

Appointment of Members to the Toronto Licensing Tribunal to Fill Vacancies

Date: May 13, 2016
To: Tribunals Nominating Panel
From: City Clerk
Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report deals with personal matters about identifiable individuals who are being considered for appointment to the Toronto Licensing Tribunal.

SUMMARY

There are two vacancies on the Toronto Licensing Tribunal due to recent resignations. The Tribunals Nominating Panel needs to decide how to fill these vacancies. The two options for filling these vacancies include:

Option A:

Recommending two candidates who were previously interviewed and tested to City Council for appointment; or

Option B:

Short-listing, interviewing, and testing candidates who were not previously interviewed and then subsequently recommending two candidates to City Council for appointment.

RECOMMENDATIONS

The City Clerk recommends that:

1. The Tribunals Nominating Panel recommend two candidates to City Council for appointment to the Toronto Licensing Tribunal, at pleasure of Council, for a term of office ending on November 30, 2018, and until successors are appointed;
2. The Tribunals Nominating Panel recommend one candidate, who will serve as Chair, to City Council for appointment to the Toronto Licensing Tribunal, at pleasure of

Council, for a term of office ending on November 30, 2018, and until a successor is appointed; and

3. The Tribunals Nominating Panel direct that the confidential information contained in Confidential Attachments 1 and 2 remain confidential in their entirety as they relate to personal matters about identifiable individuals being considered for appointment to the Toronto Licensing Tribunal.

FINANCIAL IMPACT

There are no financial implications arising from this report.

DECISION HISTORY

On July 7, 8, and 9, 2015, City Council appointed seven members to the Toronto Licensing Tribunal, further to recommendations from the Tribunals Nominating Panel: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.CC8.15>.

COMMENTS

Composition of the Toronto Licensing Tribunal

There are seven members of the public on the Toronto Licensing Tribunal.

Two public members recently resigned from the Tribunal

Lori Marzinotto and Nicole Treksler were appointed to the Tribunal in July 2015 for four-year terms of office. Ms. Treksler was also appointed Chair at that time. Ms. Marzinotto and Ms. Treksler resigned from the Tribunal effective April 24, 2016 and April 25, 2016, respectively, resulting in two vacancies.

City Council appoints the Tribunal's Chair

Toronto Municipal Code Chapter 545, Licensing, Section 545-3F (1) and Section 6.2 of the Relationship Framework for the Toronto Licensing Tribunal state that City Council appoints the Chair of the Toronto Licensing Tribunal.

The Chair's responsibilities are outlined below:

- a. consulting with the Administrator of the Toronto Licensing Tribunal to ensure the efficient and effective day-to-day operation of the Tribunal;
- b. ensuring that all members attend the prescribed training program and seeking training opportunities for members to foster their adjudicative skills on an ongoing basis;
- c. presenting the Annual Report to City Council;
- d. liaising with City Councillors, the Mayor, the public, and the media from time to time as necessary;
- e. leading the preparation, review, or update of various documents, using any

- relevant City-wide policy as a reference point;
- f. developing statistical performance measures of Tribunal operations;
 - g. participating in hearings where other members are unavailable, or in hearings of a complex, highly controversial, or lengthy nature;
 - h. from time to time, retaining outside legal advice regarding issues that arise in conjunction with specific hearings or other consultants to assist with the preparation of administrative policies or other business-related matters;
 - i. from time to time and at least twice a year, convening and chairing a business meeting of the Tribunal to review the Tribunal's decision-making in respect to consistency with applicable laws, clarity, and rationale;
 - j. ensuring that City Council policies and procedures for procurement are followed;
 - k. liaising with staff on the administration of the hearing process; and
 - l. investigating complaints against Tribunal members and consulting with the City Manager.

Tribunal members receive remuneration

The Chair receives an annual retainer of \$18,000, plus a \$350 per diem for attending meetings and training sessions.

The six other public members receive a \$350 per diem for attending hearings, meetings, and training sessions. In addition, public members (other than the Chair) are paid a \$50 fee per decision for preparing and submitting written reasons for decisions.

Short-listed candidates will be interviewed and required to write a test

Candidates who were not previously interviewed must write a required one-hour test related to the roles and responsibilities of Toronto Licensing Tribunal members. The Nominating Panel will be provided with the test results during the interviews, scheduled for June 29th, 2016. Interviews will also be conducted for the one vacancy on the Toronto and East York Panel of the Property Standards Committee/Fence Viewers on the same date.

Public release of names of recommended candidates

The names of the recommended candidates will be publicly reported once the Tribunals Nominating Panel forwards its recommendations to City Council.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Confidential Attachment 1 – List of Candidates and Qualifications Summary, and Applications for Appointment to the Toronto Licensing Tribunal
Confidential Attachment 2 – Confidential Voluntary Diversity Information Summary
Attachment 1 - Resignation letter dated April 24, 2016 from Lori Marzinotto
Attachment 2 - Resignation letter dated April 25, 2016 from Nicole Treksler