

Committee of Adjustment update on KPMG recommendations

Recommendation 2.1.1: Collaborate with Planning Services to standardize commenting process and stream complex applications – In March 2024, the Development Review All Wards (“DRAW”) team was created within Planning Services. Within this team, five Planner 1s and two Engineers in Training (EITs) work fully on Committee of Adjustment applications. These staff are supported by two senior planners, one senior engineer, and one manager in the DRAW team. Committee staff continue to work with Planning Services to further standardize the wording of the City’s requested conditions.

Recommendation 2.1.2: Provide applicants, panelists, and members of the public with sufficient time to review and inquire about staff reports prior to a public hearing – The Committee has been working with Planning Services to ensure that planning reports are filed with the Committee no later than five days before the hearings. To assist in meeting this deadline, Committee staff have prioritized sharing application information as soon as possible during the intake process. The Committee publishes panel agendas, application documents and issued decisions on eScribe. Since 2023, the list of application documents published online has expanded to include proposal cover letters/planning rationales, plans, tree information, hearing notices, circulation maps, and City planning reports.

Recommendation 2.1.3: Implement a more rigorous review for completeness at application intake – Committee staff continue to work with applicants to ensure applications are complete before scheduling a hearing. This includes encouraging applicants to consult with the City’s Planning Services before filing an application.

Recommendation 2.1.4: Build on existing engagement with community associations and industry representatives outside of the hearing process – Committee staff are reviewing options to pursue following the adoption of the 2022-2026 Mid-Term Governance Review.

Recommendation 2.2.1: Increase the Committee’s strategic and operational capacity – To address internal capacity challenges, Council approved as part of the 2023 Budget, the addition of two new recommended FTE positions (100% cost-recovered from application fees), namely a third Deputy Secretary-Treasurer and a Digital Services Officer. The Committee will continue to monitor application volume and staff workload and bring forward recommendations, as necessary, for the addition of a Senior Coordinator position.

Recommendation 2.2.2: Empowering Committee leadership by increasing authorities and formalizing reporting relationships – To address the misalignment of

management authorities, a job evaluation of the Secretary-Treasurer and Deputy Secretary-Treasurer positions is currently underway, conducted by the City's Human Resources. Staff believe this process and any other necessary by-law or policy updates should address this matter. The adoption of Terms of Reference by Council through the 2022-2026 Mid-Term Governance Review will also address formalizing reporting relationships.

Recommendation 2.2.3: Consider creating a reserve fund to support long-term initiatives and Committee service delivery improvements – The Committee will continue to monitor application volume and service delivery improvement opportunities, and bring forward recommendations, as necessary, to create a reserve fund to support long-term initiatives.

Recommendation 2.2.4: Consider introducing a fourth panel to address increasing and uneven applications volumes – The Committee will continue to monitor application volume and panel workload and bring forward recommendations, as necessary, for the creation of a fourth panel.

Recommendation 2.3.1: Create and refresh training and orientation materials for Committee staff – Training manuals for the Coordinator and Documents Approval Clerk positions were updated in 2023. A manual for the new Digital Services Officer position was created in summer 2024.

Recommendation 2.3.2: Create and refresh training and orientation materials for panelists – In preparation for new panelists for the 2022-2026 Term of Council, Committee staff created and updated training and orientation materials. In partnership with the [Society of Ontario Adjudicators and Regulators](#) (SOAR), Committee staff provided training in adjudication essentials tailored specifically to the Committee of Adjustment. SOAR is also approved as an accredited provider for professionalism content by the Law Society of Ontario. Training ensured that hearing panels understand the legal framework in which their work is carried out, including:

- The nature of adjudicative decision-making
- Key principles of administrative law
- Procedural fairness requirements
- The requirement for independent and impartial decision-making
- The duty to give reasons
- As well, the training reviewed the role of adjudicators in conducting a hearing, and provide practical skills-based learning around all aspects of a contested hearing, including:
 - Opening a hearing

- Receiving evidence (documentary and oral)
- Managing the hearing, including objections, rulings, managing counsel and self-represented parties
- Closing the hearing

This training session was delivered in person on May 31 and June 1, 2023, by Susan Opler who has taught trial advocacy at both the University of Toronto and Osgoode Hall law schools. She was the lead instructor of the SOAR/Osgoode adjudicator training program for over a decade and has taught judges, justices of the peace, adjudicators, and other decision-makers on various topics, in Canada and internationally.

As part of their enhanced adjudication training, panelists also received a copy of SOAR's *A Manual for Ontario Adjudicators*.

