

Resolute Against Misrepresentation: A Detailed Rebuttal to the Integrity Commissioner's Report on Alleged Code of Conduct Violations

John Li, March 26, 2024

Esteemed Residents of Richmond Hill,

In response to the Code of Conduct complaint filed against me regarding my role within the Richmond Hill Committee of Adjustment (CoA), in order for you to have a proper understanding of the motivations behind the complaint against me you must first understand the larger context as outlined below.

Part 1 - The Current Status of COA

- **Disproportionate Approval Rates:** Comparative statistics ^[Ref1] reveal that the Richmond Hill COA's approval rates at individual hearings exceed 90%, contrasting with the more balanced rates of 70-80% observed in neighbouring municipalities. Even more concerning is the complete absence of outright refusals, culminating in **an unprecedented 100% final approval rate**. This substantial difference indicates a lack of true impartiality and raises questions about the COA's decision-making criteria and processes with respect to the requirements of the *Planning Act*.
- **Developer Bias:** The current COA panel composition includes **Four out of Five members (80%) with ties to the infill development sector**. This introduces a biased perspective in favour of developer interests over public opposition, undermining the objectivity and credibility of the committee's decisions.
- **Lack of Transparency:** A comparative analysis ^[Ref2] with other GTA municipalities reveals that Richmond Hill's COA is significantly less transparent in its operations. This democratic deficit limits public access to essential information, meeting records, and decision-making processes, highlighting a critical need for improvement.

Part 2 - Specific Applications Cited Against Me

Second, I would like to address the individual CoA applications cited in the complaint: 28 Scott Drive, 30 Scott Drive, and 34 Roseview Ave. The lack of rationale behind these applications is explicitly outlined in Section 4.9.2.4 of the Official Plan ^[Ref3], and must be complied with in accordance with the *Planning Act*. All of these applications faced significant opposition from the surrounding neighbours, expressed through forceful delegations or through silent disapproval, with some residents choosing to sell their homes. Yet, they were ultimately passed by the Committee (with only my objection) with little to no modifications. The corresponding CoA decisions have been carefully edited to minimize the discussion of dissenting opinions, and key information has been either withheld from public access, inaccurately uploaded, or is completely missing. This pattern has recurred in all the CoA applications cited against me:

- **The 28 Scott Drive Application - Alarming Shadows Cast by Veiled Operations:** The Notice of Decision, controlled solely by staff and not accessible to both the public and CoA members,

failed to include a crucial CoA panel decision. The applicant's disregard for both their promises and CoA's directives, combined with apparent discrepancies between approved drawings and actual construction, raises questions about accountability and oversight. Is this merely coincidental ^[Ref5]? Even more troubling is the fact that, despite providing evidence contradicting the alleged complaint against me, the Integrity Commissioner persists in relying solely on one-sided accounts and neglects to conduct the basic verification I have requested. The integrity and credibility of the municipal process are deeply concerning ^[Ref6].

- **Missing Records at 30 Scott Drive:** Despite my objections for not reflecting the actual hearing discussions, the September 7, 2023 meeting minutes, remain conspicuously missing from public records.
- **Errors and Omissions at 34 Roserview:** The architectural drawings that were supposed to showcase the applicant's promised improvements were erroneously replaced with a previous version. Had this oversight not been corrected, it could have led to a repetition of the situation at 28 Scott Drive. Furthermore, the January 18, 2024 meeting minutes, which I also objected to, are still absent from the public records to this date.

Several residents, having firsthand experience with the CoA meetings, are ready to present delegations to the Council. Their goal is to clarify and correct the inaccuracies reported in the IC report. Furthermore, the irrationality of the aforementioned applications is so apparent that even laypersons without professional expertise can discern it from a mere site visit. **A visit to the construction site at 28 Scott Drive, a project associated with a COA member, speaks volumes more than words ever could.**

Part 3 - Allegations Regarding Transparency, Accountability, and Planning Act Compliance

- **Is advocating for operational transparency considered Workplace Harassment, and is seeking staff accountability to the public a violation of the code of conduct?**

The question here is whether it becomes necessary to distribute emails to the Mayor and Council to expose the CoA's questionable practices when standard channels fail, and whether city staff's work should be open to public scrutiny.

Richmond Hill's CoA stands out for its lack of transparency, an issue long challenged by many residents. This issue arises from excluding vital information, such as site plans and architectural drawings, from application packages, significantly impairing the public's ability to make informed judgments about the CoA's decisions. Despite calls for improvement, the removal of the online meeting option this term, along with censored edits to meeting minutes to emphasize details supporting an application while downplaying opposing opinions suggests a deliberate adjustment of records. The January 18, 2024, minutes for the 34 Roseview Application are complete yet absent from public records, clearly illustrating such manipulation.

- **Lack of Sufficient Evidence of Code of Conduct Violations**

My performance, including the PPT presented at the hearing of 34 Roseview Ave ^[Ref7], was repeatedly cited as aggressive and in violation of the Code of Conduct. However, the fact is that dozens of residents witnessed the 34 Roseview hearing and can attest to the truth. It's important to note that most allegations in the current Code of Conduct complaint are **based on one-sided**

narratives unsubstantiated by audio or video documentation. Or at minimum, why have the meeting audio records not been uploaded for public access?

Part 4 - Why is withholding my PPT considered misconduct, while evident leaks of confidential information are not?

- It is nothing short of bizarre that the complaint alleges breach of the Code of Conduct for not sharing my PPT slides in advance of a CoA meeting with other members of the committee. The PPT contains my personal opinion on certain applications, to aid me in expressing my views during a meeting. Is it standard practice for all CoA members to share their views on each application in advance? The criticism focused on me for not doing so is unfounded and lacks justification.
- The misconduct allegations appear to stem from the March 2, 2023, hearing about 28 Scott Drive, which is notably a project in which one of the CoA members has a conflict of interest. It appears that my concerns about the chimney design, shared with CoA staff in advance of the meeting via email, were leaked to the applicant, as evidenced by the applicant's presentation (without any prompting) of some proposed chimney modifications. **A simple site visit will now reveal the truth** ^[Ref5]. The **Integrity** Commissioner is requested to comment on whether the leaking of confidential information by certain CoA staff is sufficient justification for me to object to the process, as opposed to my being censored by a complaint for not remaining silent.

Summary:

The allegations in the Code of Conduct complaint stem from my direct observations and call for change to the operations of the CoA which are negligent in their lack of transparency, monopolization of information, deviations from the Official Plan, and unbalanced composition of members, some of which have clear conflicts of interest. These critical issues are systematically outlined in the 'ABRH Study Report: Reforming the Richmond Hill COA for Transparency and Equity' ^[Ref4]. This backdrop casts the complaint in a distinct light, suggesting that **it is simply a strategic attempt to counteract and undermine my advocacy for substantive CoA change**, underscoring the urgent need for dialogue and reform of the CoA's operations to ensure Transparency, Equity, and Accountability.

Sincerely,

John Li
Member, Richmond Hill Committee of Adjustment

References:

Ref1 – Table 1 Comparing CoA Application Approval Rates in GTA Municipalities

Ref2 – Table 2 Comparing CoA Operational Transparency Across GTA Municipalities

Ref3 – Richmond Hill Official Plan, Section 4.9.2.4

Ref4 – Reforming the Richmond Hill COA for Transparency and Equity - ABRH Study Report 2024

Ref5 – Coincidences Behind 28 Scott Drive Application - March 2, 2023

Ref6 – Challenging the Integrity and Credibility of the Municipal Process

Ref7 – Application Review of 34 Roseview Ave, Sept 28, 2023

Table 1 Comparing COA Application Approval Rates in GTA Municipalities

| Municipalities | COA Hearing Meeting Durations: See Hyperlinks | Total Number of Applications Processed During the Hearing Meetings | Approved | | Deferred | | Refused | |
|----------------------|---|--|------------|------------|------------|------------|-----------|-----------|
| Mississauga | First Quarter of 2023 | 207 | 145 | 70% | 55 | 27% | 7 | 3% |
| Brampton | First four Months of 2023 | 154 | 121 | 79% | 23 | 15% | 10 | 6% |
| Markham | July 2022-June 2023 | 208 | 153 | 74% | 52 | 25% | 3 | 1% |
| King | 2023 | 98 | 82 | 84% | 10 | 10% | 6 | 6% |
| | Combined Totals | 667 | 501 | 75% | 140 | 21% | 26 | 4% |
| Richmond Hill | 2023 ** | 88 | 80 | 91% | 8 | 9% | 0 | 0% |

Sources: Data collected up to January 12, 2024, from the respective municipal public records. For more details, see the links above.

