

VIA EMAIL

January 30, 2023

Mayor Mark Sutcliffe

Councillors Matthew Luloff, Laura Dudas, David Hill, Cathy Curry, Clarke Kelly  
Glen Gower, Theresa Kavanagh, Laine Johnson, Sean Devine, Jessica Bradley  
Tim Tierney, Stéphanie Plante, Rawlson King, Ariel Troster, Jeff Leiper  
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Mayor Sutcliffe and Members of Council,

***RE: Committee of Adjustment—Organizational Review***

On behalf of Chair Ann M. Tremblay, I am pleased to share with you the final report on the Committee of Adjustment's organizational review conducted by KPMG. The report is also posted online on the Committee of Adjustment's web page.

The first comprehensive review of the Committee of Adjustment by outside experts since its creation more than two decades ago, the findings confirm the City of Ottawa's quasi-judicial tribunal is a **high performing organization**:

- Committee of Adjustment staff are widely recognized for their responsiveness to applicant and public inquiries.
- Statutory timelines are regularly met.
- Panelists (Members) and Committee of Adjustment staff have an excellent working relationship; 100% of panelists surveyed indicated they are well-supported by Committee of Adjustment staff.
- The transition to virtual hearings has been well-executed and has positively impacted the applicant and public experience.

The review also highlights the Committee of Adjustment is **facing challenges** impacting its capacity to maintain service levels over the medium-and long-term, including:

- Increases in application volume and complexity, a trend that is expected to continue with provincial legislative changes and the City's new Official Plan.
- Late City staff planning reports provided to applicants and panelists after the commenting deadline of five days before the hearing.

- Increased expectations to access more and easy-to-understand applicant- and public-facing resources (including City staff planning reports) in a complex and dynamic land use policy environment.
- Misalignment between the decision-making authorities and mandate of Committee of adjustment management.

As the report points out, these challenges negatively impact the organizational resilience of the Committee of Adjustment by:

- Increasing workloads for Committee of Adjustment staff.
- Contributing to a significant increase in the number of adjournments.
- Creating barriers to Committee of Adjustment staff attraction and retention.
- Contributing to applicant and public frustration.

**The review's 17 recommendations** to improve the organizational resilience of the Committee of Adjustment and the services it provides include:

- Providing City Planning staff reports to applicants, panelists, and the public (posted online) five days before a hearing.
- Enhancing public- and applicant-facing information.
- Empowering the Committee of Adjustment leadership by increasing authorities and operational capacity with the addition of three new roles.
- Improving training and professional development
- Eliminating evening hearings.

The organizational review was based on **leading practice research** in five comparator jurisdictions (Toronto, Hamilton, Mississauga, Oakville, and Brampton). It also involved **extensive engagement with the public and more than 68 stakeholders**, including three online surveys and workshops with Committee of Adjustment staff and Members, City staff, and representatives from community associations and industry.

The organizational review cost \$141,446.40, funded entirely by the Committee of Adjustment's 2021 year-end operating budget surplus of \$170 thousand dollars, as approved by Council in April 2022. The Committee of Adjustment operates on a 100% cost recovery basis, recouping all its operating expenses through application fees.

KPMG was selected to undertake the review pursuant to the City's Procurement By-law whose guiding principle is that purchases are made using a competitive process that is open, transparent, and fair to all suppliers. The Committee of Adjustment benefited from KPMG's expertise conducting reviews for similar organizations, notably Toronto's Committee of Adjustment.

**Next steps:**

The Committee of Adjustment is eager to follow-up on the review's recommendations and will work with City officials and other partners on their implementation.

In our upcoming 2023 Operating Budget submission to City Council, the Committee of Adjustment will seek approval to address immediate resource capacity challenges. To ensure the medium- and long-term resilience of the Committee of Adjustment, the review highlights the need to add three new full-time positions on a priority basis, including a third Deputy-Secretary Treasurer, a Digital Services Officer, and a Senior Coordinator. The Committee of Adjustment proposes to add the new Deputy Secretary-Treasurer and Digital Services Officer positions in 2023 and the Senior Coordinator position in 2024.

