

What to expect at the hearing

The following people will be present at the hearing:

- You, plus your representative, if you have one, and any witnesses who may testify on your behalf
- A three-person panel of the Tribunal
- A lawyer from the City, representing ML&S
- A staff member from ML&S and any other witnesses that may testify on behalf of the City
- Court Services staff
- A court reporter to take a full record of the proceedings
- An interpreter, if you have requested one.

The City's lawyer starts the hearing by explaining why ML&S refused to approve your licence application or renewal or wishes to revoke your licence. The City may then call witnesses. After each person finishes his or her testimony, you (or your representative) may ask the witness questions about that testimony. This is called cross-examination.

When the City's witnesses are finished testifying, it is your turn. This is when you and your witnesses, if any, tell the Tribunal your side of the story, after which you and your witnesses may be cross-examined by the City's lawyer. This is also when you present any relevant documents you brought with you.

Adjournment requests

Sometimes a hearing may not proceed on the first scheduled date. You or the City may have a valid reason to request that the hearing be moved to another date, and an adjournment may be granted. If you need an adjournment, you, your agent or your lawyer should notify the Tribunal Administrator as soon as possible. However, cases should proceed without unreasonable delay, so the number of adjournments is limited and depends upon the reasons it is being sought.

Every witness must swear or affirm to tell the truth.

After all witnesses have testified and been cross-examined, the City's lawyer will make a submission to the Tribunal. This submission will say what the City wants the Tribunal to do (for example, to issue or renew your licence with or without conditions, to refuse to issue or renew your licence, or to suspend or revoke your licence) and why.

You (or your representative) may then make a submission on what you want the Tribunal to do and why.

The City's lawyer may make a final statement to the Tribunal.

The Tribunal will then recess (leave the hearing room) to consider the evidence it has heard and make a decision about your licence. After the recess, the Tribunal will return to the hearing room and announce its decision. Some time later, a written decision will be issued and a copy mailed to you. The Tribunal's decision is final. However, in limited circumstances, either you or the City may make an Application for Judicial Review to the Ontario Divisional Court. You should seek legal advice if you intend to apply for Judicial Review.

Contacts

Toronto Licensing Tribunal

East York Civic Centre
850 Coxwell Avenue, 2nd floor
Toronto, ON M4C 5R1
Telephone: 416-392-3074
Fax: 416-392-4974
e-mail: TLT@toronto.ca.

Municipal Licensing and Standards

Telephone: 416-392-6700

City of Toronto Municipal Code

www.toronto.ca/legdocs/municode/index.htm

Toronto Licensing Tribunal Webpage

www.toronto.ca/licensing-tribunal/index.htm

Address

Hearings take place at

East York Civic Centre

850 Coxwell Avenue, 2nd floor

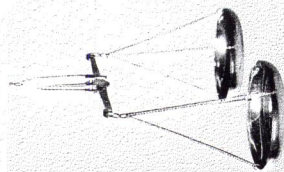
Toronto, ON M4C 5R1

Map



TTC Directions:

From the Coxwell stop on the Bloor Danforth subway line, take Bus route 70, 70A or 70B bus to Mortimer Avenue.



Toronto



Licensing Tribunal

 **Toronto**

People conducting a wide variety of businesses within Toronto must obtain a licence from the City's Municipal Licensing & Standards Division (ML&S). If ML&S has refused to issue you a licence or to renew your licence, you may appeal that decision to the Toronto Licensing Tribunal (the Tribunal). There is no fee for such an appeal, although you are responsible for paying your own lawyer or agent, if you choose to hire one to represent you. ML&S may also seek to revoke a business licence. In such cases, the licence holder will be required to attend a hearing before the Tribunal, which will then decide the matter.

How to request a hearing

- When you receive the refusal letter from ML&S, complete the Request for Hearing form and return it to the Licensing Office (East York Civic Centre, Third Floor, 850 Coxwell Avenue, Toronto, Ontario, M4C 5R1) within 30 days of the date of the that letter.
- If you already have an agent or lawyer who will represent you at the hearing, put his/her name, address and phone number on the form. The hiring of a lawyer or agent will be at your own expense. If you do not have an agent or lawyer at the time you file the appeal, you are still free to hire one at any time during the appeal process.
- Tribunal hearings are conducted in English. If you want to use an interpreter at the hearing, fill in the language you need on the Request for Hearing form. The City of Toronto will provide the services of an interpreter free of charge. If you did not ask for an interpreter on your Request for Hearing form, you may still arrange for an interpreter by calling the Tribunal Administrator at 416-392-3072.
- After your Request for Hearing form is received by ML&S, a report will be written and delivered to the Tribunal Office. The Tribunal Office will schedule a hearing for you and will send you a Notice of Hearing giving the date and time of the hearing.
- Along with the Notice of Hearing, you will receive a copy of a report that contains the facts and sections of the bylaw upon which ML&S intends to rely at the hearing. You should carefully review the entire contents of the report.

About the Tribunal

The Tribunal is a quasi-judicial body consisting of seven citizens chosen by Toronto City Council. The Tribunal receives administrative support from the Court Services Division within the City of Toronto. Each Tribunal member is appointed to a four-year term and is independent from the City and from industry. Hearings are open to the public, and the Tribunal reaches its decisions without political or business interference.

The Tribunal has the authority to:

- Approve or refuse an application for a licence
- Approve or refuse the renewal of a licence

- Place conditions on a licence
- Suspend or revoke a licence.

In making a decision, the Tribunal has to consider balancing the protection of the public interest with your need to make a livelihood.

ML&S may refuse to issue or renew a business licence because you have exceeded the Business Licensing Thresholds as a result of Criminal Code, Highway Traffic Act or Bylaw convictions. The Tribunal, however, is not bound by the thresholds and may grant a business licence, with or without conditions, if it believes the applicant will conduct his or her business in a legal and ethical way that will not endanger the public.

How to prepare for your hearing

Think about the grounds (reasons) of your appeal and the evidence that you will need to support your appeal.

Before the hearing date, you should re-read the report from ML&S, setting out its concerns about the business licence you hold or are applying for. At the hearing, you should be prepared to address these concerns and to explain why you believe you should be issued or permitted to retain a business licence. You may give evidence yourself, you may bring witnesses who have first-hand knowledge of relevant facts, and you may bring relevant documents. In particular, you should:

- Arrange for your witnesses to attend the hearing. Although letters from your witnesses may be taken into account by the Tribunal, it may be more persuasive for your witnesses to attend the hearing to give their testimony in person.
- Always bring the Notice of Hearing and the ML&S report with you to the hearing.
- Collect all the other documents that you require and bring them with you to the hearing. The following are examples of documents that you may wish to bring with you to your hearing, if they are relevant:
 - Dated and signed letters from your employer or former employers
 - Diplomas and professional certificates
 - Dated and signed letters from your doctors or copies of your medical records
 - Your criminal, by-law and/or provincial driver's licence records
 - Dated and signed letters from your counsellor, religious advisor, parole officer or therapist.