Note **: UNABLE to acquire additional data for comparison due to an **Information Monopoly**

Table 2 - Comparing COA Operational Transparency Across GTA Municipalities

(Each Cell Contains a Hyperlink for Result Verification)

| | Toronto | Mississauga | Brampton | King | Vaughan | Markham | Richmond Hill |
|---|----------------------------------|-------------|------------|------------|---------------------|------------|---------------|
| Disclose Complete Application Info to Public? | Yes | NO | Yes | Yes | Yes | Yes | NO |
| Duration of Online Availability for Full Application Records | 10 Years Upon Request | Since 2019 | Since 2019 | Since 2018 | Upon Request | Since 2018 | NEVER |
| Allow for Virtual Meeting Participation | Yes | Yes | Yes | Yes | Yes | Yes | NO |
| Online COA Meeting Streaming: Live and Recorded Public Access | Yes | Yes | Yes | Yes | Yes | Yes | NO |
| Online Availability Period for COA Decisions | Varies | 5 Years | 12 Years | 6 Years | 18 Years | 6 Years | 1 Year |
| COA Webpage: Clear, Detailed, User-Friendly | Yes | Yes | NO | Yes | Yes | Yes | NO |

Sources: Data obtained from respective municipal websites. Note: Each cell includes a hyperlink for result verification.

A decorative graphic in the bottom left corner consisting of a grid of colored dots. The dots are arranged in a roughly rectangular shape, with colors ranging from light purple and blue at the top to yellow and orange at the bottom. The dots vary in size and are semi-transparent.

Richmond Hill Official Plan

January 2023
Consolidation

4.9 NEIGHBORHOOD

4.9.2 DESIGN

4. Development will respect the character and distinguishing features of neighbourhoods and shall be context-sensitive and compatible with adjacent and surrounding areas with respect to the following:
 - a. patterns of streets, blocks and lanes;
 - b. parks and public building sites;
 - c. size and configuration of lots;
 - d. massing, including consideration of height, scale, density and dwelling type(s) of nearby residential properties;
 - e. location, design and elevations relative to the grade of driveways and garages;
 - f. setbacks of buildings from the street or streets;
 - g. patterns of front, rear and side yard setbacks and landscaped open space areas;
 - h. preservation of mature trees and of landscape or greenspace features that contribute to the physical character of the neighbourhood; and
 - i. conservation of heritage buildings, structures and landscapes.

Where development is subject to an infill plan, tertiary plan or concept plan, the criteria as set out in an infill plan, tertiary plan or concept plan approved by Council shall also apply.

Advancing Transparency, Equity, and Accountability: A Strategic Proposal for Reforming the Richmond Hill Committee of Adjustment

Addressed to Richmond Hill City Council

March 2024



John Li, Ph.D., PMP
Member, Committee of Adjustment (COA)

A Better Richmond Hill (ABRH) Study Report

Introduction

Having served as a Committee of Adjustment (COA) member for a full year, I have gained insights from within the committee. This report summarizes my in-depth examination of systemic issues affecting the Richmond Hill COA and its Operational Team. It addresses some long-standing community concerns and proposes viable solutions to foster meaningful change and enhance the COA's service in balancing the interests of all stakeholders.

Part 1: Identification of Current Issues

1. Unusually High Application Approval Rate

The COA's approval rate for applications at individual hearings, which exceeds 90%, contrasts starkly with the more moderate 70-80% range observed in neighboring municipalities. Many of these approvals are made despite organized and cogent opposition from neighbours, whose concerns are routinely disregarded and diminished in the COA's decisions, contrary to the *Planning Act*. In neighboring municipalities, approximately one quarter of COA applications typically face refusal or are deferred for amendment at individual hearings. In contrast, in Richmond Hill, fewer than ten percent of applications are subject to requests for amendments and, according to available records, there are no instances of outright refusal. This discrepancy raises serious questions about the criteria and processes used in decision-making, compounded by the persistent refusal of the COA to provide reasons and explanations for its decisions, as required by the *Planning Act* and discussed in further detail below.

| Table 1 Comparing COA Application Approval Rates in GTA Municipalities | | | | | | | | |
|--|--|--|----------|------------|----------|------------|---------|-----------|
| Municipalities | COA Hearing Meeting Durations: <i>See Hyperlinks</i> | Total Applications Processed During the Hearing Meetings | Approved | | Deferred | | Refused | |
| Mississauga | First Quarter of 2023 | 207 | 145 | 70% | 55 | 27% | 7 | 3% |
| Brampton | First four Months of 2023 | 154 | 121 | 79% | 23 | 15% | 10 | 6% |
| Markham | July 2022-June 2023 | 208 | 153 | 74% | 52 | 25% | 3 | 1% |
| King City | 2023 | 98 | 82 | 84% | 10 | 10% | 6 | 6% |
| | Combined Totals | 667 | 501 | 75% | 140 | 21% | 26 | 4% |
| Richmond Hill | 2023 ** | 88 | 80 | 91% | 8 | 9% | 0 | 0% |

Sources: Data collected up to January 12, 2024, from the respective municipal public records. For more details, see the links above.

Note **: Unable to acquire additional data from previous periods for comparison due to an **Information Monopoly** ^[R05]

2. Disproportionate Favoring of Developers on Contested Applications

Residents of Richmond Hill, including Gary Zikovitz ^[R06], Arnold Schwisberg, and Pat Pollock ^[R07], along with groups like A Better Richmond Hill (ABRH) ^[R01] and Richmond Hill Umbrella Residents Group (RHURG) have consistently raised concerns about the COA's decisions on applications that are contested by the surrounding neighbours. These decisions often favor developers who want to change the status quo, overlooking neighbouring interests, any *Official Plan* mandates on neighbourhood character, and the explicit provisions of the *Planning Act*. Some specific cases have resulted in monster home infilling projects and the approval of some controversial zoning changes that have been pushed through in the face of substantial public opposition. Examples range from applications a few years ago at 52 Penwick Crescent ^[R02] and 68 Birch Avenue to the most recent applications at 34 Roseview Avenue ^[R03], 28 Scott Drive ^[R04], and 30

Scott Drive. Such approvals have led some long-time residents who have lived in the area for decades to choose to sell their homes and leave Richmond Hill, while others are simply led to despair and frustration at the obvious lack of fairness in a municipal public process.

3. Lack of Operational Transparency

A comparative study with other GTA municipalities has distressingly exposed **a systemic lack of transparency** within the Richmond Hill COA. The transparency issues manifest in several ways:

| Table 2 - Comparing COA Operational Transparency Across GTA Municipalities | | | | | | |
|--|---|--|---|---|--|---|
| Municipalities | Disclose Complete Application Info to Public? | Duration of Online Availability for Full Application Records | Allow for Virtual Meeting Participation | Online COA Meeting Streaming: Live and Recorded Public Access | Online Availability Period for COA Decisions | COA Webpage: Clear, Detailed, User-Friendly |
| Toronto | Yes | 10 Years Upon Request | Yes | Yes | Varies | Yes |
| Mississauga | NO | Since 2019 | Yes | Yes | 5 Years | Yes |
| Brampton | Yes | Since 2019 | Yes | Yes | 12 Years | NO |
| King | Yes | Since 2018 | Yes | Yes | 6 Years | Yes |
| Vaughan | Yes | Upon Request | Yes | Yes | 18 Years | Yes |
| Markham | Yes | Since 2018 | Yes | Yes | 6 Years | Yes |
| Richmond Hill | NO | NEVER | NO | NO | 1 Year | NO |

Sources: Data obtained from respective municipal websites. Note: Each cell includes a [hyperlink](#) for result verification.

- **Inadequate Disclosure of Planning Details and Insufficient Notice Period:** Essential information, particularly in planning drawings, is frequently not disclosed to the public. This lack of transparency significantly obstructs residents' ability to evaluate the potential consequences and impacts of proposed COA applications on their living environments. Moreover, the concerning practice of issuing such critical information with less than a week's notice further compounds the issue. This approach provides the public with inadequate time to comprehensively review, respond to, and engage with these proposals, thereby critically limiting their ability to make informed decisions and effectively participate in the decision-making process.
- **Absence of Detailed Rationale in Decisions:** COA decisions lack a detailed explanation, making it difficult for the public to understand the basis of these decisions. This practice not only breeds suspicion but also hinders accountability. The *Planning Act* sections 45(8.1) and 45(8.2) explicitly require that reasons be given, but instead and despite the number of occasions on which its failure to provide reasons is pointed out, there is no attempt by the COA to provide meaningful reasons for its decisions.
- **Restricted Access to Records and Meetings:** The COA's practices of limiting public access to historical records effectively shroud past decisions and obstruct public scrutiny. Furthermore, the absence of virtual meeting options, including live streams or recordings, limits public involvement and undermines independent verification of the specifics of a given meeting, potentially concealing irregularities or misconduct in hearings. There have been multiple instances in which concerns regarding this issue have been raised.

