



## STAFF REPORT ACTION REQUIRED

**February 18, 2009**

### **Report of the Toronto License Tribunal Chair**

<b>Date:</b>	April 14, 2009
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Jim Hart, Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	p:\2009\cluster b\mls\l&s committee\may\tribunal report april 20 2009.doc

## **SUMMARY**

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Ms. Carol Shirliff-Hinds, the Chair of the Toronto Licensing Tribunal, submitted a report, dated February 18, 2009, to the Deputy City Manager, and the Licensing & Standards Committee.

In her report, Ms Shirliff-Hinds identifies three primary concerns:

1. Tribunal Decisions are not at this time published on the City Web Site;
2. The wording, provided in appendix K of the City of Toronto, Municipal Code Chapter 545, Licensing, requires review and amendment for clarity; and
3. A review of the Relationship Framework that exists between the Tribunal and Council is required.

A copy of the report of the Chair of the Toronto Licensing Tribunal, dated February 18, 2009, has been provided to the Legal Services and Court Services Divisions and to the City Managers Office for their information.

## **RECOMMENDATIONS**

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**The Executive Director of Municipal Licensing & Standards recommends that:**

1. The issues raised in the report of the Chair of the Licensing Tribunal be referred to the appropriate staff for a report back to the Licensing and Standards committee.

## **Financial Impact**

There is **no** financial impact beyond what has already been approved in the current year's budget.

## **COMMENTS**

At its meeting on November 17, 2008, the Licensing and Standards Committee recommended that City Council amend the relationship framework of the Toronto Licensing Tribunal.

On February 18, 2009, Ms Carol Shirliff-Hinds, Chair of the Toronto Licensing Tribunal submitted a report to Mr Richard Butts, Deputy City Manager and the Licensing and Standards Committee, in which she discussed a number of matters. It appears that in her report, Ms Shirliff-Hinds identifies three primary concerns:

1. Tribunal Decisions are not at this time published on the City Web Site;
2. The wording, provided in appendix K of the City of Toronto, Municipal Code Chapter 545, Licensing, requires review and amendment for clarity; and
3. A review of the Relationship Framework that exists between the Tribunal and Council is required.

**Toronto Licensing Tribunal Decisions:** That the decisions of the Toronto Licensing Tribunal are not published on the City website for applicants to review. Contact with the Court Services Division has revealed that Tribunal decisions were posted for a brief period of time, however, due to Freedom of Information and Protection of Privacy concerns, this practice was suspended pending the completion of a review of the practice is being undertaken by the Office of Corporate Access and Privacy. The Privacy Impact Assessment (PIA) was requested on March 30, 2009 and it is anticipated that the final report will be delivered by the end of May. When the PIA is completed, an appropriate recommendation will be tabled before this Committee.

**Review of Appendix K of Chapter 545:** That there is an issue with regards to the clarity of the wording supplied in Appendix K of Chapter 545. The Tribunal recommended that the Appendix be reviewed with the objective of adding section numbers that correspond to the various codes referred to in Appendix K. It should be noted that Appendix K is a large complex document and it is anticipated that staff of Municipal Licensing and Standards would require a minimum of eight weeks to complete a thorough review and prepare amendments prior to submission to Legal Services.

**Review of the Relationship Framework:** As a result of applications for Judicial Review in 2008, it has been identified that the Tribunal is not able to make a decision outside of a business meeting. This is considered to be cumbersome and makes it difficult for the Tribunal to respond in a timely manner. Therefore, it is suggested that the Relationship Framework be reviewed by the City Manager's Office and Legal Services with a view to allowing more flexibility.

A copy of the report of the Chair of the Toronto Licensing Tribunal, dated February 18, 2009, has been provided to the Legal Services and Court Services Divisions and to the City Managers Office for their information.

## **CONTACT**

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## **SIGNATURE**

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