Moved by Member Herscher; Seconded by Member Gallagher (***Carried***)

<i>Nazila Atarodi-West (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</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

51.07 – SUPERVISOR AND MANAGER’S UPDATE

INFORMATION

Summary

Tribunals, Local Appeal Body Supervisor and Court Operations, Tribunals, Manager provided administrative updates.

1. Public Appointments Office Follow-Up

- Manager of Court Services met with the Public Appointments Office. Recruitment for new member terms will be conducted this year, before the municipal election, with Council expected to receive recommendations in July 2026.
- Four members have terms expiring in 2026: Member Wong and Member Swinkin (March), Member Kanter and Member Kezwer (June).
- One position will be eliminated through attrition to reduce the complement to 10 members, as previously directed by City Council.

Members whose terms expire will continue to serve until the recruitment process is completed and successors are appointed

2. Administrative Matters

- **City Laptops:** The Supervisor, Tribunal Operations, advised that all members who requested a City laptop have received one, with the exception of one member still in the process of connecting with Court Systems.
- **Shared Drive Access:** Members still do not have access to shared drive access. Staff committed to following up within two weeks.
- **Printing:** City laptops cannot be connected to personal printers. All printing must be conducted through City-approved printers programmed by Court Systems to members’ laptop. Members may use

printers at 40 Orchard View and East York Civic Centre. Staff are available upon request at the Tribunal office, East York Civic centre. Members are encouraged to contact staff in advance to confirm availability. Members may submit documents to staff by email for printing, and staff will advise members of the appropriate pickup arrangements thereafter.

- **City Email Accounts:** All City email accounts were activated in September and December 2025. Accounts automatically deactivate if not regularly accessed; members should log in regularly to prevent deactivation.
- **Appointment with Court System:** Members must make appointments with Court Systems rather than attending without notice, as walk-in assistance cannot be guaranteed and cannot be fully accommodated. Making appointment is to ensure access to the office and ensure tech services to be provided to you. This is a request for all tribunals.
- **Access Cards:** Management of Court Services submitted the request for all access cards and are awaiting a response. Once the access cards are activated, a new form will be required to be signed.
- Only the Chair's access card has been processed to date with full access to the office at 40 Orchard View. All other panel members have not yet received their access cards, as the required forms are pending the signatures. It is noted that the access cards are valid for the office at 40 Orchard View only, and do not provide access to the City Hall.
- The Chair noted that the only access card in her possession was issued during her previous role as a Committee of Adjustment member, which has since been deactivated. The Chair confirmed that she has not yet received a new access card for her current role as a TLAB Chair.
- It was confirmed that the access card process has been completed and advised that the face plate on the existing card will most likely be replaced. Members were further advised that, following a meeting with the Supervisor of Corporate Security, responsiveness has since improved. Notwithstanding prior requests, management will resubmit the request if necessary. The pickup location for the access cards is anticipated to be at City Hall, pending confirmation, and members will be notified accordingly.
- **Signature Forms for Access Cards:** The signature forms for permanent access cards have been prepared and are ready for signing. Tribunal staff require each member's signature in order to process their permanent access card. They will circulate the forms to all remaining members immediately.
- **Temporary Access Cards:** Manager of Court Services met with the Supervisor of Corporate Security and requested that temporary access cards be issued on site for members who attend the office without their permanent access card. The Supervisor of Corporate Security confirmed that temporary cards will be issued to on-site security accordingly.
- **Zoom Licences:** Zoom licences have been procured. The City is transitioning completely from WebEx to Zoom, with the transition expected to take place in late spring or summer 2026 for both day-to-day meetings and hearings, including TLAB hearings. Training and reference materials will be provided, and on-site training can be arranged for members who require assistance with the transition.
- **Adobe Acrobat Licences:** The procurement of Adobe Acrobat licences remains outstanding and was not completed by the end of last year. It was noted that this delay is not exclusive to TLAB, as a number of other tribunals are also awaiting their licences. Members were advised that they are following up on the matter and will endeavour to provide an update to the Chair at the latest by the next meeting.
- **Mobile Projector and Mobile Recorder:** Members were advised that the procurement of a mobile projector and mobile recorder has been requested and remains outstanding. The purpose-built hardware is intended to support hybrid hearings and will provide a smoother hybrid experience,

including improved camera quality for members appearing remotely. The hardware is expected to be procured and in place later in 2026.

