



Residential Development/ Renovation Proposals:

Working through Committee of Adjustment and Ontario Municipal Board Hearings– Best Practices/Lessons Learned

With the volume of home sales that have occurred through the neighbourhood recently, and the continued popularity of the neighbourhood overall, it is quite likely there will be more proposals submitted to the city planning department for significant renovations and tear-down/re-builds. Should you find that you are notified of a change of ownership with the potential to significantly alter the existing property, we have provided below the cumulative best practices and lessons learned as experienced by residents in the LPRO community.

For the New Owners:

- Introduce yourselves to neighbouring home owners and discuss your development plans BEFORE submitting an application to the Committee of Adjustment (COA).
- Work within the parameters of the neighbourhood – residents understand and are amenable to change as long as it is responsible change/re-development (respecting and in keeping with the neighbourhood size, style, format, etc.).
- Review Design Guidelines for the neighbourhood (where available) in advance of contemplating change to your new property.

For Existing Residents:

- If a COA notice is received for an inappropriate development QUICKLY reach out to the community for support. NOTE: At least 10 days prior to a COA hearing, notices must be received by neighbours and a City sign must be visibly posted in the applicant home.
- Approach the developer/new owners to express willingness to negotiate changes to plans that will gain the required support PRIOR to the COA hearing
- Have neighbors send City Planning, COA clerk and the Councillor's office written objections. Ask City Planning staff to write a report objecting to the application.
- Stay focused on by-law variances, structural issues, and character with the neighbourhood
- Where possible hold the developer accountable to submit all agreed changes in writing in advance of the COA hearing in return for support at the COA hearing
- Have numerous neighbours attend and speak to issues. For context bring photos of nearby and typical homes.

LYTTON PARK RESIDENTS ORGANIZATION

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If the new owners APPEAL the COA Decision to the OMB:

- Request the Councillor's support by introducing a Motion to North York Community Council and then City Council to "authorize the City Solicitor and city planning staff and/or to retain outside planning consultant(s) to attend the Ontario Municipal Board hearing to uphold the Committee of Adjustment's decision." Have multiple neighbours make this request of the Councillor
- Quickly rally the neighbourhood to determine financial support available from the community
- Identify lawyers and planners that can be available to a) assist with negotiations to attain a pre-hearing settlement, and/or b) represent the opposition case at the OMB hearing
 - A Planner is necessary for by-law interpretation and application as well as solutioning options; a lawyer is required to assist with negotiations with new owner's lawyer (they usually have one), but at a minimum to review any settlement drafts prior to signing.
 - Both are highly recommended for any opposition to be mounted and considered by the Adjudicator "as expert witnesses" at an OMB Hearing. The Adjudicator will only really consider evidence by a professional planner, so they are a must
 - Note: A planner will require a minimum of 4 weeks to mount the required evidence in support of the opposition
- Identify a small number of people (2-3) to be the 'spokes-people' and represent the larger group of local residents. This group can consist of any local area residents - an immediate neighbour to the property is ideal but not necessary. This group will be identified as the 'party' in the appeal. What this means is:
 - If a negotiated settlement is reached in advance of the OMB hearing, the members of this smaller group will be identified in the minutes of settlement
 - If an opposition case is required for the OMB appeal process, this group would then formally ask to be granted party status at the hearing as a means to bring expert witnesses (Planner/ Lawyer) forward
- Reach out to new owners as quickly as possible and indicate that you have credentialed resources available and you continue to be willing to negotiate a settlement in advance of OMB
- Set appropriate timelines: Settlements should be documented and agreed to one month in advance of OMB hearing date as last minute negotiations often result in higher expenses for both parties.
 - Note: Last minute negotiations are possible, however in addition to the above noted increase in costs, the time commitment is far more intensive and requires almost 24/7 standby readiness to deal with issues