

LS11.1 - Attachment

Attachment 1: Chair's 2015 Annual Report

TORONTO LICENSING TRIBUNAL CHAIR'S REPORT 2015

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I. CHAIR'S MESSAGE

As the new Chair of the Toronto Licensing Tribunal in July 2015, I am honored to serve the City and to build upon the achievements of the past Chairs.

To be in line with the City's Strategic Action, specifically, good governance, my focus during my tenure will be to improve the users' Tribunal experience. I plan to do the following:

- Improve self-represented parties' understanding of, and access to, the appeal process;
- Ensure that Tribunal members are adequately trained and knowledgeable; and
- Improve services by ensuring processes are efficient, fair and accessible.

The first six months has been focused on developing a strategic plan and supporting new members in their roles.

I am happy to report some of the key achievements of 2015.

Submitted respectfully on February 16, 2016,



Nicole Treksler
Chair, Toronto Licensing Tribunal

CHAIR'S REPORT

TO: The Deputy City Manager
The Licensing and Standards Committee

Report of the Chair of the Toronto Licensing Tribunal (TLT) for the Period of January 1, 2015 to December 31, 2015

II. MEMBERS

In July of 2015, I was appointed Chair of the TLT. There are five new members and two returning members.

1. Chair

Lionel Miskin
December 1, 2011 to July 8, 2015

Nicole Treksler
Appointed July 9, 2015 to November 30, 2018

2. Members

Name	Term of Appointment
Aly Alibhai	July 9, 2015 to November 30, 2018
Moira Calderwood (returning member)	July 9, 2015 to November 30, 2018
Lori Marzinotto	July 9, 2015 to November 30, 2018
Cezary Paluch	July 9, 2015 to November 30, 2018
(Hedy) Anna Walsh (returning member)	July 9, 2015 to November 30, 2018
Richard Quan	July 9, 2015 to November 30, 2018

All members of the TLT are lawyers with backgrounds in, but not limited to, administrative law, civil and criminal litigation, mediation and decision writing.

We have a strong group of members committed to improving the users' Tribunal experience.

III. STRATEGIC PLAN

While the Tribunal has a clear mandate, there was no plan on how to achieve that mandate. Therefore, my first priority was to develop a strategic plan. Members agreed that a strategic plan would be useful.

I am working with Kevin Smith, Senior HR Consultant, Organization Development, with the City of Toronto. Mr. Smith has been instrumental in helping me to develop and implement a strategic plan.

Below are the steps that we took to develop a strategic plan:

- Sent a strategic plan survey to members and tribunal staff;
- Gathered and separated the responses from the members and the staff;
- Met in small groups to discuss the results of the survey; and
- Prioritized our values and actions.

I took this information and I wrote our strategic plan. I circulated the strategic plan for the members' review and comment.

The presentation of the strategic plan took place at the business meeting on January 13, 2016.

The next step is to develop and implement an operational plan.

IV. TRAINING

1. Adjudication course

All new members must take the Certificate in Adjudication course within 6 months of their appointment. Society of Adjudicators and Regulators (SOAR) offers this course. The next available course was in December 2015, but the course was full.

SOAR is offering this course in spring and early summer of 2016. All newly appointed members have been registered for the spring session.

2. City of Toronto's TLT Orientation

On September 8, 2015, I invited Lance Alexander and Karen Jones of the City's Manager's Office to give a governance overview to the TLT: The presentation covered the following topics:

- Overview of the City's agencies and corporations;
- Toronto Licensing Tribunals' relationship to the City;
- Best Practices of Boards;
- Required Board Policies;
- Roles of a Board Member and Chair;
- Open meeting requirements;
- Code of conduct for TLT members;
- City Code of Conduct Principles;
- Current City's Priorities; and
- City Liaisons and Board Resources

3. Mentoring

Although all of our members are lawyers, the new members had little or no adjudication experience.

I provided the following support:

- Met with all members to get to know them and to determine their expectations of their Tribunal experience;
- Attended and observed hearings from September to December and gave feedback;
- Developed a script for members to use (Opening statement, Introduce members, Independence and Mandate of the Board, Procedural matters, *etc.*); and
- Provided a checklist for members to use in hearings (Important things to remember)

4. Additional training

On October 13, 2015, I went, with two other members, to a SOAR decision-writing course. I found the course to be useful.

On November 5, 2015, I went, with two other members, to the SOAR conference. The conference was very informative and gave me many ideas and resources in developing the strategic plan.

Many members want ongoing education, specifically about industries, which the City regulates, and the licensing process for these industries. I have committed that at each business meeting; there will be ongoing and relevant training.

V. RECOMMENDATIONS

1. Staggered Appointments

I recommend having staggered appointments, so that every four years, there would be 3 new members and 4 returning members.

This is helpful for the following reasons:

- We can ensure that we secure spaces for SOARS's adjudication certificate for timely training of new members;
- We can pair new members and returning members together for one-on-one support; and
- There will be continuity and stability in Tribunal membership.

2. Tribunal Council Chambers

The Tribunal sits at 850 Coxwell Avenue in the former East York Council Chambers. In November of 2015, the Tribunal was moved to a smaller room upstairs at 850 Coxwell Avenue to conduct hearings for an unknown amount of time to accommodate the City's contract negotiations.

We had the following challenges:

- The room was too small. It was unable to accommodate all the parties to the proceedings;
- The room was too warm, which caused medical problems for some of our members;
- It is difficult to maintain an arm's length distance from the licensees and applicants. For example, licensees/applicants approached members during breaks, after the hearing or in the washroom.
- The smaller room posed safety concerns for the members.