In addition to adjudication training, panelists have received periodic training and presentations on various topics during the last two years:

April 28, 2023:

- Introduction to the Committee of Adjustment (presented by Michel Bellemare, Secretary-Treasurer)
- Member Code of Conduct and *Municipal Conflict of Interest Act* (presented by Tyler Cox, Manager, Legislative Services and Karen Shepherd, Integrity Commissioner)
- Provincial Policy Statement and Official Plan (presented by Royce Fu, Manager, Policy Planning)
- Comprehensive Zoning By-Law and Impact of Provincial Changes - Bill 23 (presented by David Wise, Dir., Econ. Dev. & Long Range Planning, Jeff Nadeau, City Planner and Carol Ruddy, Manager, Zoning & Intensification)
- Provisional Consent: City-requested conditions (presented by Garrett Schromm, Associate Legal Counsel)
- Tree Protection By-law (presented by Martha Copestake, Senior Planning Forester, Nancy Young, Planning Forester and Hayley Murray, Planning Forester)

August 28, 2023:

- Provincial Changes – Bill 109 (presented by Emily Davies, Manager, Strategic Projects)
- Comprehensive Zoning By-law and Impact of Provincial Changes (presented by Carol Ruddy, Manager, Zoning & Intensification and Jeff Nadeau, City Planner)

November 29, 2023:

- Comprehensive Zoning By-law and Streetscape Character Analysis (presented by Carol Ruddy, Manager, Zoning & Intensification, Jeff Nadeau, City Planner and Robert Sandercott, City Planner)
- Tree Protection Conditions (presented by Nancy Young, Planning Forester)

March 13, 2024:

- Permission Applications and City Requested Conditions of approval (presented by Garrett Schromm, Associate Legal Counsel)

May 29, 2024:

- Update on the New Zoning By-law – Draft 1 (presented by Carol Ruddy, Acting Manager, Zoning Unit)

October 30, 2024:

- Ontario Land Tribunal (presented by Bruce Krushelnicki, co-author, [*A Practical Guide to the Ontario Land Tribunal, 3rd edition*](#), former Member, Ontario Municipal Board and former Executive Chair, Environment and Land Tribunals Ontario.

Recommendation 2.3.3: Modify panelist appointment selection criteria and/or process – As noted in the transmittal letter, the Committee of Adjustment obtained preliminary organizational review recommendations in advance of the City’s recruitment process to establish panel composition requirements and to expand the qualifications, knowledge, and experience of future panelists. The Committee of Adjustment worked with the City Clerk’s Office to highlight expanded recruitment requirements, including:

- A strong interest in the complexities and challenges of city building.
- An understanding of the diverse neighbourhoods and communities across the City.
- Adjudication experience.
- Knowledge in one or more areas of administrative or planning law, urban planning, architecture, community development, land development or environmental planning.
- Bilingualism and a professional designation are considered an asset for each Panel.

Effective May 25, 2023, panelists were appointed for the 2022-2026 Term of Council.

Recommendation 2.4.1: Create and refresh applicant-and public-facing information – In 2023, the Committee developed and launched a new webpages format

with updated content and additional guidance for applicants and the public. The Committee also launched new application forms for [minor variance/permission](#) and [consent/severance](#), plus a new [Schedule A: Rural Consent Additional Application Information](#). The new forms improve readability with clearer language and a larger font size while also reducing the total number of pages by consolidating sections.

Recommendation 2.4.2: Eliminate evening hearings – The Committee has conducted all hearings during the daytime since the panels were reconstituted in June 2023.

Recommendation 2.4.3: Standardize approaches to agenda management across all panels including adjournments, the use of consent agendas – In conjunction with the reconstituted panels in June 2023, the Committee introduced a new Panel Chair hearings script that includes a fast-track consent agenda for unopposed applications that has proven effective in standardizing agenda management across all panels.

Recommendation 2.4.4: Continue to develop plain language written rationale and detailed oral reasons for decisions – The Committee updated its decision templates in 2023 to improve readability of written reasons and to better highlight statutory criteria and evidence considered. As for providing detailed oral reasons, best practice is for panelists to reserve their decision to deliberate in private after the public hearing, as permitted under subsection 45(6) of the *Planning Act* and subsection 239(2)(g) of the *Municipal Act*, and in accordance with the principle of deliberative secrecy, a core component of adjudicative independence that applies to both quasi-judicial tribunals and the courts.

Recommendation 2.5.1: Use of the Land Management Solution (LMS) software to digitize Committee operations – Phase 2 of the City's Land Management Solution (LMS) software project is expected to include Committee of Adjustment applications.

Recommendation 2.5.2: Develop and implement a performance management framework by tracking key performance indicators – The Committee transitioned to SharePoint in 2023, augmenting digital search capabilities and data sharing with the City's Planning, Development and Building Services department who, in turn, provides the Province of Ontario with quarterly updates relating to applications received by the Committee, including file number, property address and postal code, date submitted, status (granted or refused), date of decision, if appealed and date of appeal.