Take Table 1's data as an example: despite being a member of the COA, I am unable to access additional records for comparison. In early 2023, the COA administration staff denied my request for records from the

A Better Richmond Hill (ABRH) Study Report

previous term ^[R05]. If I were a general member of the public, my access would be even more restricted, limited to only 65 decision records. In contrast, any member of the public could obtain over 500 records from King City and thousands more from the other three municipalities. This raises the question: **Why is the Richmond Hill COA Staff withholding critical information and historical records?**

Part 2: Analysis of Underlying Causes

1. Opaque Operational Model and Its Ripple Effects

The Richmond Hill COA's operations are characterized by a lack of transparency and openness, effectively restricting meaningful public scrutiny and consequently insulating the municipal administration from accountability. Such opacity hinders public efforts aimed at improving the efficiency and quality of municipal services, thereby maintaining processes that are oriented towards convenience rather than public service. This lack of transparency leads to several outcomes:

- **Undermining Accountability:** The opacity of COA operations interferes with the ability of the public to access needed facts and to monitor and verify actions during meetings. This includes denying access to hearing recordings and withholding essential details like architectural drawings needed for assessments. As a result, residents are left without sufficient evidence to defend their rights.
- **Detrimental Impact on Neighborhood Dynamics:** The lack of openness also cultivates a climate of distrust and unease among residents, eroding the community's faith in their municipal government and diminishing their confidence as stakeholders in the planning process. Over time, many choose silence over confrontation, feeling overwhelmed. An illustrative case is the development proposal at 30 Scott Drive; despite its many flaws, it met with no resistance from neighboring residents. This lack of opposition stems from the community's previous futile attempts to contest a prior irrational application at the adjacent site, 28 Scott Drive. Such experiences have deeply impacted the community's willingness to engage, subtly altering neighborhood dynamics. Some residents have chosen to sell their homes and relocate to avoid prolonged and fruitless battles.

Poor decisions by the COA not only affect individual rights and property values, but also the very fabric of community trust and cohesion.

2. Misinterpretation of COA's Role as a Proxy for Council

In Richmond Hill, there appears to be a misunderstanding of the COA's function by the planning department and its operational team. They perceive the COA as an auxiliary entity rather than recognizing its independence and authority as a proxy for the city council. This misperception has led to COA hearings being conducted more as procedural formalities to ratify planning staff decisions, rather than as platforms for thorough scrutiny aimed at balancing the interests of all stakeholders. In stark contrast to other municipalities, I have observed during my tenure that out of over a hundred cases reviewed, not one has diverged from the staff's recommendations. This pattern highlights a missed opportunity for the COA to fulfill its role as a critical oversight mechanism in the planning process, ensuring that development within the community is conducted fairly and equitably, with due consideration for all involved parties.

3. Imbalanced Representation in COA Composition

The current composition of the Richmond Hill COA panel predominantly includes members with ties to the local infill development sector. Specifically, **of the five members, four (80%) have professional connections to this industry** — three are directly involved, and one is employed by a related company. Only one

member does not have these ties. This composition naturally introduces a biased perspective to the committee's decisions and is important for understanding the dynamics within the committee.

The bias in handling the most controversial applications at 34 Roseview and 28 Scott Drive is evident, with the majority's voting power easily overriding public objections. The application at 28 Scott Drive is a consulting project of a COA member, and though the member recused himself from this hearing because of his business relationship with the developer and/or agent for this property, he has presided over many CoA hearings in Richmond Hill which were projects of the same developer and/or agent. Such clear conflicts of interest should not be permitted. The extreme imbalance in the COA's membership, coupled with its opaque operational approach, presents a deeply concerning situation in which bias and unfairness are likely to thrive.

4. Leadership and Culture Issues in the COA Operational Team

The leadership and culture within the COA operational team seem to prioritize independence and self-regulation, which overshadows their role as facilitators of public service. This inclination towards self-governance is further complicated by an ongoing lack of accountability, leading to several consequences:

- **Ignoring the Official Plan Mandate in Staff Reports:** Section 45 of the *Planning Act* mandates that a COA must satisfy four tests to approve a variance. Crucially, the variance must uphold the general intent and purpose of the Official Plan, akin to practices in municipalities like Markham where COA decisions are supported by solid justifications. Despite the persistent advocacy of residents ^[R06] ^[R07], staff reports in Richmond Hill consistently fall short in demonstrating adherence to specified criteria, notably overlooking critical development compatibility factors like massing, as outlined in section 4.9.2.4 of our Official Plan ^[R08], and the Richmond Hill Urban Design Guidelines ^[R09]. This oversight significantly contributes to the approval of numerous applications that deviate from rational planning principles, as evidenced by every case ^[R02] ^[R03] ^[R04] discussed in this study.
- **Resistance to Change:** The COA operational team exhibits a deep-seated reluctance to adopt more transparent and accountable practices. Discussions following a recent hearing meeting suggested that many of their current practices, such as non-compliance with the *Planning Act* and the adoption of a uniformly minimalist format for meeting minutes, are not rooted in a belief in their efficacy. According to a recent discussion, this resistance to change appears to be a strategy to reduce their workload, a stance that is tacitly approved by the leadership. Nonetheless, this resistance to change significantly impedes progress and cultivates a culture of complacency.
- **Retaliation Against Dissent:** COA members who advocate for change or transparency face obstacles and, in some cases, **punitive actions**. This environment discourages open discussion and dissent, essential components of a healthy decision-making process.

Part 3: Proposed Solutions

1. Enhancing Transparency and Public Engagement

- **Full Disclosure of Application Details and Extended Public Review Period:** Implement a policy that mandates the comprehensive disclosure of all application details, along with an extension of the existing public review period, currently less than a week, to at least double its length prior to a hearing. This mandate should include site plans, architectural drawings, and other supporting documents such as environmental study reports and arborist reports, where relevant. Additionally, it should include neighborhood submissions, such as letters of consent or objection, when applicable.

A Better Richmond Hill (ABRH) Study Report

- **Mandatory Conflict of Interest Disclosure:** Members of the COA must be mandated to disclose any conflicts of interest regarding hearing applications, even if they are absent from the meeting.
- **Virtual Meeting Accessibility:** Facilitate live streaming and provide recordings of COA meetings to allow broader public participation and oversight. This step will also aid in verifying the accuracy of meeting minutes and decisions.
- **Historical Records Accessibility:** Improve public access to complete historical COA records, extending at least to one previous COA term, to facilitate public reference, comparative analyses, and understanding of decision-making trends over time.

Implementation of the aforementioned transparency measures faces no major obstacles and should be **achievable within a timeframe of three months.**

2. Aligning with the Planning Act and Integrating Best Practices from Neighboring Municipalities

- **Adherence to the Official Plan's Compatibility Criteria:** Staff reports and COA decisions must align with the Official Plan's compatibility criteria. Infill developments are required to respect the character and distinguishing features of neighbourhoods and shall be context-sensitive and compatible with adjacent and surrounding areas, as mandated by Section 4.9.2.4 of the Official Plan. Proposals must consider the patterns of streets, blocks and lanes, size and configuration of lots, building mass (including height, scale, and density), types of nearby residential buildings, and patterns of front, rear and side yard setbacks and landscaped open space areas. It is recommended to benchmark on the practices of the Markham COA, which includes a detailed rationale in any decisions that allow for substantive changes to the zoning by-laws.
- **Research and Adaptation of Practices from Neighboring Municipalities:** Conduct comprehensive studies of COA practices in other GTA municipalities. This research should focus on identifying successful strategies for enhancing transparency, fairness, and regulatory compliance, which can then be adapted to enhance Richmond Hill COA operations.

3. Improving Planning Staff Preparedness and Involvement

- **Staff Training and Preparedness:** Ensure that planning staff attending COA meetings are adequately prepared and well-informed about the cases under discussion. This entails a comprehensive advance review of cases being heard, and prepared readiness to respond to questions.

