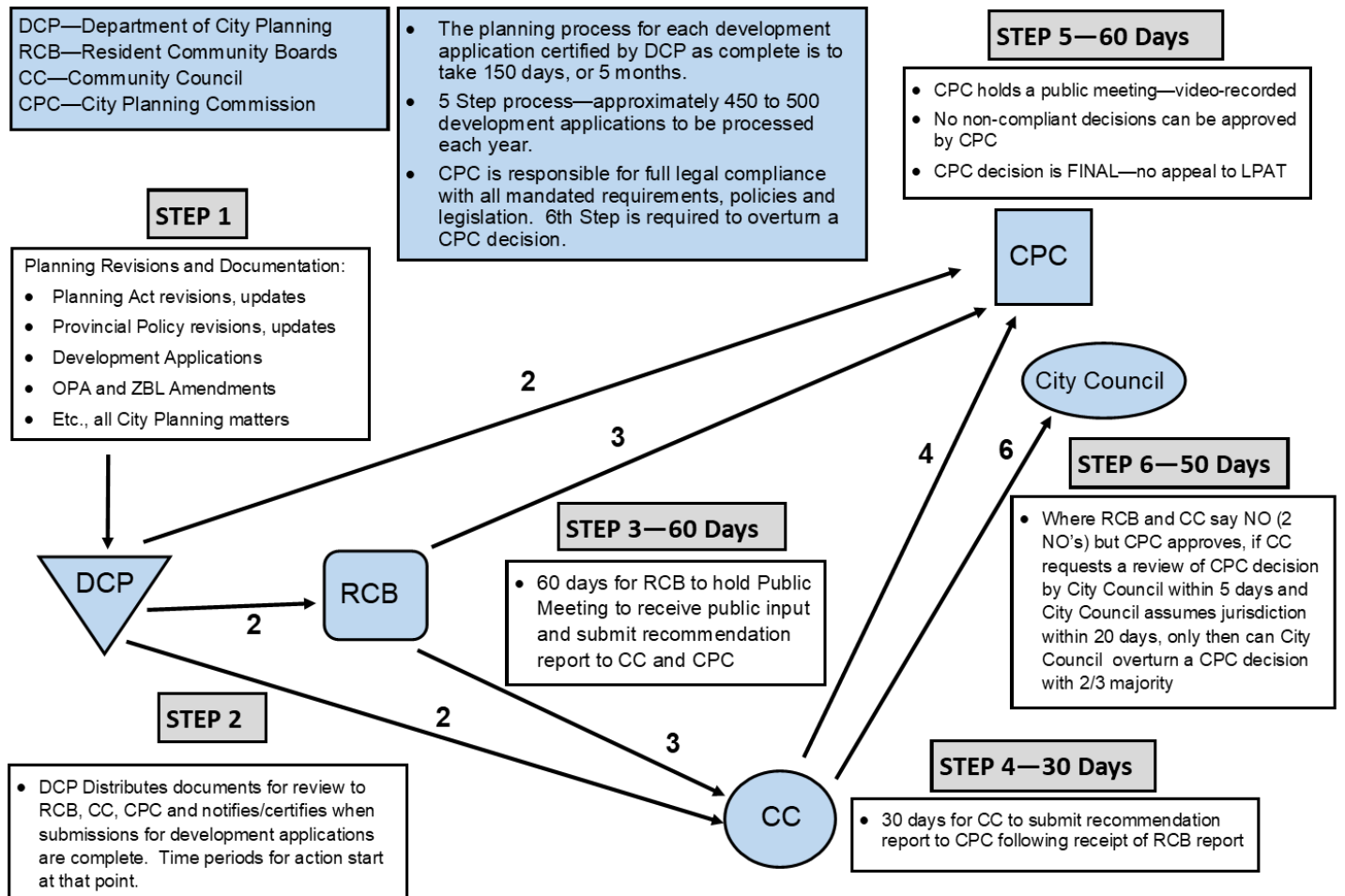


# CITY PLANNING COMMISSION

City of Toronto

Rev. June 24, 2019

## CITY OF TORONTO PLANNING REVIEW FLOW CHART



# **CITY PLANNING COMMISSION (CPC)**

City of Toronto

Rev. June 24, 2019

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## INTRODUCTION – CITY OF TORONTO PLANNING COMMISSION

Planning for the City of Toronto needs expert, independent oversight. The activities of City Planning Staff must be directed and reviewed by an expert, independent, qualified body, whose mandate is protection of the public interest.