- **Hybrid Hearing Room at 40 Orchard View:** Members were advised that a test of the hybrid hearing room at 40 Orchard View was successfully conducted, with all systems confirmed to be up and running. Further testing is planned to ensure that all operational needs of the Tribunal are met. Confidence was expressed that the hybrid hearing room will suit the Tribunal's needs. Members assigned to hearings at that location are requested to arrive early in order to familiarize themselves with the process, as the experience will be slightly different for members who are physically present in the room as opposed to those appearing remotely.

3. 2025 Statistics: Hearings Scheduled and Decisions Issued

- In 2025, approximately 74 hearings were scheduled and approximately 85 decisions were issued.
- On average in 2025, approximately 7– 8 hearings are conducted per month. Volume varies; February is typically a busier month.
- These figures are preliminary and will be confirmed in the 2025 Chair's Annual Report, to be presented to members later in 2026.

4. Members' Questions, Comments, and Clarifications to Supervisor's and Manager's Update

- Member Gallagher asked the Management of Tribunals to confirm the names of the members whose terms are expiring this year.
- Member Swinkin asked whether a member's appointment ends on a specific date or continues until a successor is appointed. It was confirmed that the appointment continues until a successor is appointed — except in the case of the one position being eliminated, where the member's standing will be terminated at the end of their term.
- Member Swinkin questioned whether one member's position would simply be eliminated at the end of their term, noting that the two previous members (Member Yao and Member Makuch) had voluntarily retired. It was clarified that, in line with Council's direction to reduce the complement, their terms were terminated — not voluntary retirements.
- Member Swinkin noted that he and Member Wong were appointed at the same time, and questioned whose position would be eliminated, given there is no guidance on this. It was confirmed this will be determined once recruitment is complete in July.
- He confirmed he does not intend to retire and understands he will remain an active member until the recruitment process is complete.
- Member Swinkin asked about the criteria for reappointment and the application process.
- Member Herscher asked whether the recruitment for the March and June vacancies would be conducted as one consolidated hiring process. It was confirmed it would be conducted as a single recruitment.
- Member Wong asked about the criteria by which the nominating panel makes its decisions, and how members can access more information about the application process. Members were directed to the Public Appointments website and noted that the Toronto Local Appeal Body Nominating Panel page on the city website outlines the process and criteria.
- Vice-Chair Bassios clarified that after member's term expire, the process is not an automatic reappointment. All members must re-apply.

- Vice-Chair noted that while it is common for members to seek and receive reappointment, but it is not guaranteed. Any member wishing to continue must go through the competitive process again. The three vacancies are open to all applicants, including returning members.
- The appointment process is open and competitive, administered by the TLAB Nominating Panel through the Public Appointments Office. The appointment criteria and the process are publicly available on the Public Appointments Office website under Toronto Local Appeal Body.
- The Chair recommended that members contact the Public Appointments Office directly for further information regarding the reappointment process. Members who are seeking reappointment were advised to register on the Public Appointments website, as it will send email notifications for all upcoming public appointment opportunities.
- It was confirmed that the TLAB Chair and panel members are not involved in the hiring and selection process. The nominating panel and the Public Appointments Office handle the recruitment independently, and recommendations go directly to Council.

51.08 – PROPOSED 2026 PUBLIC BUSINESS MEETING DATES

ACTION

Summary

Toronto Local Appeal Body reviewed proposed Public Business Meeting dates for 2026:

- Tuesday, May 12, 2026, or
Friday May 15, 2026
- Tuesday, September 15, 2026, or
Friday, September 18, 2026
- Tuesday, December 08, 2026, or
Friday, December 11, 2026

A preference to move Public Business Meetings from Tuesdays to Fridays was raised by a member, prompting discussion regarding the alignment of meeting schedules with member availability. It was requested that member availability be canvassed directly, rather than relying solely on monthly availability sheets, administrative support schedules, or meeting room availability, before setting future Public Business Meeting dates. It was agreed that administrative support staff would circulate an individual availability request to all members for future Public Business Meeting dates and confirm the selected dates accordingly.

Member Kanter proposed new business item to discuss the ongoing litigation, with a suggestion to move discussion in-camera. It was confirmed by City’s legal counsel that this can be decided during the meeting without prior notice.