4. Ensuring Equitable Representation on the Committee

- **Diverse Committee Composition:** Restructure the COA's membership to incorporate a diverse range of stakeholders, thus ensuring a balanced representation of interests. This should include members from businesses, the community, and independent professionals, with no single group exceeding 40% of the overall composition.

The current composition of the COA panel, with only one out of five members (20%) unaffiliated with the infill sector, undermines its objectivity and credibility. This issue is exemplified by an unusually high application approval rate, highlighting potential bias that aligns with public apprehensions. Maintaining this composition until 2026 seems unjustifiable. **A timely restructuring of the COA to prevent any single interest group from holding a majority is not just logical but also a necessary step that should be prioritized.** This strategic move is crucial for restoring trust, ensuring fairness, and enhancing the integrity of the COA's operations.

- **Transparent Member Selection Process:** Establish clear, transparent criteria for COA member selection to minimize conflicts of interest and promote impartial decision-making. This process should be open to public scrutiny and input.

5. Enhancing Accountability, Leadership, and Operational Culture

- **Fostering a Service-Oriented Leadership and Staff Culture:** Learn from the best practices of neighboring municipalities, especially Markham, and undertake a comprehensive review and revision of any processes that fall short of alignment with the established best practices. This initiative aims to shift from a self-serving work model to one that prioritizes public service and accountability, ensuring an integrated approach to municipal management and planning.
- **Promoting Public Accountability in Operational Practices:** Establish a systematic evaluation system to continuously review and adapt COA operational practices, ensuring their alignment with principles of fairness, transparency, and community welfare. This process should be open to public scrutiny and input, utilizing open-house meetings, online forums, and structured feedback mechanisms to encourage active community participation and hold the COA accountable for its practices.

Conclusion

The Richmond Hill COA faces significant challenges, including a lack of transparency, deviations from the mandates of the *Planning Act*, imbalanced representation, and resistance to diverse viewpoints. To address these, I propose a set of reforms to cultivate transparency, ensure fair representation, and adopt a service-centric approach within the leadership and operational team.

Key reforms include ensuring the full disclosure of application details, providing enhanced access to virtual meetings and full historical records, diversifying the COA's composition, adhering strictly to the processes required by the *Planning Act*, and adopting best practices from nearby municipalities. These initiatives, along with enhanced accountability of leadership and staff and greater public engagement, aim to foster impartial decision-making and enhance operational efficiency.

Implementing these recommendations with dedication can transform the Richmond Hill COA into a paragon of good governance, reinforcing core democratic values of transparency, fairness, and community service. Our goal is to reshape the COA into a trusted, fair, and integral part of the Richmond Hill community, genuinely **representing and serving the balanced interests of all stakeholders**.

References

- [R01] - A Better Richmond Hill: Advocating for Accountable, Transparent Governance.
- [R02] - Examining Richmond Hill's Minor Variance Process: The 52 Penwick Crescent Case and Beyond.
- [R03] - Dissenting Analysis of 34 Roseview Application with Supporting Data.
- [R04] - Dissenting Analysis of 28 Scott Drive Application with Supporting Data.
- [R05] - An Ignored COA Member's Formal Request for Access to Historical Records.
- [R06] - Gary Zikovitz Advocates for Improvements to the COA Minor Variance Process.
- [R07] - Pat Pollock's Request to City Council for Reviewing COA Operations and Addressing Deficiencies.
- [R08] - Richmond Hill Official Plan, Section 4.9.2.4, Often Overlooked by the COA
- [R09] - Requirements in the Richmond Hill Urban Design Guidelines Often Overlooked by the COA

Ref5

The 28 Scott Drive Application Hearing on March 2, 2023 - Alarming Shadows Cast by Veiled Operations:

The Notice of Decision, controlled solely by staff and not accessible to both the public and CoA members, failed to include a crucial CoA panel decision. The applicant's disregard for both their promises and CoA's directives, combined with apparent discrepancies between approved drawings and actual construction, raises questions about accountability and oversight. Is this merely coincidental? Even more troubling is the fact that, despite providing evidence contradicting the alleged complaint against me, the Integrity Commissioner persists in relying solely on one-sided accounts and neglects to conduct the basic verification I have requested. The integrity and credibility of the municipal process are deeply concerning

Pre-Hearing Phase:

