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Ref.: 19-PH2.6**

March 4, 2019

GREATER GOLDEN HORSESHOE MUNICIPALITIES:**Subject: Planning and Housing Committee Item 2.6
Providing Certainty in the Planning Appeals Process: Clearing the Backlog
at the Local Planning Appeal Tribunal (Ward All)**

City Council on February 26, 2019, adopted this item as amended, and in so doing, has:

1. Requested the Government of Ontario to increase funding for the Local Planning Appeal Tribunal in order for Tribunals Ontario to appoint a team of temporary (and possibly permanent) adjudicators, mediators and other staff necessary to alleviate the current backlog of hearings, and in particular hearings intended to adjudicate major policy matters and development applications that would result in the delivery of housing units to the City.
2. Advised the Ministry of Municipal Affairs and Housing that the City objects to the closure of the Local Planning Appeal Support Centre.
3. Requested the Local Planning Appeal Tribunal to give priority to the City of Toronto's municipal comprehensive review policy hearings and to concluding the adjudication process with regard to the City's comprehensive Zoning By-law, in order to bring into force an enabling up-to-date municipal Official Plan Policy and implementation framework which will then assist Local Planning Appeal Tribunal adjudicators in their adjudication of site or area specific planning applications and would enable the City to advance additional area specific zoning frameworks to implement new official plan policies.

A handwritten signature in black ink, appearing to be "M. Toft", written over a horizontal line.
for City Clerk

M. Toft/wg

Attachment

Sent to: Premier, Province of Ontario
Leader, New Democratic Party of Ontario, Province of Ontario
Leader, Green Party of Ontario, Province of Ontario
Interim Leader, Ontario Liberal Party, Province of Ontario
Attorney General, Province of Ontario
Minister of Municipal Affairs and Housing, Province of Ontario
Greater Golden Horseshoe Municipalities
Local Planning Appeal Tribunal

c. City Manager

Planning and Housing Committee

PH2.6		Amended		Ward: All
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Providing Certainty in the Planning Appeals Process: Clearing the Backlog at the Local Planning Appeal Tribunal

City Council Decision

City Council on February 26, 2019, adopted the following:

1. City Council request the Government of Ontario to increase funding for the Local Planning Appeal Tribunal in order for Tribunals Ontario to appoint a team of temporary (and possibly permanent) adjudicators, mediators and other staff necessary to alleviate the current backlog of hearings, and in particular hearings intended to adjudicate major policy matters and development applications that would result in the delivery of housing units to the City.
2. City Council advise the Ministry of Municipal Affairs and Housing that the City objects to the closure of the Local Planning Appeal Support Centre.
3. City Council request the Local Planning Appeal Tribunal to give priority to the City of Toronto's municipal comprehensive review policy hearings and to concluding the adjudication process with regard to the City's comprehensive Zoning By-law, in order to bring into force an enabling up-to-date municipal Official Plan Policy and implementation framework which will then assist Local Planning Appeal Tribunal adjudicators in their adjudication of site or area specific planning applications and would enable the City to advance additional area specific zoning frameworks to implement new official plan policies.
4. City Council direct the City Clerk to distribute City Council's request to adequately fund the Local Planning Appeal Tribunal to the Minister of Municipal Affairs and Housing, the Attorney General, the leaders of all parties represented in the Ontario Legislature, and to the Councils of municipalities within the Greater Golden Horseshoe.

Committee Recommendations

The Planning and Housing Committee recommends that:

1. City Council request the Government of Ontario to increase funding for the Local Planning Appeal Tribunal (LPAT) in order for Tribunal Ontario to appoint a team of temporary (and possibly permanent) adjudicators, mediators and other staff, necessary to alleviate the current backlog of hearings, and in particular hearings intended to adjudicate major policy matters and development applications that would result in the delivery of housing units to the City.
2. City Council request the Local Planning Appeal Tribunal (LPAT) to give priority to the City of Toronto's municipal conformity review (MCR) policy hearings and to concluding the

adjudication process with regard to the City's comprehensive zoning by-law, in order to bring into force an enabling "up-to-date" municipal official plan policy and implementation framework which will then assist LPAT adjudicators in their adjudication of site or area specific planning applications and would enable the City to advance additional area specific zoning frameworks to implement new official plan policies.