Ruling

The Chair ruled to recess the meeting for lunch and determined that the new business item would be considered after the remaining in-camera agenda items.

51.06 – PROPOSAL TO AMEND CITATIONS IN DECISION TEMPLATE - RECALLED

ACTION

Summary

Item 51.06 was recalled for further consideration. Member Herscher requested the addition of a third option to the previously adopted motion in order to address combined hearings where both a Minor Variance application and a Consent to Sever application are before the Tribunal in the same proceeding.

MOTION TO RECONSIDER to revisit Agenda Item #51.06 for the purpose of amending the previously carried motion.

Moved by Vice Chair Bassios; Seconded by Member Gallaughner (**Carried**)

<i>Nazila Atarodi-West (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</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 Gallaughner</i>	Y

MOTION TO AMEND the previous motion under this item was proposed and considered as follows:

1. THAT the description in the decision template that reads PROCEEDING COMMENCED UNDER be amended to read, as the case may be:

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act R.S.O. 1990, c. P.13*, as amended
OR

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act R.S.O. 1990, c. P.13*, as amended
OR

PROCEEDINGS COMMENCED UNDER subsection 45(12) and subsection 53(19) of the *Planning Act R.S.O. 1990, c. P.13*, as amended

Moved by Member Herscher; Seconded by Member Gallaughner (**Carried**)

<i>Nazila Atarodi-West (Chair)</i>	Y
<i>Ana Bassios (Vice-Chair)</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

Motion to Recess until 12:30 p.m. moved by Chair Atarodi-West

Motion to Reconvene in Public Session moved by Chair Atarodi-West

At 12:32 p.m. - That the Toronto Local Appeal Body reconvene in public session.

Motion to Introduce New Business and Meet in Camera

Moved by Vice Chair Bassios; Seconded by Chair Atarodi-West ***(Carried)***

1. THAT the Toronto Local Appeal Body be permitted to introduce a new agenda item to today's meeting concerning ongoing litigation update, and meet in-camera after the remaining in-camera agenda items.

Motion to Moved into Closed Session for Agenda Items 51.09, 51.10 and New Business Item 51.12.

Moved by Chair Atarodi-West; Seconded by Member Mullock ***(Carried)***

51.09 – EDUCATION OR TRAINING SESSION FOR TORONTO LOCAL APPEAL BODY MEMBERS (In-Camera)

PRESENTATION

Summary

At 12:35 p.m., The Toronto Local Appeal Body recessed its Public Meeting and moved into closed session to receive a multiplex planning permissions presentation for Member education and training, in accordance with Section 11(1)(f) of Procedure By-law 1-2017. The professional development of Members is an ongoing component of Tribunal operations, typically conducted annually or as deemed necessary by the Chair.

51.10 – UPDATE ON RECENT LEGISLATIVE CHANGES FOR TORONTO LOCAL APPEAL BODY MEMBERS (In-Camera)

PRESENTATION

Summary

The Toronto Local Appeal Body continued its Public Meeting in closed session to receive a presentation from Member Swinkin regarding an update on recent legislative changes, as permitted by Section 11(1)(g) of the Toronto Local Appeal Body's Procedure By-law 1-2017.

51.12 – NEW BUSINESS – ONGOING LITIGATION UPDATE (In-Camera)

INFORMATION

Summary

The Toronto Local Appeal Body continued its Public Meeting in closed session to discuss the ongoing litigation. It was clarified that this can be decided during the meeting without prior notice. The new business item is recorded as Agenda Item 51.12 in the Public Business Meeting minutes.

Motion to Reconvene in Public Session

Moved by Vice Chair Bassios, Seconded by Member Kanter (***Carried***)

At 3:09 p.m. - That the Toronto Local Appeal Body reconvene in public session.

51.11 – CLOSING BUSINESS AND REMARKS

Summary

The Chair asked the Supervisor to canvass members by email for agreed dates for the next business meeting.

Motion to Adjourn Meeting

Moved by Member Gallagher, Seconded by Member Kanter (***Carried***)

Adjourned: 3:10 p.m.

This meeting is open to the public pursuant to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, s. 9(1), and in accordance with *The City of Toronto Act, 2006*, as amended, Toronto Municipal Code, Chapter 545, 545-3 and Chapter 546.