The Applicant's Proposal and Concerns

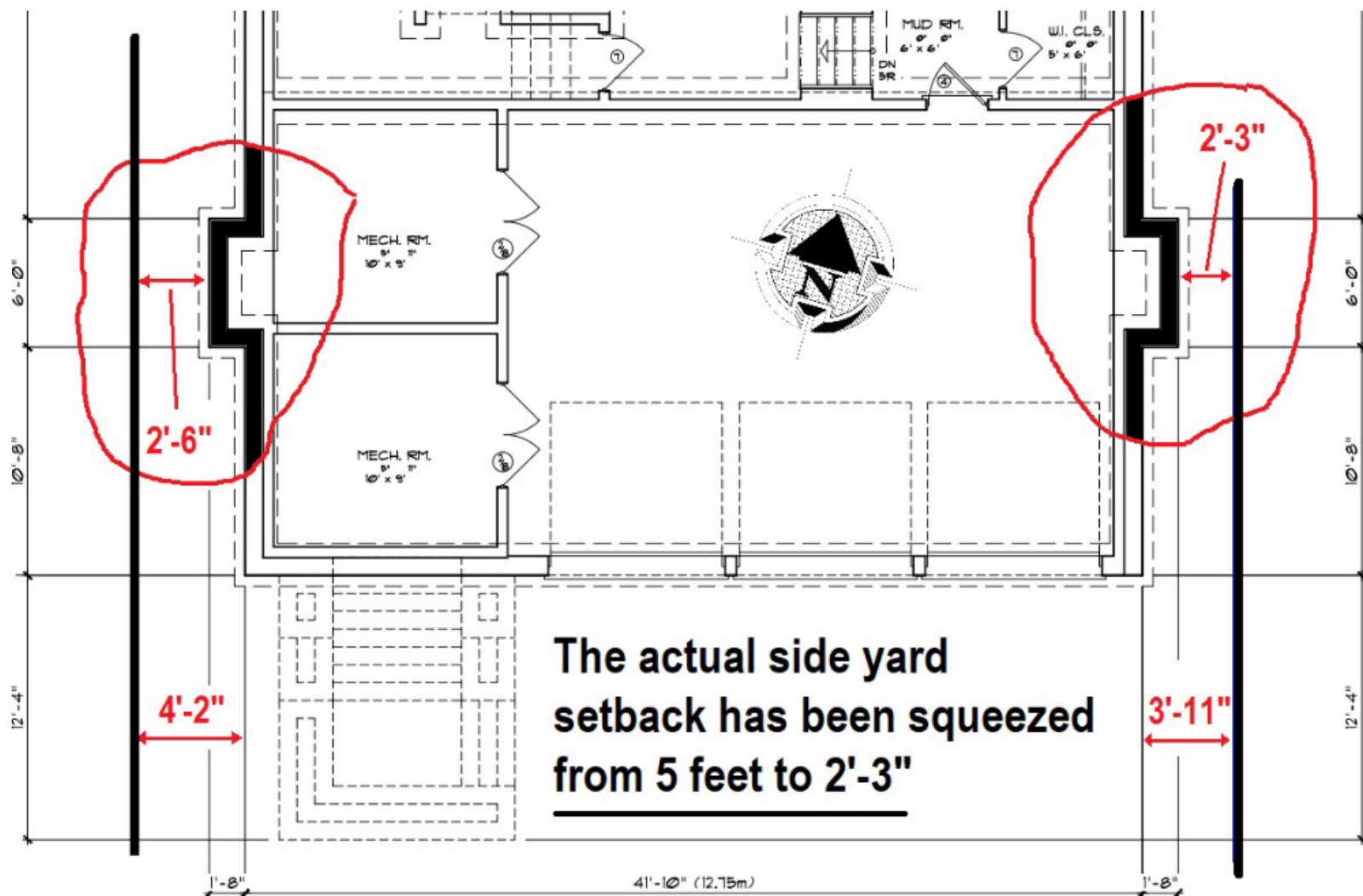
28 Scott Drive

Concerns:
Chimney design
significantly
reduces actual
side setbacks



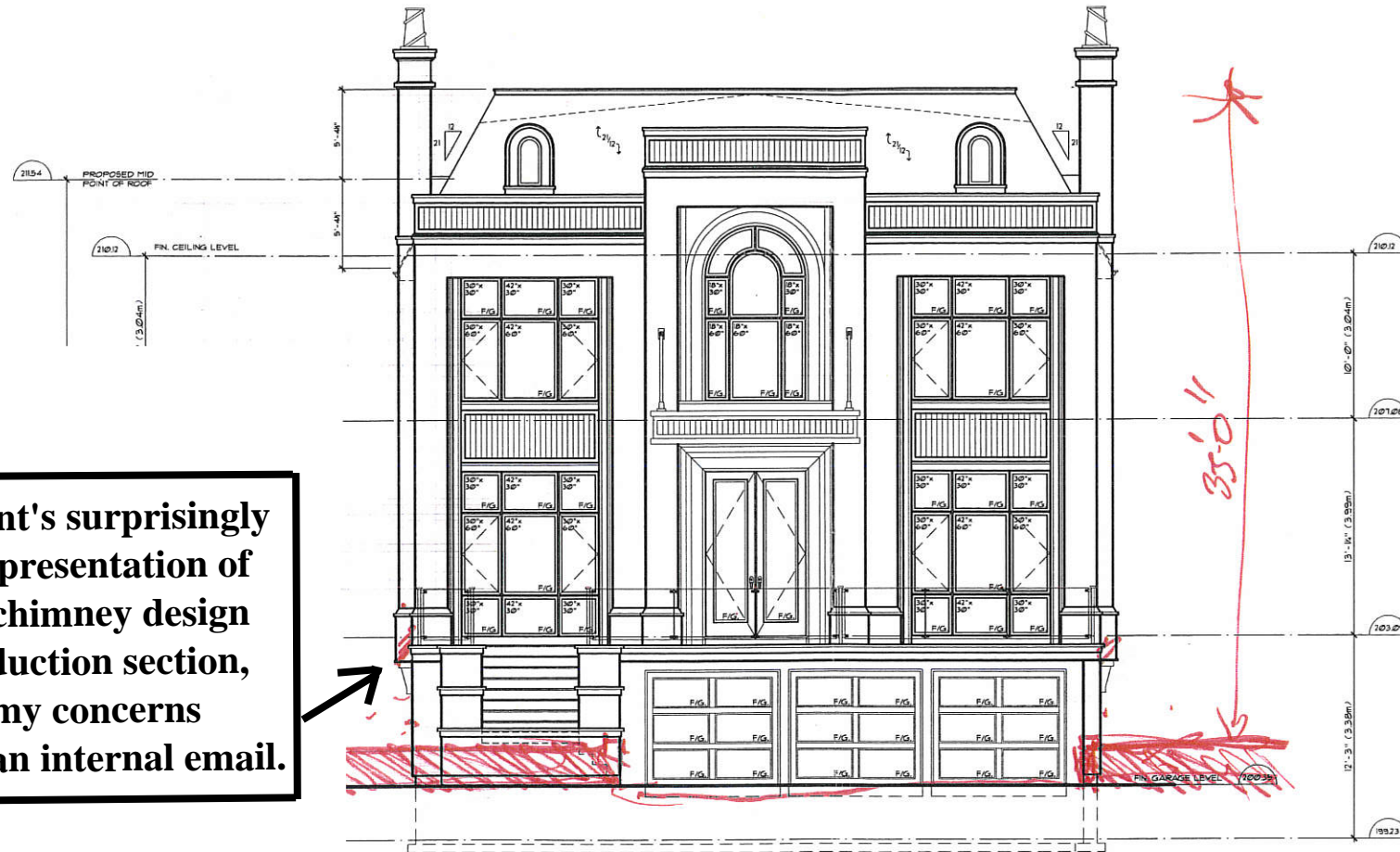
Pre-Hearing Phase:

I emailed this sketch to the COA Secretary two days before the hearing, requesting it be displayed to underscore the significantly reduced side setbacks caused by chimney design during my inquiry.



Hearing Phase

The applicant's surprisingly preemptive presentation of the revised chimney design in the introduction section, addressing my concerns outlined in an internal email.



| REVISIONS | | |
|-----------|---------------------------|------------|
| NO. | ISSUED FOR C.D.A. | DATE |
| 1 | ISSUED FOR C.D.A. | 08/14/2022 |
| 2 | PLANNING COMMENTS | 08/16/2022 |
| 3 | REDUCTION OF LOT COVERAGE | 09/08/2023 |
| 4 | REDUCTION OF CHIMNEY DEEP | 09/03/2023 |
| | | |
| | | |
| | | |
| | | |

ARCHITECTURAL SEAL: _____

STRUCTURAL SEAL: _____

ALL DRAWINGS ARE THE PROPERTY OF GEORGIO LOLOS DESIGN INC. AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT WRITTEN CONSENT FROM THE DESIGNER. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE CONSTRUCTION AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER. DO NOT SCALE DRAWINGS.

CONSULTING DESIGN BY:
Georgio Lolos Design Inc.
 A Division of Delta Design

G

Distinctive & Innovative Design

220-11 DUNCAN MILL RD
 TORONTO, ONTARIO
 M3B 3J3
 TEL: (416) 635-5100
 FAX: (416) 794-1150
 glolos@glolosdesigns.com

BATTAGLIA ARCHITECT INC.

8888 KEELE ST. UNIT 8 TEL: (905) 508-2100
 CONCORD, ONT. FAX: (416) 848-7561
 L4K 1N2

PROPOSED 3 STOREY DWELLING FOR:
MAHZAD HOMES
 # 78 SCOTT DR.
 RICHMOND HILL, ONTARIO

FRONT (SOUTH) ELEVATION

| | | |
|------------------------|-----------------------|---------------|
| DRAWN BY: D. POVEDA | CHECKED BY: G.L. | SHEET A-5 |
| DATE AUG. 2022 | SCALE 1/8" = 1'-0" | FILE 22-75 |

. She agreed
rea and will

iveway.

Chairman Master replied that is out of the Committee's control and offered the applicant two options. One being a deferral of the application to address the height issue and second, approval of the listed variances; excluding the height variance.

Member Li added that there is not a need for the side yard variance as there is ample space on the lot to build a larger home. He added that the dwelling is very close to the east and west neighbouring properties and that does not agree that this variance

**COA panel approval condition
noted in meeting minutes:
Chimney modification required**



Opposed by: J. Li

Subject to the following conditions:

- For the following reasons:**

1. The general intent and purpose of the By-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.



Notice of Decision – Minor Variance Application
Section 45 of the Planning Act, R.S.O. 1990, c.P.13, as amended

| | |
|---------------------------------|---|
| Hearing Date & Time: | Thursday, March 2, 2023 at 7:00 P.M. |
| Location of Hearing: | 225 East Beaver Creek Road, 1 st Floor, Council Chambers, Richmond Hill. |
| City File Number: | A066/22 |
| Property (Subject Land): | 28 Scott Drive |
| Owner: | Zahra Dadashi |
| Related Applications: | N/A |

The Request:

To provide relief from the provisions of By-law 2523, as amended, to permit reduced minimum side yard setback (east) from 1.52 metres (5.00 feet) to 1.20 metres (3.93 feet), reduced minimum side yard setback (west) from 1.52 metres (5.00 feet) to 1.28 metres (4.19 feet), increased maximum driveway width from 6.00 metres (19.68 feet) to 8.68 metres (28.47 feet) and increased maximum encroachment of porch into minimum required front yard from 0.91 metres (3.00 feet) to 3.51 metres (11.51 feet) to accommodate the construction of a proposed single-detached dwelling.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. Having regard to the requirements of Section 45 of the Planning Act, R.S.O. 1990, c. P. 13, as amended. In so doing, IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application be approved

Subject to the following conditions:

1. That the variances pertain only to the request as submitted with the application.
2. That development be substantially in accordance with the sketch submitted with the application as required by Ontario Regulation 200/96, as amended, Section 5.25.

For the following reasons:

1. The general intent and purpose of the by-law will be maintained.
2. The general intent and purpose of the official plan will be maintained.
3. The requested variance(s) is/are desirable for the appropriate development of the subject lands.
4. The requested variance(s) is/are minor in nature.

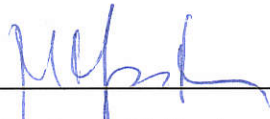
Written & Oral Submissions Were Received From The Following:

| Written Submissions * Public Correspondence & Staff/Agency Comments | Oral Submissions |
|---|-------------------------|
| Letter of Objection from 26A Scott Drive – Received February 9, 2023. | Georgio Lolos |
| Letter of Objection from 22A Scott Drive – Received February 8, 2023. | |
| | |
| | |


Post-Hearing Phase

This Notice of Decision, controlled solely by staff and not accessible to both the public and CoA members, Omitted the CoA panel decision: Chimney revision required.