Politicians are not experts in planning matters, and are subjected to continuous “lobbying” by parties whose primary interest is profits. This exposes the public interest to potential corruption, together with incompetent planning and a failure of good governance for the residents of the City of Toronto.

The Local Planning Appeal Tribunal (LPAT) constitutes a failed, unfair, outdated component of the City planning process, which favours moneyed Parties, who purchase the services of lawyers and planners. The decisions of a single Adjudicator can only be over-turned by Divisional Court, another costly venue. LPAT ‘litigation’ constitutes a serious barrier for the public, and represents an unnecessary, expensive and undemocratic process that is not in the public interest.

City and Provincial governments exist for one purpose only: to manage and protect public assets and the public interest.

Residents are always the primary stakeholders.

Unfortunately, the situation presently exists where residents are expected to pay taxes BUT otherwise be ignored by Municipal and Provincial Governments.

Governments that accommodate only “special interest groups” or their “personal” interests and opinions, or “pet projects” are failing their mandate to fairly manage and protect the public interest – the “public” includes all residents, not just a few.

Toronto is the 4th largest city in North America with more than 2.7 million residents, while New York City is the 2nd largest city in North America with more than 8.6 million residents.

In the 1960’s and 1970’s, New York City addressed the issues of potential corruption in the planning process; the requirement for expert, independent oversight of planning matters; and democratic input by residents. Strongly influenced by the ideas of Jane Jacobs, the NYC Planning Commission (CPC) and 59 NYC resident-based Community Boards, implemented many decades ago, continue to operate satisfactorily in 2019. On an annual basis, approximately 450-500 planning applications are reviewed by the CPC within five months (150 days), with direct input from residents through their Community Boards, and no appeal of CPC decisions, which are final.

The following pages include a demonstration of incoherence of the current LPAT system with the objectives of good governance; a summary description of how a City of Toronto Planning Commission will interact with City Planning, City Council and residents; and draft legislation for a Toronto City Planning Commission inclusion in the City of Toronto Municipal Code.

**It is time for residents of the City of Toronto to work together to remedy the current, significant failures of planning and democracy in our City.**

An online copy of this PDF document can be downloaded at:

[www.lakeshoreplanningcouncil.com/city-planning-commission-cpc/](http://www.lakeshoreplanningcouncil.com/city-planning-commission-cpc/)

Please send in your letter of support for this proposal to the City of Toronto Governance Committee by July 26, 2019.

**COMPARISON of the CITY PLANNING COMMISSION versus LPAT  
And the  
CHARACTERISTICS OF GOOD GOVERNANCE**

<b>CPC</b>		<b>LPAT</b>
<b>Efficient – Cost savings in time, resources and money</b>		<b>Inefficient - With time, resources and money</b>
1.	Process takes 150 days. Between 450 and 500 applications can be processed per year.	Process takes many years, costly and time-consuming
2.	The cost of the CPC is borne by the City Planning Department	The cost of LPAT is borne by the Province
<b>Democratic and Consensus Oriented</b>		<b>Undemocratic and Adversarial</b>
3.	No litigation.	Expensive, litigated process which pits Parties against one another.
<b>Inclusive/Participatory</b>		<b>Not Inclusive or Participatory</b>
4.	Democratic, impartial process. No direct fees, incorporation fees, Directors & Officer Insurance costs, legal or professional representation fees, or other barriers for members of the public to participate and provide input to the CPC.	Discriminatory process that requires tens or hundreds of thousands of dollars for litigant Parties to hire lawyers and professional planners, in order to be fairly represented against other Parties; the process favours the wealthy.
<b>Transparent</b>		<b>Not Transparent</b>
5.	Transparent, public hearing, where input is recorded and documented.	Behind closed doors “settlement negotiations” on planning details and agreements are routinely held by the lawyers and the Parties, which exclude the public, and which often do not comply with the law.
<b>Accountable/Following Rule of Law</b>		<b>Not Accountable/Often Not Following the Rule of Law</b>
6.	Affirmative decisions by a minimum of five professional CPC members ensure peer review and good planning that is compliant with all the required Planning regulations.	Decisions are usually made by one member, where mistakes are easily and often made, and which excludes peer review.
<b>Effective and Efficient</b>		<b>Ineffective and Inefficient</b>
7.	Decision of the CPC is final and can only be overturned by two-thirds vote of City Council.	LPAT decisions can be appealed to Divisional Court, another costly and slow process, where Divisional Court often refers the matter back to LPAT for review.