On January 28, 2016, we returned to the Tribunal Council Chambers.

I recommend that every effort be made for hearings to be held only in the Tribunal Council Chambers.

3. Accommodation

We have members who have physical challenges who require accommodation. The staff has been very helpful in providing accommodation. I received feedback from those members who require accommodation and they told me that there are other options that would better accommodate their needs.

I recommend exploring some options to provide reasonable accommodation to the members.

4. Independent Legal Advice

The Tribunal has access to external legal services advice, independent of the City of Toronto. We utilized the services and we were disappointed. The lawyer was not an administrative lawyer and his work was not to a standard that would be helpful to the Tribunal.

I recommend that every effort be made to ensure that the Tribunal has access to quality legal advice.

VI. BUSINESS MEETINGS

The Tribunal must have two business meetings per year. I am committed to having at least 4 business meetings per year.

We held a business meeting on September 8, 2015. The next business meeting was on January 13, 2016. The following business meetings will take place in April, September and December

The reasons for more business meetings are:

- To give regular updates about activities related to the strategic plan;
- To discuss and approve guidelines and policies;
- To provide ongoing training; and
- To discuss trends in matters.

VII. SERVICE STANDARDS

An important element of the strategic plan is to identify and improve service standards for the users. Below are some of the initiatives that are in progress:

1. Decision Release Standard

At the September 8, 2015, the Tribunal agreed that decisions would be issued within 30 days of the hearing.

2. Hearing Service Standard

I am working with Tribunal staff to set timeframes for scheduling matters that come before the Tribunal to ensure that matters are dealt with as soon as possible.

VIII. STAFF

We have great staff that has been capable, supportive, responsive and helpful.

Many thanks, in particular to Veronica Edwards, Manager Court Services and Jamil Elannan, Acting Supervisor of the Tribunal for their ongoing support, cooperation and input in helping to develop a strategic plan and commitment to improve tribunal services.

IX. STATISTICS

The focus of our strategic plan is to know who is using our services, provide better processes and to develop service standards. As such, I am collecting and analyzing different statistics that have been collected in the previous years.

1. Decision Writing

Between September and December 2015, the average amount of time to release a decision was approximately 40 days. Decision writing is hard, particularly when you have to collaborate with the other panel members. We are committed in 2016 to releasing decisions in 30 days or less.

2. Resolved by Settlement

The Tribunal is not involved in settlement conferences. MLS approaches the parties that it is willing to settle with. In 2014 and 2015, 29% and 38% of matters, respectively, were resolved by settlement.

3. Adjournments

There have been a lot of adjournments in 2014 and 2015, 34% and 25%, respectively. I am working with Tribunal staff, members and other interested parties to identify what can be done to reduce the number of adjournments in 2016. My goal is to reduce adjournments rate to 15%

	2014	2015
Number of Matters before the Tribunal	118	158
Number of Hearings	40	45
Number of Matters resolved by settlement	42	73
Number of Matters adjourned	49	48
Number of no shows/abandoned matters	9	4
Number of licenses denied	13	12
Average length of a hearing	2:27:47	2:44:44
Number of written decisions	34	22
Average length of time to release a decision (As of September 2015)	N/A	Approximately 40 days

4. Licensees/Applicants that come before the Tribunal

Industry

It is important for us to know who is coming before the Tribunal to help aid in the following:

- Member training; and
- Providing appropriate and useful services to improve users' Tribunal experience.

In 2015, the top industries that came before the Tribunal were:

- Taxicab Driver's and Owner's Licence
- Tow Truck Driver's Licence;
- Limousine Owner's Licence; and
- Body Rub Parlour Licence.

	Holder of	Applicant for Renewal	Applicant
Body Rub Parlour Licence	5	0	4
Body Rubber's Licence	1	0	2
Building Renovator's Licence	1	0	3
Driving Instructor's Licence	0	1	2
Eating Establishment Licence	1	2	4
Holistic Centre Licence	1	1	0
Limousine Driver's Licence	0	1	6
Limousine Owner's Licence	3	0	3
Retail Store Licence	2	1	6
Taxicab Driver's Licence	26	1	1
Taxicab Owner's Licence	43	4	5
Taxicab Driver's List	3	0	0
Tow Truck Driver's Licence	1	0	16
Personal Service Settings Licence	0	0	2
Laundry Licence	1	0	0
Pedicab Driver's Licence	0	0	1
Auctioneer's Licence	0	0	1
Refreshment Vehicle Driver's Licence	1	0	0
Motorized Refreshment Vehicle Owner's	0	0	1
Hair Salon Licence	0	1	0
Entertainment Establishment/Nightclub Licence	2	0	1
Adult Entertainment Club Designated Manager's Licence	0	1	0
Plumber's Contractor's Licence	1	0	0
Master Plumber's Licence	1	0	0
Limousine Service Company Licence	1	0	1
Public Garage Licence	0	1	3
Public Garage Parking Lot Licence	0	0	2
Commercial Parking Lot Licence	0	0	1
Ambassador's Taxi Licence	3	0	0

5. Use of Interpreters

Observations

In 2014 and 2015, the Tribunal used interpreters in 11% and 13% of matters, respectively.

At this time, there is no significant trend to report.

Please see table below.

	2014	2015
Number of matters that required interpreters	16	25
What language was most interpreted?	Urdu (5) Punjabi (5) Bengali (2) Tamil (1) Vietnamese (1) Spanish (1) Arabic (1)	Punjabi (5) Mandarin (5) Urdu(4) Tamil (3) Bengali (2) Amharic (2) Vietnamese (1) Arabic (1) Dari (1) Tanweer (1)