In advance of the City's recruitment process for citizen appointments by City Council, the Committee of Adjustment obtained preliminary organizational review recommendations 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.

The Committee of Adjustment is also currently creating and refreshing training and orientation materials for all future panelists.

## **Thank you!**

The Committee of Adjustment is grateful for Council's ongoing support and for enabling the funding of the organizational review.

The Committee of Adjustment is also grateful for KPMG's Mike Varey, Ahmad Antar, Amer Hmeidani and Eric Wolfe for their professionalism and the high quality of their work.

As Secretary-Treasurer, I want to thank the Committee of Adjustment's Chair, Members, and staff for their support throughout the review. I also want to thank everyone who contributed their valuable time and energy by participating in several workshops and surveys.

A special thanks to the following City staff: City Clerk M. Rick O'Connor; Planning, Real Estate and Economic Development staff, including former General Manager Stephen Willis, Planning Services Director Derrick Moodie, Managers Adam Brown, Jeff McEwen, Lily Xu and Geraldine Wildman, Planners Cheryl McWilliams, Sean Moore, Melanie Gervais, Jean-Charles Renaud, and Michael Boughton; City Human Resources management and staff.

A special thanks to the following industry representatives: Greater Ottawa Home Builders Association; Amsted Design & Build; Morley Hoppner Limited; Novatech Engineering Consultants; RorTar Land Development Consultants; D.G. Belfie Planning; P. Robinson Consulting Inc.; JD Plans Limited; Redevelopment Group Limited; Q9 Planning and Design; Regional Group Ottawa; Fotenn Planning and Design; WSP; Soloway Wright LLP; Urban Infill Council; Hamel Design; Zander Plans Inc.

And a special thanks to the following community associations: Federation of Citizens' Associations; Westboro Community Association; Hintonburg Community Association; Old Ottawa East Community Association; Queensway Terrace North Community Association; Rothwell Heights Property Owners Association; Huntley Community Association; Britannia Village Community Association; City View Community Association; Glens Community Association; Lowertown Community Association; Carleton Heights & Area Residents Association; Carlington Community Association.

**Additional background information on the Committee of Adjustment:**

- Council established the Committee of Adjustment as its quasi-judicial tribunal to consider various *Planning Act* applications, including consents to sever land and minor variances from the zoning requirements.
- The Committee of Adjustment operates on a 100% cost recovery basis, recouping all its operating expenses through application fees.
- Council approves the Committee of Adjustment's annual operating budget and application fees.
- Each year, the Committee holds hearings on hundreds of applications (almost a thousand in 2021) under tight legislative timelines.
- Committee of Adjustment adjudicators are guided by the Province of Ontario's and the City of Ottawa's land use policy framework, including the *Planning Act*, the Provincial Policy Statement, the City's Official Plan policies, zoning requirements, and tree protection regulations.
- Every four years, Council appoints the Committee of Adjustment's 15 Members to one of three geographic panels (urban, suburban, and rural).
- To safeguard its quasi-judicial tribunal's independence, Council does not get involved in the hearing and decision-making of individual applications.

- The City can appeal any decision of the Committee of Adjustment to the Ontario Land Tribunal.
- To ensure consistent and informed decision-making as well as procedural fairness pursuant to the Ontario *Statutory Powers Procedure Act*, panel adjudicators adhere to the Committee of Adjustment's *Rules of Practice and Procedure* and receive training and ongoing professional development throughout their term.

I hope you find this report informative.

Best regards,



Michel Bellemare  
Secretary-Treasurer

Enclosure: *Committee of Adjustment – Organizational Review Final Report, January 16, 2023*

cc: Wendy Stephanson, Interim City Manager  
M. Rick O'Connor, City Clerk  
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Morley Hoppner Limited  
Novatech Engineering Consultants  
RorTar Land Development Consultants  
D.G. Belfie Planning

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Redevelopment Group Limited  
Q9 Planning and Design  
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Hamel Design  
Zander Plans Inc.  
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Huntley Community Association  
Britannia Village Community Association  
City View Community Association  
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