## **SUMMARY: The City of Toronto CITY PLANNING COMMISSION (CPC) Process**

1. The City Planning Commission (the “Commission”) shall be responsible for oversight and implementation of the Toronto Official Plan and conduct of urban planning relating to the orderly growth, improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population, in compliance with all Ontario Provincial Acts and regulations.
2. The role of the Commission is to ensure full legal compliance by the City of Toronto with all mandated planning requirements, policies and legislation in the public interest.
3. The Commission of nine members will be chaired by the qualified Chief Planner of the City of Toronto, with four qualified members to be appointed by City Council and four qualified members to be appointed by the Province of Ontario.
4. Members of the Commission, except for the Chair, will not be considered regular employees of the City of Toronto. The role served by the members of the Commission shall be deemed to be both the Commission and the Department of City Planning.
5. Salaries of the members of the Commission shall be included and paid under the City of Toronto budget for the Department of City Planning.
6. City Council will delegate all planning decisions to the Commission, as the independent and impartial body to oversee and direct City planning matters.
7. Because City Councillors are not certified as knowledgeable or competent with respect to planning matters, the delegation of such responsibility to this planning body will avoid the considerable time spent by Councillors and Councillors’ staff reviewing complex details of development applications and similar planning matters.
8. Having delegated planning decisions to the Commission, City Councillors will have no need to meet with development application Lobbyists, which include Solicitors/Lawyers and Professional Planners, who often request to meet with Councillors to lobby on behalf of their development applicant clients.
9. The Commission will receive written recommendations on planning applications and other planning matters from the affected Resident Community Board<sup>1</sup> and Community Council.

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<sup>1</sup> Resident Community Boards are to be created to formalize and legislate public consultation and democratic input into government decisions. A detailed proposal has been previously submitted to the Premier of Ontario.

10. The Commission will conduct a public meeting for review of development applications which are certified as complete by the Department of City Planning, and other planning matters, as necessary. The public meetings will be video-recorded and a written report documenting the proceedings will be made available to the public within 15 days.
11. The reports and decisions of the Commission will address all the concerns and points raised by the Resident Community Board and Community Council.
12. The decisions of the Commission will be transparent and accountable to the residents of the City of Toronto, to the City and the Province of Ontario.
13. The public review by the Commission is not litigation before a tribunal. The Commission reviews the facts of the application with regard to the applicable law, and may approve, approve with modifications, or disapprove an application according to requirements for compliance.
14. Quorum for the Commission will be not less than five members, and final actions of the Commission will be made by an affirmative vote of not less than five members.
15. The decision of the CPC will be final, unless the Community Council requests a review of the decision by City Council.
16. Community Council may request a review of a decision for a development application or other planning matter only when the Resident Community Board<sup>1</sup> and Community Council do not recommend approval “no” (2 no’s), and the CPC decision is “yes” to approve.
17. City Council will have the right to overturn any Commission decision with a two-thirds vote.
18. The planning process for each development application certified as complete by the City Planning Department will take a maximum of five months, or 150 days, unless a review is undertaken by City Council.
19. If after six months the City Planning Department has not certified a development application as complete, the applicant may appeal directly to the Commission for certification.
20. The members of the Commission shall perform their duties according to the requirements of the Public Service Act, Province of Ontario.
21. No “lobbying” of members of the Commission by residents, applicants, Council or any person or party shall be permitted. Any reported transgressions shall be investigated by the Integrity Commissioner. The professional independence and impartiality of the members of the Commission is paramount.

**TORONTO OFFICIAL PLAN—Section 5.5.—The Planning Process—Policy 5.5.2—Complete Applications.**

Applications to amend the Official Plan, to amend the Zoning By-law and applications for Plan of Subdivision, Plan of Condominium or Consent to Sever will comply with the statutory complete application submission requirements of the *Planning Act* and the requirements identified in Schedule 3.

