

## **Appointment of a Public Member to the Toronto Licensing Tribunal to Fill a Vacancy**

**Date:** June 22, 2016  
**To:** Tribunals Nominating Panel  
**From:** City Clerk  
**Wards:** All

### **REASON FOR CONFIDENTIAL INFORMATION**

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

### **SUMMARY**

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There is one vacancy on the Toronto Licensing Tribunal due to a recent resignation, and this position has been vacant since April 25, 2016. The Tribunals Nominating Panel will interview four candidates during its meeting on June 29, 2016, and recommend one candidate to City Council to fill this vacancy.

### **RECOMMENDATIONS**

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#### **The City Clerk recommends that:**

1. The Tribunals Nominating Panel recommend one candidate 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.
2. City Council direct that the confidential information contained in Confidential Attachments 1, 2, 3, and 4 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**

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There are no financial implications arising from this report.

## DECISION HISTORY

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On June 7, 8, and 9, 2016, City Council appointed two public members, including the Chair, to the Toronto Licensing Tribunal, further to recommendations from the Tribunals Nominating Panel:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.CC19.4>.

On May 20, 2016, the Tribunals Nominating Panel selected three candidates to be interviewed and one candidate to be tested for appointment to the Toronto Licensing Tribunal:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NQ8.1>.

## COMMENTS

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### **Composition of the Toronto Licensing Tribunal**

There are seven public members on the Toronto Licensing Tribunal, one of whom serves as Chair. City Council appoints the Tribunal's Chair, further to a recommendation from the Tribunals Nominating Panel. The Tribunal's current Chair is Cezary Paluch.

### **Tribunal members should meet certain Council-approved qualifications**

In addition to the eligibility requirements outlined in the City of Toronto's Public Appointments Policy, public members of the Tribunal should collectively demonstrate a range of qualifications, experiences, and skill sets, including:

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

Applicants were asked to relate their experiences to these qualifications.

Individuals are ineligible for appointment to the Toronto Licensing Tribunal if they are:

- current City of Toronto licence-holders;

- do not pass the mandatory written test related to the roles and responsibilities of Toronto Licensing Tribunal members; and/or
- engaged in the business of a corporate licence-holder.

In addition, former Members of Council who served in the immediately preceding term of Council (2010-2014) are ineligible for appointment as public members.

### **Tribunal members receive remuneration**

The Chair receives an annual retainer of \$18,000, plus a \$350 per diem for attending meetings and training. The other public members receive a \$350 per diem for attending hearings, meetings, and training. Public members (other than the Chair) are paid a \$50 fee per decision for preparing and submitting written reasons for decisions.

### **Candidates selected for interviews have written a mandatory test**

As part of the selection process for the Toronto Licensing Tribunal, the candidates selected for interviews are required to write a 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 on June 29, 2016.

### **The public member's term of office**

To coincide with the terms of office for the previously appointed public members on the Toronto Licensing Tribunal, the successful appointee will be appointed for a term ending on November 30, 2018, and until their successor is appointed.

### **Public release of name of recommended candidate**

The name of the recommended candidate will be publicly reported once the Tribunals Nominating Panel forwards its recommendation to City Council.

### **CONTACT**

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### **SIGNATURE**

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Ulli S. Watkiss  
City Clerk

## **ATTACHMENTS**

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Confidential Attachment 1 – List of Candidates and Qualifications Summary, and Applications for Appointment to the Toronto Licensing Tribunal (previously distributed with Item NQ8.1)

Confidential Attachment 2 – Confidential Voluntary Diversity Information Summary for Candidates for Appointment to the Toronto Licensing Tribunal (previously distributed with Item NQ8.1)

Confidential Attachment 3 – Interview Schedule for the Toronto Licensing Tribunal Interviews on June 29, 2016

Confidential Attachment 4 – Interview Questions for the Toronto Licensing Tribunal Interviews on June 29, 2016