Signed By All Members Present Who Concur In This Decision:



Chairman M. Master

Member – C. DiRezze


Member – N. Kelbas


Member – D. Gossi


Member – J. Li

| | |
|--|----------------|
| Date of Hearing: | March 2, 2023 |
| Date of Notice: | March 6, 2023 |
| Last Day for Appeal: *please note that appeals must be received by this office no later than 4:30 p.m. on the last day of appeal. | March 22, 2023 |
| Certification: I hereby certify that this is a true copy of the decision of the city of Richmond Hill committee of adjustment and this decision was concurred in by a majority of the members who heard the application.  Jaime Hope ACST Secretary-Treasurer Committee Of Adjustment | |

Appealing to the Ontario Land Tribunal
The *Planning Act*, R.S.O. 1990, as amended, Section 45(12)

No one other than the applicant, the municipality, certain public bodies, and the Minister will be allowed to appeal municipal decisions to the Tribunal within 20 days of the making of the decision. An appeal to the Ontario Land Tribunal against the decision must be **filled with the Secretary-Treasurer of the committee**. A notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Ontario Land Tribunal under the *Ontario Municipal Board Act* as payable on an appeal from a Committee of Adjustment to the Board.

When **no appeal is lodged** within twenty days of the date of the making of the decision, the decision becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer.

Appeal fees & forms

Ontario Land Tribunal: As of July 1, 2020, the appeal fee is \$400 plus \$25 for each additional consent/variance appeal filed by the same appellant against connected applications. Notice of appeal forms (Appellant Form A1 – Minor Variance) can be obtained at www.olt.gov.on.ca.

City of Richmond Hill Tribunal Processing Fee: *\$167.00 per application

**Please note that all fees are subject to change.*

For further information please contact the
Secretary-Treasurer, Committee of Adjustment weekdays from 8:30 am to 4:30 pm



The applicant's disregard for both its promises and the CoA's decision on chimney modification, combined with apparent discrepancies between approved drawings and actual construction, raises questions about accountability and oversight

Post-Hearing Phase



Questioning the Integrity and Credibility of the Municipal Process

Mar 26, 2024



VOICE

Addressing the Integrity Commissioner: The Irony of Using Personal Gmail for Official Conduct Issues

Municipal Image Diminished

- The Integrity Commissioner's use of personal Gmail undermines the municipality's professional image.
- Ironically, this occurs within the office tasked with upholding conduct standards.

Risk of Being Deemed Spam

- Given public skepticism, serious municipal issues addressed via personal email are at risk of being dismissed or marked as spam.

From: [REDACTED]@
gmail.com>
Sent: January 8, 2024
11:54 AM
To: [REDACTED]
Subject: Re: Notice of
Formal Code of Conduct
Complaint and Request
for Reply

Typos Found on a Single Page of the Integrity Commissioner's Report

Conclusion:

The Respondent made requests for information outside of the statutory jurisdiction of the COA, made comments that disparaged staff, insisted on delivering PowerPoint presentations at COA meetings that criticized staff, and conducted himself with a lack of decorum during COA meetings by using an aggressive tone towards staff and applicants. While submitting PowerPoint presentations is not prohibited and is not in and of itself concerning, submitting presentations to the Secretary-Treasurer to distribute to all parties only at the beginning of meeting and being angered that these are distributed to the applicants and COA Members prior to the meeting, accusing CAO staff of "leaking" information, using these presentations as a platform to undermine and unfairly criticize COA and Planning Department staff, is behaviour that was and ought to have been known to be unwelcome and disrespectful to staff. Nothing in the Code prevents the Respondent or any COA Member from stating an opposing opinion, voicing disagreement or seeking clarification from staff or the applicant. However, based on the information that I have received and reviewed during this investigation, it is the Respondent's methods, aggressive and dismissive tone, personal attacks and undermining of staff, in particular the Secretary-Treasurer, that constitute conduct that runs afoul of the Code. I received witness accounts that even after the Respondent had been advised that COA Members are not supposed to speak to neighbours of the applicant property prior to the hearing at which the variance is heard, the Respondent continued to attend adjacent properties and speak with neighbours contrary to the guidance of the Secretary-Treasurer and best practices for COAs. Committees of Adjustment are quasi-judicial bodies that must be impartial and treat all parties equally. Planning staff and CAO staff are professional and follow the rules of their professional regulatory bodies. There is never a justification for aggression towards staff even when one may disagree with their recommendations.

Witness information evidenced that COA Members of Committee met and spoke with the Respondent since January 2023, providing multiple warnings and these advances towards informal resolution were met with no behavioural change on the part of the Respondent. This is relevant to my recommendations on sanctions and other measures. Witness accounts confirmed that when the Respondent opposed anything in a staff report, he would be belligerent and aggressive. Initially, fellow CAO Members and CAO staff afforded the Respondent the benefit of the doubt as he was new to the role. However, multiple warnings by the Chair and attempts to reason by CAO Members did not result in behavioural change by the Respondent as witness statements evidenced that the Respondent's behaviour would move swiftly from calm to aggressive and personally attacking and accusing staff of favouring the applicant. This is why I believe the sanction and measures that I have recommended are reasonable. The Respondent's conduct set out throughout this investigation report has been ongoing at every meeting of the

JL John LI
Typo, It's COA

JL John LI
Typo, Again, It's COA


JL John LI
Again, It's COA

JL John LI
COA

JL John LI
Once more, it's COA

Questioning the Integrity and Credibility of the Municipal Process

- **Credibility and Professionalism at Risk:** The absence of basic proofreading in a report that recommends my removal from COA severely undermines the investigation's credibility. How can we trust the Integrity Commissioner's diligence in serious matters affecting citizens' roles and reputations if they neglect even to proofread?
- **Wider Consequences and the Need for Accountability:** The neglect in proofreading a consequential report casts doubt on the work ethic and integrity about the municipal team's dedication to standards and fairness. This raises a critical question: How will the municipality uphold justice, fairness, and transparency to restore trust in its processes and decisions?
- **A Paradox of Oversight:** **Who monitors the conduct of the Integrity Commissioner?**



Concerns Regarding COA Application for 34 Roseview Ave: B001/20, A004/20 & A005/20

2023-09-28



VOICE

#1 Height Concern: The Structure Is 15'-8" Taller Than The Immediate Neighbor





Appropriate mass and height in context of neighbours



Inappropriate mass



Inappropriate height

Mass and Height

Guideline 17.