DEPARTMENT OF CITY PLANNING (DCP) Application and Pre-Certification	RESIDENT- BASED COMMUNITY BOARD (RCB)	CHAIR FOR COMMUNITY COUNCIL (CC)	CITY PLANNING COMMISSION (CPC)
<ul style="list-style-type: none"> <li>Receives application and related documents.</li> <li>Forwards application and documents within 5 days to RCB, Chair of the CC, and CPC.</li> <li>Certifies application when it is complete.</li> </ul>	<ul style="list-style-type: none"> <li>Notifies public the application is complete.</li> <li>Holds public hearing.</li> <li>Submits recommendation report to CPC, Chair of CC.</li> </ul>	<ul style="list-style-type: none"> <li>Chair submits recommendation of CC to CPC, or waives right to do so</li> <li>If the project affects more than one RCB, the Chair may hold a public hearing and submit recommendation report to CPC or waive right to do so.</li> </ul>	<ul style="list-style-type: none"> <li>Holds a public meeting</li> <li>Approves, modifies or disapproves application.</li> <li>Files approvals and approvals with modifications with City Council.</li> <li>Disapprovals are final.</li> </ul>
→ → → → →	→ → → → →	→ → → → →	→ → → → →
No specific time limit (after 6 months applicant may appeal to CPC for certification if all documentation is submitted).	<b>60 DAYS</b>	<b>30 DAYS</b>	<b>60 DAYS</b>
<b>TOTAL DAYS TO REVIEW AN APPLICATION</b>	<b>60 DAYS</b>	<b>90 DAYS</b>	<b>150 DAYS</b>

**AFTER CPC APPROVES APPLICATION**

TRIPLE “NO” - AUTOMATIC REVIEW BY CITY COUNCIL:

- RCB recommended disapproval (No #1)
- Chair of CC recommended disapproval (No #2)
- Chair of CC files objection with City Council and CPC within 5 days of CPC approval (No #3)

**CITY COUNCIL**

- Can review application, hold a public hearing, and vote to approve, approve with modifications, or disapprove.
- Refers any proposed modifications to CPC for an additional 15-day review.
- If City Council does not act (or does not assume jurisdiction on items it must elect to review), CPC decision is final.
- Must assume jurisdiction within 20 days, requires majority vote, completed within 50 days (excluding 15-day review).**
- 2/3 vote required to overturn CPC decision.**

**IF CPC DISAPPROVES APPLICATION, THE DECISION IS FINAL; UNLESS**

- Action requires 2/3 vote. Action is final.
- Jurisdiction, 20 days; completion 50 days.

**Chapter 21**

**CITY PLANNING COMMISSION**

**§ 21-1. Reserved.**

**§ 21-2. Mandate.**

**§ 21-3. Composition.**

**§ 21-4. Term.**

**§ 21-5. Duties and Responsibilities.**

**§ 21-6. The Planning Process.**

**§ 21-1. Reserved.**

**§ 21-2. Mandate.**

The purpose of the City Planning Commission is:

(1) To provide professional, accountable and independent formulation, review, oversight and implementation of planning matters for the City of Toronto by nine (9) publicly-appointed commissioners, who are qualified and will be chosen for their expertise, independence, integrity and civic commitment.

(2) To replace the Local Planning Appeal Tribunal (LPAT) – formerly the Ontario Municipal Board (OMB) - as the final determiner of planning matters in the City of Toronto.

**§ 21-3. Composition.**

The members of the City Planning Commission are:

(1) The Director of the Department of City Planning shall serve as the Chair of the Commission, as determined by City Council.

(2) Four qualified (4) members of the Commission shall be appointed by Toronto City Council, and four qualified (4) members shall be appointed by the Province of Ontario.



(3) A quorum shall consist of five members. Final action by the Commission shall be the affirmative vote of not less than five members.

(4) The Director of the Department of City Planning shall provide staff assistance to the City Planning Commission in all matters under its jurisdiction.

(5) Members of the Commission, except for the Chair, will not be considered regular employees of the City of Toronto. The role served by the members of the Commission shall be deemed to be both the Commission and the Department of City Planning.

(6) No member, while serving as a member, shall appear directly or indirectly before the department, the Commission, or any other city agency where such appearance creates a conflict of interest with the duties and responsibilities of the member. No firm in which a member has an interest may appear directly or indirectly before the Department or the Commission.