3. City Council direct the City Clerk to distribute City Council's request to adequately fund the Local Planning Appeal Tribunal (LPAT) to the Minister of Municipal Affairs and Housing, the Attorney General, the leaders of all parties represented in the Ontario Legislature, and to the Councils of municipalities within the Greater Golden Horseshoe.

Origin

(February 11, 2019) Letter from Councillor Ana Bailão

Summary

Housing supply is a concern for the City of Toronto. Ongoing challenges in bringing housing to market is one of the challenges in a complex housing supply chain. Submission of complete applications, municipal approvals, provincial approvals, housing type and demand, financing, land and construction costs, and availability of labour are factors impacting housing supply. As a result, collectively we need to make adjustments within the chain and properly resource all parts of the supply chain.

Part of the process also entails unlocking potential supply that is before the Local Planning Appeal Tribunal (LPAT) due to appeals by one party or another. Resource challenges also impact the LPAT as is demonstrated by the number of matters awaiting a hearing.

Over the five-year period of 2013 to 2017, there were 146,181 residential units in development proposals under review by the City of Toronto. This includes over 30,000 residential units, in well over 100 rezoning applications, that have been appealed to the Local Planning Appeal Tribunal (LPAT) and for which a Decision has not yet been recorded. The appealed development proposals represent a significant portion of the City's potential housing supply.

In the absence of adding more adjudicators and mediators, a backlog of appealed matters awaiting hearings has been created impacting the potential supply of housing. Increasing the number of mediators and adjudicators would streamline the outcomes where a matter has been appealed by either the applicant or a third party and enable a more proactive approach to bringing housing supply to market. The addition of additional mediators has the potential to significantly reduce hearing times if a settlement is achieved. This would provide the opportunity to put proposals back on track and enable the development community to market, finance and construct new housing supply.

Delays in receiving hearing dates have always been a frustrating issue for the City of Toronto. The backlog has increased even more since new planning legislation (Bill 139) and its transition regulations came into play in mid-2018. These regulations require the LPAT to operate under two appeal systems, the old (OMB) system (which applies to certain appeals that were in play prior to the proclamation of Bill 139) and the new LPAT system. By way of example, Official Amendment No. 231, the Official Plan of the City of Toronto with respect to the Economic Health Policies and the Policies, Designations and Mapping for Employment Areas and the City of Toronto's Comprehensive Zoning By-law 569 – 2013 have both been under adjudication before the OMB/LPAT since 2013.

This backlog of hearings on policy matters and their implementing tools (zoning by-laws), creates uncertainty in the market and results in applicants appealing applications in the absence

of an approved policy and policy implementation framework.

Addressing the backlog for appeals relating to the old and the new system, may be the best tool the Government has to more rapidly bring more housing supply to market and provide certainty in the planning appeals process.

Background Information (Committee)

(February 11, 2019) Letter from Councillor Ana Bailão on Providing Certainty in the Planning Appeals Process: Clearing the Backlog at the Local Planning Appeal Tribunal
(<http://www.toronto.ca/legdocs/mmis/2019/ph/bgrd/backgroundfile-126606.pdf>)

Communications (City Council)

(February 22, 2019) Letter from Martin Gerwin and Judith Rutledge, Co-Chairs, Steering Committee, Mimico Lakeshore Community Network (CC.Supp.PH2.6.1)
(<http://www.toronto.ca/legdocs/mmis/2019/cc/comm/communicationfile-91669.pdf>)

(February 26, 2019) Letter from Lenka Holubec on behalf of ProtectNatureTO (CC.New.PH2.6.2)
(<http://www.toronto.ca/legdocs/mmis/2019/cc/comm/communicationfile-91748.pdf>)