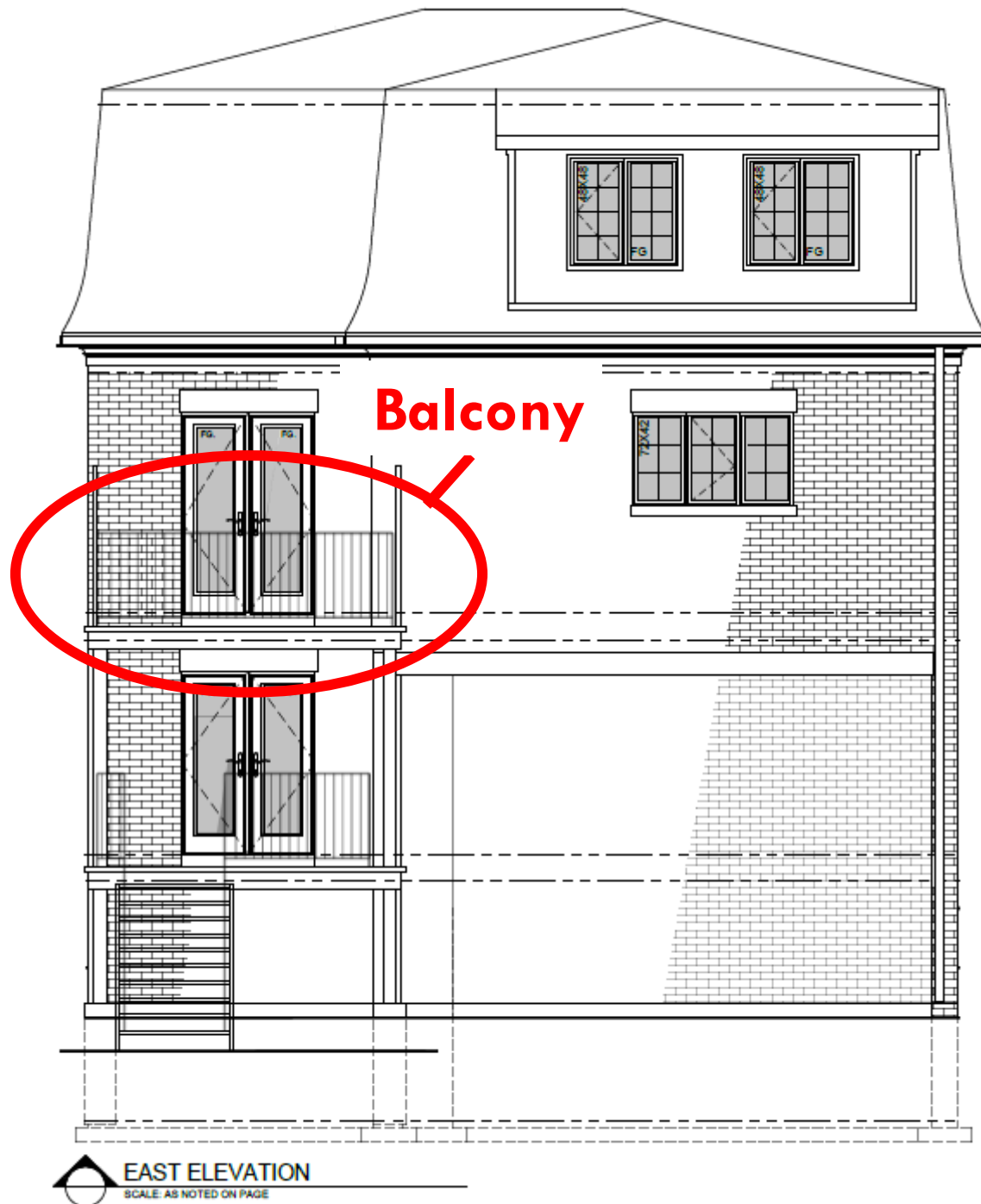
Provide for a variety building heights for houses from single storey to two and a half storeys. All new houses shall be compatible in height to their immediate neighbours.

The scale of the area's heritage buildings ranges from one storey cottages to moderately sized two storey houses. The scale of buildings in single lot infill must not overwhelm or overshadow adjacent buildings. The height and massing of new buildings should be compatible with adjacent buildings, neither too tall nor too small.

Furthermore, does this application need to follow the Village Core Neighborhood Design Guidelines?



#2 Privacy Concern - New Development Will Fully Expose Neighboring Backyards





Question 2 for the Applicant:

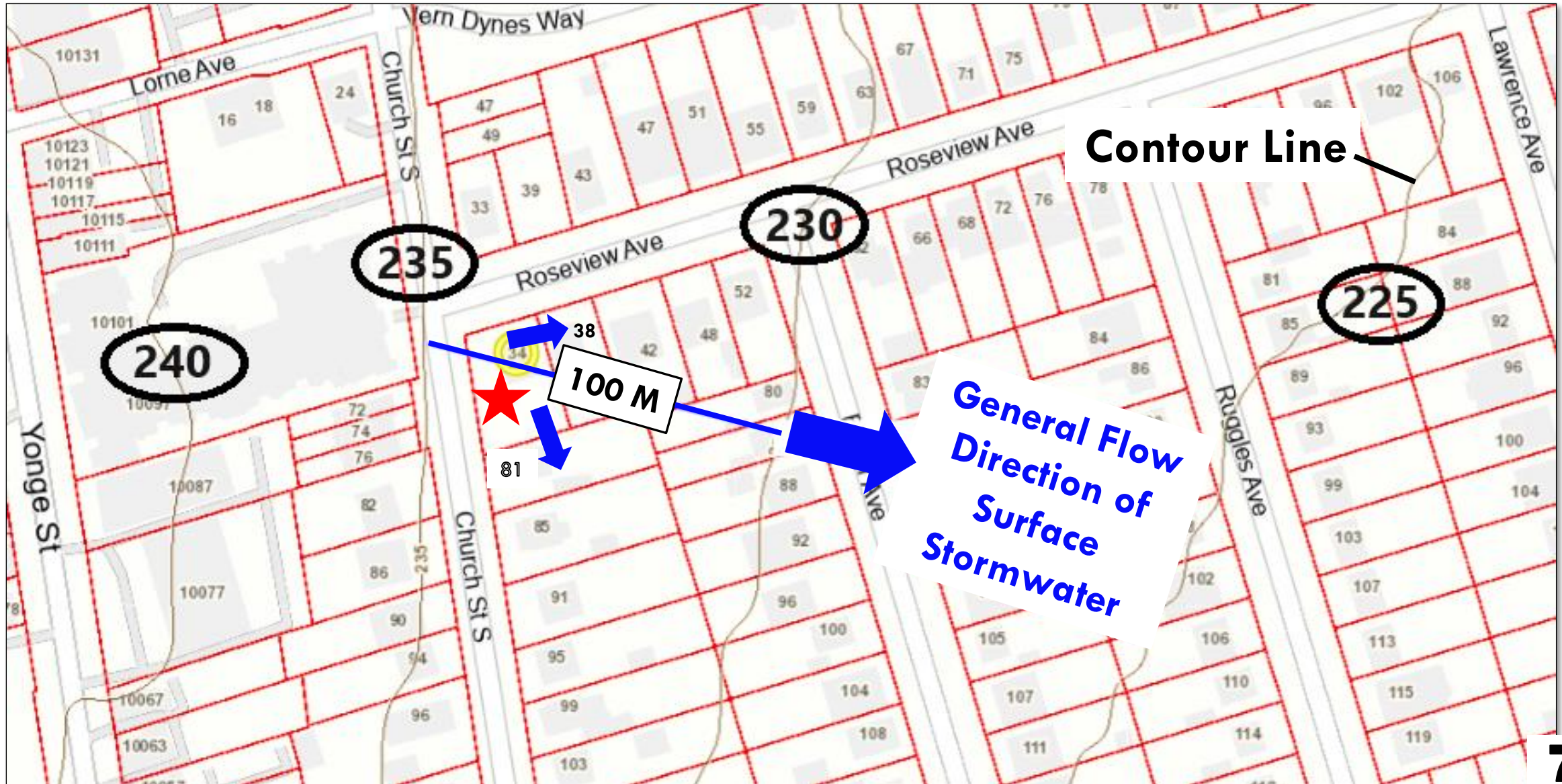
The Village Core Design Guidelines emphasize **coexistence without undue impact on neighboring properties**. Have you followed these guidelines concerning neighborhood privacy?

- Coexistence without undue impact on surrounding properties – this is quite an onerous test, usually related to easily identifiable/quantifiable impacts like shadow, privacy, traffic and parking problems. In the context of this neighbourhood, the concept of “visual impact” must be established as an important development review criteria. Visual impact analysis will need to be tied to the attributes that define the area’s character, either on a neighbourhood-wide or defined vicinity basis.

4.1 Understanding Community Character

The broad categories of architectural detail, building/lot relationships, landscape and streetscape make sense in assisting in the definition of a diverse community character. Each of these categories are further refined in the Design Guidelines, with key indicators that need not always be quantified, but that are explained on the basis of positive vs. detrimental impact. Depending upon the defined vicinity, the

#3 Drainage Issue: Decade-Long Challenge, Grading Directs Stormwater Onto Adjacent Properties; New Development May Worsen Situation



Question 3 for the Planning Department:

Residents of this neighborhood have long struggled with drainage flooding issues, having communicated with the city for over a decade. I would like to know: since the last COA meeting on June 25, 2020, **what concrete measures has the city taken?** Please provide details on the city's executed improvements.

Secondly, how will the city ensure the new development does not exacerbate the current situation? Specific details would be greatly appreciated.



Sideyard setbacks are typically wide.

Building Width and Side Yard



Guideline 16.