(7) One of the members other than the Chair will be designated by the Mayor as Vice-chair and shall serve as Vice-chair at the pleasure of the Mayor. The Vice-chair shall possess the powers and perform the duties of the Chair when the Chair is absent or while a vacancy exists in the office of the Chair, and shall at such times serve as Director of City Planning.

(8) A member of the Commission other than the Chair may be removed by the appointing official only upon proof of official misconduct, neglect of official duties, conduct in any manner connected with his or her official duties which tends to discredit his or her office, or mental or physical inability to perform his or her office, or mental or physical inability to perform his or her duties. Before removal, any such member shall receive a copy of the charges and shall be entitled to a hearing on record by the Toronto Office of the Integrity Commissioner, which shall make final findings of fact, recommend a decision and submit such findings and recommended decision to the appointing official for final action.

(9) The members of the Commission shall perform their duties in accordance with the requirements of the Public Service Act, Province of Ontario.

#### **§ 21-4. Term.**

Members other than the Chair shall be appointed for a term of four years

## § 21-5. Duties and Responsibilities.

The duties and responsibilities of the City Planning Commission are:

(1) The City Planning Commission shall be responsible for oversight and implementation of the Toronto Official Plan and conduct of planning relating to the orderly growth, improvement and future development of the city, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population, in compliance with all Ontario Provincial Acts and regulations.

(2) Not later than the 31st day of December, 2019, and every four years thereafter, the Commission shall file with the Mayor, City Council, the Ombudsman, the Community Council Chairs, and Resident-based Community Boards<sup>1</sup>, a zoning and planning report. The report shall include:

(a) a statement of the planning policy of the Commission, which policy shall take into consideration, among other things, the ten-year capital strategy, the four-year capital program, the Mayor's report<sup>2</sup> on the social, economic and environmental health of the City, the Mayor's strategic policy statements<sup>3</sup>,

(b) a summary of the significant plans and studies completed or undertaken by the department of city planning in the preceding four years;

(c) an analysis of those portions of the Official Plan or Zoning regulations that merit reconsideration in light of the planning policy of the Commission, the Growth Plan for the Greater Golden Horseshoe, and other applicable Provincial Acts and regulations; and

(d) proposals for implementing the planning policy of the Commission and the policies of the Province whether by amendment of the Official Plan, Zoning Regulations, development of plans or otherwise.

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<sup>1</sup> Resident Community Boards are to be created to formalize and legislate public consultation and democratic input into government decisions. A detailed proposal has been previously submitted to the Premier of Ontario.

<sup>2</sup> The mayor shall submit an annual report analyzing the social, economic and environmental health of the City, including any disparities among populations, a narrative discussion of the differences and the disparities, and the mayor's short and long term plans for responding to the significant problems and disparities evidenced by the data presented in the report.

<sup>3</sup> The mayor shall submit a preliminary strategic policy statement for the city which shall include: (i) a summary of the most significant long-term issues faced by the city; (ii) policy goals related to such issues; and (iii) proposed strategies for meeting such goals.

(3) The City Planning Commission shall adopt rules establishing minimum standards for the form and content of plans. All proposed plans shall be referred to the Department of City Planning for circulation by the Department to all affected Resident-based Community Boards and all affected Community Councils for review and written recommendation. All affected Resident-based Community Boards and Community Councils to which such a plan is referred shall hold a public hearing on any such plan.

(4) The City Planning Commission shall establish rules providing (a) guidelines, minimum standards, and procedural requirements for Resident-based Community Boards, Chairs of Community Councils, Community Councils, and the Commission in the exercise of their duties and responsibilities, (b) minimum standards for certification of applications, and (c) specific time periods for review of applications prior to certification.

(5) Within a reasonable time period following review and recommendation of a plan, the City Planning Commission shall (a) review such plan, (b) hold a public hearing on such plan, and (c) by resolution approve, approve with modifications or disapprove such plan by a majority vote of at least five members.

## **§ 21-6. The Planning Process.**

The development, land-use and planning process will proceed as follows:

A. The Department of City Planning will be responsible for the following duties:

(1) Advance notice of all preliminary and final development proposals and plans filed with the City that relate to the use, development or improvement of land subject to City regulation shall be given to the affected Resident-based Community Boards and Community Council Chairs. The Department of City Planning shall forward a copy of any application materials it receives (whether or not such materials have been certified as complete) within five days to each affected Community Council, Resident-based Community Board and to the City Planning Commission.

