



15 April 2016

VIA E-MAIL: mmeilleur.mpp@liberal.ola.org

The Honourable Madeleine Meilleur
Attorney General
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto Ontario M7A 2S9

City of Toronto: Funding of Local Appeal Body (“LAB”)

Dear Minister Meilleur:

The *Federation of North Toronto Residents Associations* (“FoNTRA”) is an umbrella organization representing over 30 residents’ associations in central Toronto engaged in public policy debates on planning and development issues that directly affect our member organizations.

In light of your explicit mandate of “*continuing to focus on the delivery of legislative and systemic initiatives that promote fairness and access to our justice system for Ontarians*” and of “*supporting the Ministry of Municipal Affairs and Housing in reviewing the scope and effectiveness of the Ontario Municipal Board and in recommending possible reforms to improve its role within the broader land use planning system*” (Mandate Letter of 25 September 2014), FoNTRA brings to your attention some concerns regarding the fairness and access of Toronto residents to services traditionally provided by the Ontario Municipal Board (“OMB”), as follows:

1. **LAB Appeal Fee:** On 01 April 2016, Toronto City Council adopted the establishment of a *Local Appeal Body* (“LAB”), pursuant to the provisions of the *City of Toronto Act 2006*, with the authority to hear appeals from Committee of Adjustment decisions on Minor Variances and Consents. It approved a \$300 appeal fee per appellant per hearing while earlier proposals, aimed at full cost recovery, suggested even much higher fees.
2. **OMB Caseload Reduction:** According to the latest *Annual Report of Environment and Land Tribunals* available to the public (2012-2013), of the total number of Appeals and Applications received by the OMB between 2010 and 2013 of 1,705, 48% related to Committee of Adjustment appeals (581 Minor Variances and 231 Consents). Furthermore, 32% of the OMB’s file intake in 2012-2013 originated from the City of Toronto. It is fair to say, therefore, that the caseload of the OMB will be significantly reduced and positions to deal with the much lower number of appeals freed up. This will result in major cost savings for the OMB.
3. **Reduced Access to Appeals:** Toronto’s proposed appeal fee of \$300 represents a 140% increase over the current \$125 appeal fee which continues to be applicable across the rest of Ontario. Such an excessive increase would not only erect a serious barrier to access to appeals for ordinary citizens in Toronto, it would create an unfair and unequal two-class system in Ontario.

FoNTRA supports the concept of a LAB subject, however, to maintaining reasonable and equal access. A transfer of authority and responsibility, in the absence of a corresponding transfer of funding, fails to meet the laudable goal of strengthening local decision-making. Accordingly, FoNTRA urges you to ensure that the Province transfers sufficient funds to the City of Toronto in order to guarantee equal access to appeals for all Ontarians.

We thank you for your attention to our concerns and look forward to your response.

Sincerely,

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Hon. Michael Coteau, MPP, Don Valley East
Hon. Eric Hoskins, MPP, St. Paul's
Hon. Glen R. Murray, MPP, Toronto Centre
Hon. David Zimmer, MPP, Willowdale
Mr. Mike Colle, MPP, Eglinton-Lawrence
Dr. Bruce Krushelnicki, Executive Chair, Environment and Land Tribunals Ontario
Mayor John Tory and Toronto City Council
Mr. Peter Wallace, City Manager, City of Toronto
Ms. Anna Kinastowski, City Solicitor, City of Toronto
Ms. Jennifer Keesmaat, Chief Planner & Executive Director, City of Toronto

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of 32 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The 32 residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.