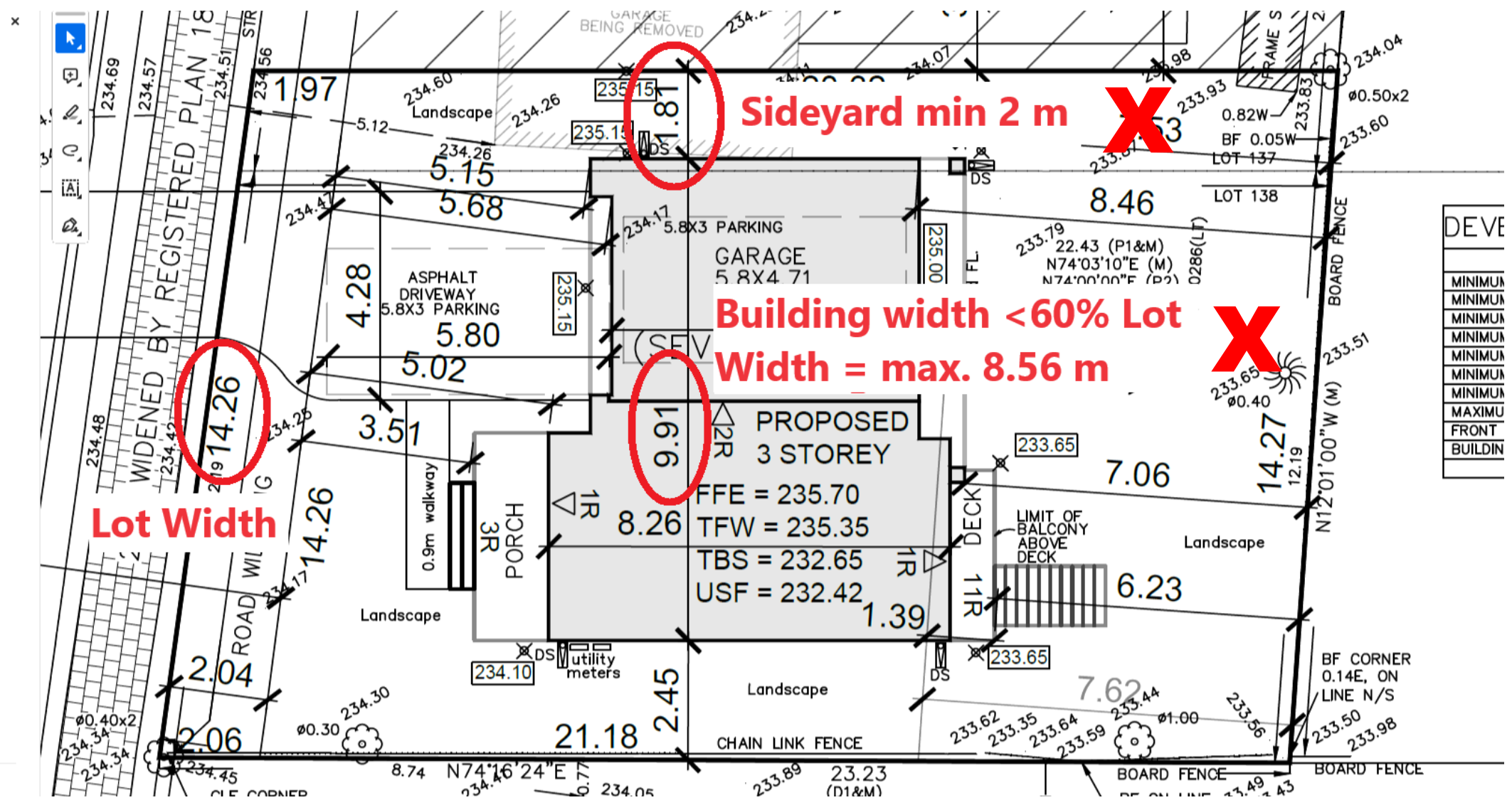
Accommodate a diversity of sideyard setbacks within a range complementary to the immediate neighbours.

Spaces between buildings afford glimpses of greenery in the backyards and make the streets feel more open. Even large or multi-family units rarely approach the property lines on more than one side, allowing for open spaces on the side as well as at the front and rear.

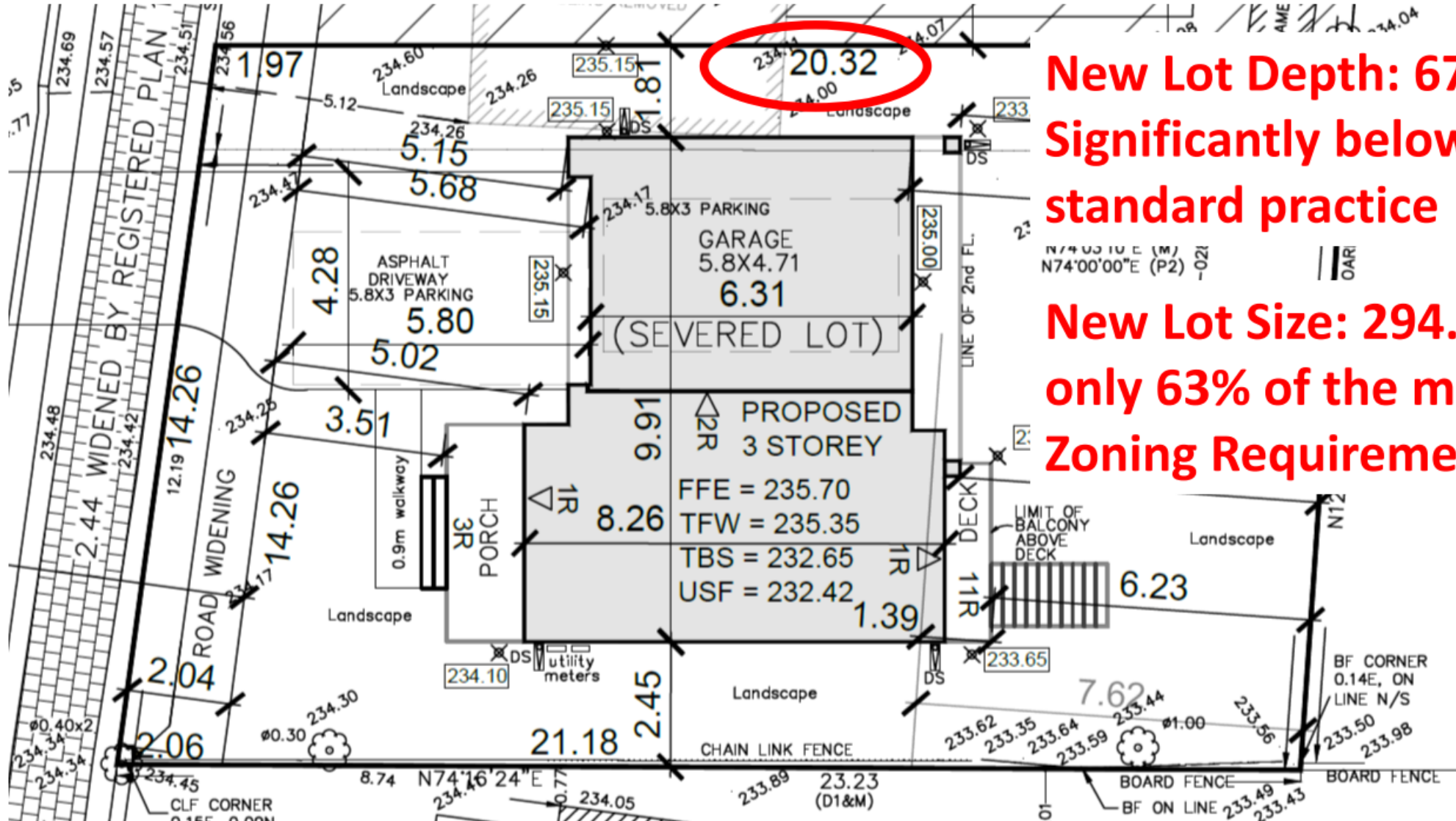
Future development or changes to existing buildings should preserve the openness of individual yards. Individual buildings should be surrounded by yard space on all sides. Front, side and rear yards are seen as the connecting fabric of the area.

Based on the typical existing condition it is recommended that the width of a building (including an attached garage) is no more than 60% of the width of the lot upon which it stands. No sideyard shall be less than 2 m (6.5 ft.).

#4 Village Core Guidelines Breach: Building Width & Side Yard



#5 Lot Size & Depth: Beyond Minor Variance



New Lot Depth: 67 ft
Significantly below
standard practice

New Lot Size: 294.3 m²
only 63% of the min.
Zoning Requirement

In Summary:

The Minor Variance Application for 34 Roserview Ave does not align with the Village Core Neighborhood Design Guidelines, in terms of building height, number of stories, privacy, building width, and yard size — all these aspects differ considerably from established standards.

Furthermore, the site has historically faced drainage flooding issues, which this new development could potentially worsen.

Given these significant concerns, I believe this application goes beyond a minor variance, and I cannot support it.