(2) The Department of City Planning shall be responsible for certifying that applications are complete and ready to proceed through the land use review process. An application cannot be certified until the Department determines that the application includes all forms, plans and supporting documents that are necessary to address all issues related to the application.

(3) Upon certification of an application, the Department shall give notice of such certification to City Council. If an application under this section has not been certified within six months after filing, the applicant, if the land use proposed in an application is consistent with the land use policy or strategic policy statement, may at any time thereafter appeal to the City Planning Commission for certification. The Commission shall promptly, but in any event within sixty days of the filing of such an appeal, either

certify the application as complete, or state in writing what further information is necessary to complete the application.

B. The Resident-based Community Boards will be responsible for the following duties:

(1) Each affected Resident-based Community Board shall, not later than sixty days after receipt of an application that has been certified:

(a) notify the public of the application in a manner specified by the City Planning Commission, and

(b) conduct a public hearing thereon and prepare and submit a written recommendation directly to the City Planning Commission and to the affected Community Council.

(2) If any affected Resident-based Community Board shall fail to act, thirty days after the expiration of the time allowed for such Community Board to act, the Community Council may hold a public hearing on the application and any such recommendations and submit a written recommendation or waiver thereof to the City Planning Commission.

C. The Chair of Community Council will be responsible for the following duties:

(1) Not later than thirty days after the filing of a recommendation, or waiver, or if the Resident Community Board shall fail to act, the Chair of the Community Council shall submit a written recommendation or waiver thereof to the City Planning Commission.

D. The City Planning Commission will be responsible for the following duties:

(1) Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the City Planning Commission by the Chair of the affected Community Council, the Commission shall approve, approve with modifications, or disapprove the application.

(2) Any such approval or approval with modifications of the Commission shall require the affirmative vote of at least five of the members.

(3) The Commission shall conduct a public hearing on all applications that are subject to review and approval by the Commission. Any action of the City Planning Commission which modifies or disapproves a written recommendation of the Resident Community Board or Community Council shall be accompanied by a written explanation of its reason for such action.

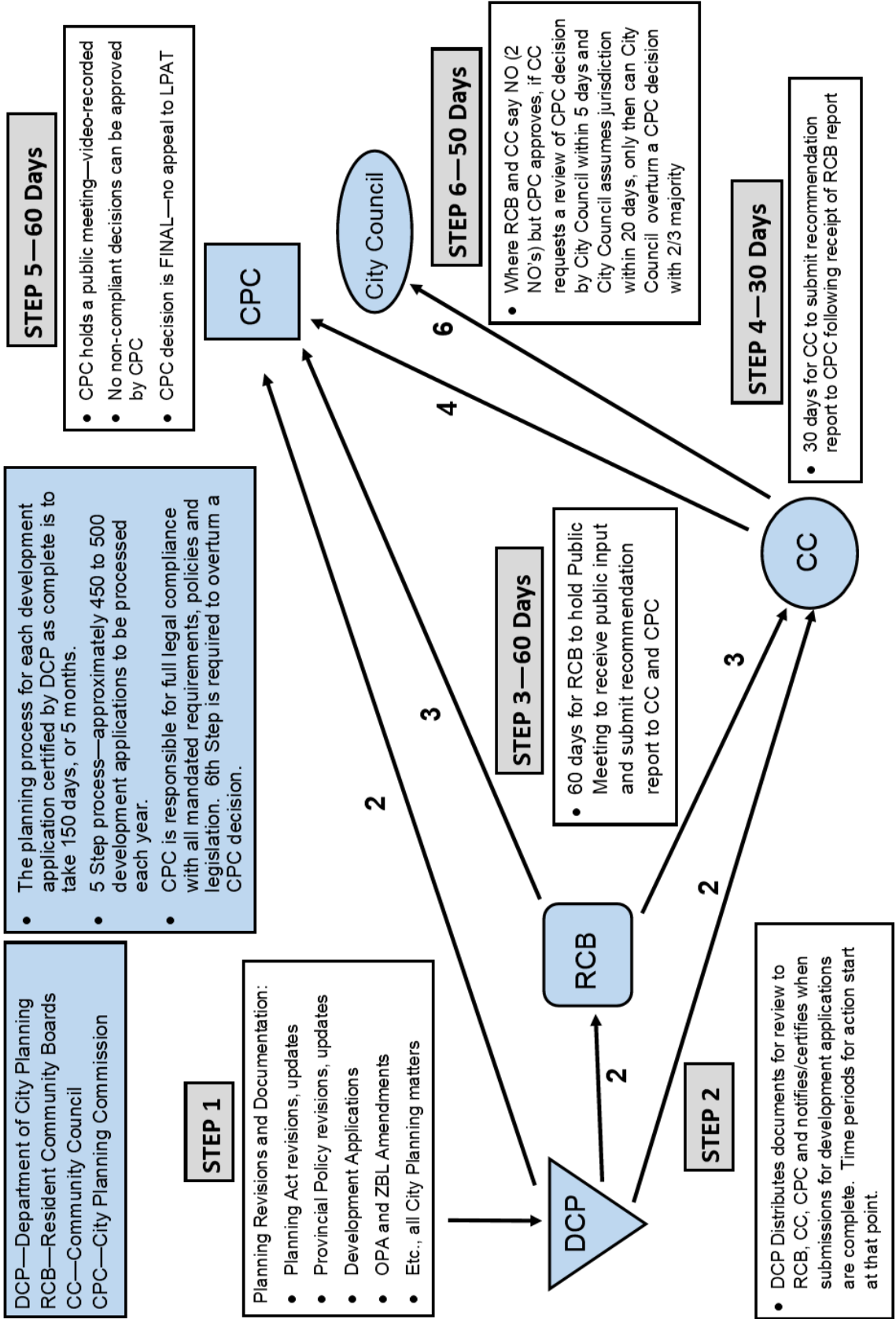
(4) The City Planning Commission shall file with City Council and with the affected Community Council Chair and Resident-based Community Board a copy of its decisions to disapprove, approve or approve with modifications. Any such filing with the council shall include copies of all written recommendations of the Resident Community Board and Community Council with respect to the decision being filed.

