

## **Extract of Public Appointments Policy:**

- 3.8 Vacancies A vacancy on the board is created when a member resigns or vacates the position for any reason, effective the earliest of:
- (1) the date of resignation;
  - (2) the date the member ceases to be qualified;
  - (3) the date the member is removed by Council; or
  - (4) the date of death or other incapacitation.

Where a vacancy occurs before the end of the term for boards where Type 1 [Advertised Recruitment] or Type 3 [Multiple Sourcing] Recruitment Methods are used (see Sections 4.4 and 4.6), candidates will be selected to fill the vacancy from the list of qualified candidates having due regard for the balance of skill sets required and diversity objectives. Where possible candidates will be chosen from the list of alternates (see Section 7.10), the short-list of qualified candidates used in the process at the beginning of the term (see Section 7.3), or the skills registry (see Section 7.11).

**Note: Short-listed applicants for the Toronto Licensing Tribunal are required to complete a written test as part of the selection process.**

### **Licensing Tribunal**

#### **Nomination Process – Advertised Recruitment**

The 6 citizen appointees plus the 1 citizen Chair are recruited through City-wide media advertising and screened against Council approved qualifications by a City staff team. Short-listed candidates are required to submit three references and complete a rigorous assessment of writing skills and interview questions which test for understanding of the concept of protection of public interest and adjudicative thinking. The City's Civic Appointments Committee determines nominees by evaluating candidate applications, interview and test results and an assessment of potential conflict of interest issues and recommends for approval by Council.

#### **Agency Profile**

The Toronto Licensing Tribunal is a quasi-judicial body that operates independently of the licensing and enforcement functions performed by City staff. Municipal Licensing and Standards (ML&S) staff administer and issue licences in accordance with City By-laws and thresholds established by Council.

The Tribunal considers matters where the holder of a licence has violated certain threshold conditions. It also considers matters where an applicant disagrees with an ML&S decision. City lawyers prepare the case for the City in cooperation with ML&S staff, and present the City's case at the hearing. Applicants or licensees may also be represented by their own legal counsel at the hearings.

## Licensing Tribunal

### Board Responsibilities

The Tribunal conducts itself in accordance with the *Statutory Powers Procedure Act, R.S.O. 1990*, and is also governed by the City of Toronto Municipal Code, Chapter 545, “Licensing”.

Tribunal members are organized into hearing panels of three members to hear individual cases. They hear both sides of the issue and make a decision.

The panel chair documents the panel’s decision in writing in a form that restates the salient evidence given at the hearing, provides a clear rationale for the decision, and references the By-law articles applied.

This position requires a commitment from each Member to spend the time needed for preparation and in-depth hearings. A single matter may require hearing testimony from not only the applicant or licensee, but also from a number of civilian and City staff witnesses, all of which is done under oath and is subject to cross-examination.

In addition, Tribunal members are expected to attend periodic business meetings of all Tribunal members to discuss their decision making protocols, issues that need to be brought to the attention of the City and their annual report.

Duties of the Chair include:

- Management of the hearing process including assignment of panels and oversight of the adjudicative process
- Attending hearings when required
- Review of decision documentation for consistency
- Liaison with the City regarding both administration and policy issues
- Ensure that members attend the prescribed training program, and seek training opportunities for members to foster their adjudicative skills on an ongoing basis, and
- Representation of the Tribunal in the media and at public events.

### Term of Office

Four years coincident with the term of Council

### Composition

The Toronto Licensing Tribunal consists of seven citizen members:

- who are organized into two panels of three members each on a rotating basis, and
- Council appoints the Chair.

## Licensing Tribunal

### Qualifications

An applicant is ineligible for an appointment if they have been a City of Toronto Councillor in the last three years.

In addition to the general eligibility requirements set out in this policy, all members must demonstrate:

- a good understanding of the mandate of the Toronto Licensing Tribunal
- a good understanding of the Licensing By-law and the *Statutory Powers Procedure Act*
- understanding of a field related to business licensing and sensitivity to the various interests and issues
- familiarity with the concepts of natural justice/fairness
- excellent listening skills, open-mindedness, sound judgement, and tact, and ability to mediate
- ability to organize and analyze evidence (written and oral)
- demonstrated ability to write a clear, well-reasoned decision that takes into account the evidence, the submissions, the law and policy
- a commitment to public service and to uphold a high standard of ethics
- good interpersonal skills, including the ability to work in a team
- the ability to work under time pressures
- flexible work schedule to allow attendance at hearings, and
- willing and available to attend training programs once appointed.

Additional Requirements for the Chair, who is appointed by Council:

- Previous experience in an adjudicative role
- Administrative skills to organize, schedule and arrange appropriate support for hearings
- Excellent communications skills, both oral and written, to articulate issues and decisions to staff, Committees of Council, the press, and the public
- A willingness and ability to represent the Tribunal publicly and perform speaking engagements

### Meetings

Hearings are held weekly on Thursdays by rotating panels of three members. Hearings start at 9:00 a.m. and continue until about 4:30 p.m., with a break for lunch. Hearings must start on time and not be interrupted by telephone calls or other business; members must be prepared to commit themselves to the matters at hand.

Occasionally, there are special hearings and multi-day hearings. Members would be required to attend as needed, and advance notice would be given. Each member should anticipate attending 20 to 30 hearings per year.

## **Licensing Tribunal**

The Tribunal is also required to hold two or more business meetings in a calendar year of the full Tribunal.

All new members of the Tribunal are required to successfully complete a 5-day S.O.A.R. (Society of Ontario Arbitrators and Regulators) training program within 6 months of being appointed (unless they have completed the program prior to being appointed).

### **Remuneration**

Chair: \$18,000 per annum, plus a per diem payment of \$350 for attendance at Tribunal business meetings only, and for required training days

Members: \$350 per diem for attendance at hearings and Tribunal business meetings, and for required training days (with no annual honorarium)

\$50 fee is paid to any member (other than the Chair) who prepares and submits written reasons for decisions (excludes settlement decisions where all the parties agree).