E. City Council will be responsible for the following duties:

(1) Where any decision of the City Planning Commission to approve or approve with modifications a matter, if (i) both an affected Resident-based Community Board (after holding a public hearing) and the affected Community Council, within the time periods designated for their reviews, have recommended in writing against approval and (ii) the Chair of the affected Community Council, within five days of receiving a copy of the decision of the Commission, files with the Commission and the Council a written objection to the decision, Council may resolve by the majority vote of all the council members to review the decision of the Commission.

(2) Where Council resolves to review a decision of the Commission at request of the Chair of the Community Council where both the Resident-based Community Board and the Community Council do not agree with the approval by the Commission, the Council shall hold a public hearing, and the Council, shall take final action on the decision. The affirmative vote of a two-thirds majority of all Council members shall be required to approve, approve with modifications or disapprove such a decision.

# CITY OF TORONTO PLANNING REVIEW FLOW CHART



DATE

TO: Members of the Special Committee on Governance  
gvc@toronto.ca

AND: City Manager, Chris Murray  
TalkToCityManager@toronto.ca

AND: engagement@toronto.ca

AND: Lakeshore Planning Council Corp.  
lpcc.lakeshoreplanningcouncil@gmail.com

**RE: Review of City Governance**

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I strongly support the creation of 25 Resident-based Community Boards, one for each Ward, as described in detail by the Lakeshore Planning Council Corp. on their website:

<http://lakeshoreplanningcouncil.com/community-boards/>

I also strongly support the creation of a City of Toronto Planning Commission (CPC) consisting of a 9-member panel of independent planning experts, as described in detail by the Lakeshore Planning Council Corp. on their website:

<http://lakeshoreplanningcouncil.com/city-planning-commission-cpc/>

The first measure will ensure public consultation that is equitable, inclusive, transparent, consensus-oriented, effective and efficient, for residents, city staff and Councillors.

The second measure will also ensure fair and effective public consultation, but will also ensure independent, professional planning decisions for the city, while providing necessary oversight of planning staff activities and expert advice to Councillors. There will be no litigation, and no appeal of CPC decisions which will be final, unless over-ruled by two-thirds vote of City Council.

We thank you in advance for your favorable consideration of my input as a resident of the City of Toronto.

Sincerely,

NAME OF RESIDENT

ADDRESS