

Appointment of Members to the Local Appeal Body Nominating Panel

Date: July 4, 2016
To: City Council
From: City Clerk
Wards: All

SUMMARY

At its meeting of March 31, 2016, City Council authorized the establishment of a Local Appeal Body (LAB) Nominating Panel, composed of three citizen members appointed by City Council on recommendation of the City Clerk. This Panel will be responsible for recommending seven candidates to City Council for appointment to the Local Appeal Body.

This report recommends the appointment of three citizen members to the LAB Nominating Panel for a term of office that will end when the LAB members are appointed by City Council.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council appoint the following three individuals to the Local Appeal Body Nominating Panel, at pleasure of Council, for a term of office that ends when the members of the Local Appeal Body are appointed:
 - D. Paul Emond
 - Dr. Lilian Ma
 - Pamela Robinson
2. City Council authorize the City Clerk to reconvene the Panel to address any vacancies on the Local Appeal Body as they arise during the current term of Council.
3. City Council authorize the payment of a per diem to panel members of \$500 per meeting.

FINANCIAL IMPACT

Panel member remuneration is estimated at \$9,000 for 2016 to be paid from funds already appropriated by Council for set-up of the LAB. The funds are included in the approved Courts Services 2016 Operating Budget.

The City Manager and Chief Financial Officer has reviewed this report and concurs with the financial implications.

DECISION HISTORY

At its meeting of March 31 to April 1, 2016, City Council approved the implementation of a local appeal body to consider appeals of decisions by the Committee of Adjustment. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX13.1>

In July 2014, City Council approved the establishment of a Local Appeal Body (LAB) and directed the City Manager to report to Executive Committee on the governance, administration and fees to implement the LAB <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG33.14>

COMMENTS

City Council asked the Clerk to recruit and recommend a LAB Nominating Panel

At its meeting of March 31, 2016, City Council authorized the City Clerk to shortlist, interview and recommend candidates directly to City Council for appointment to the LAB Nominating Panel. As the LAB will operate as an independent decision-making body, this decision was made to ensure that the recruitment process was transparent, objective and promoted impartiality.

City Clerk's staff conducted a targeted outreach strategy to attract qualified individuals specializing in adjudication, mediation, and land use planning as well as knowledge of quasi-judicial tribunals and an understanding of the community context within which the LAB would operate. Consideration was also given to reflecting gender, diversity and geographical representation on the Panel.

Internal and external consultations were held to review the qualifications and eligibility requirements for the recruitment. Leading organizations in planning, alternative dispute resolution, governance, and adjudication were asked to identify potential candidates and avenues of outreach including the Institute of Corporate Directors, the Ontario Provincial Planning Institute, Society of Adjudicators and Regulators and the ADR Institute. Staff also invited individual experts with the desired qualifications and eligibility to apply.

City Clerk staff screened and shortlisted potential candidates based on the established qualifications and eligibility. The identified candidates were asked to submit a CV and were contacted by City Clerk's staff for a phone interview. A selection panel consisting of the City Clerk, Deputy City Clerk (Secretariat) and the Manager of Public Appointments determined the final three candidates.

The City Clerk is recommending three highly qualified people as panelists

The following candidates are recommended for appointment:

D. Paul Emond

- Professor Emeritus at Osgoode Hall Law School, University of Toronto
- 20+ years of experience in alternative dispute resolution
- Expertise in administrative, planning and tribunal law

Dr. Lilian Ma

- Lawyer and retired adjudicator
- Chair of the Access of Justice Committee at the Council of Canadian Administrative Tribunal
- 25+ years of experience with administrative tribunals and agencies

Pamela Robinson

- Associate Professor, School of Urban and Regional Planning, Ryerson University
- Award-winning registered Professional Planner with over 20+ years of experience as a municipal planner
- Strong understanding of the need to balance institutional complexities with community needs through her service on a Committee of Adjustment

None of the recommended candidates appear as experts before the Committee of Adjustment or Ontario Municipal Board.

Their biographies are attached as Appendix 1.

City Council should authorize remuneration for panelists

City Council should compensate the panel members for their time and expertise on a per meeting basis. Remuneration of other land use planning bodies and related administrative tribunals in a range of other jurisdictions were reviewed as part of the due diligence for the appointment of the LAB Nominating Panel. Remuneration varies significantly across bodies and jurisdictions from approximately \$400 to \$700 per meeting day.

The recommended remuneration for members of the LAB Nominating Panel and considering their role and qualifications is \$500 for each meeting, including orientation training sessions. This amount is the same as the Council-approved compensation for the LAB members.

City Council should authorize reconvening the panel as vacancies arise

The term of office for the LAB Nominating Panel will end when the LAB members are appointed by City Council. However, it is recommended that City Council authorize the City Clerk to reconvene the Panel to address any future vacancies on the LAB should they arise before the end of the current Council term.

Next step for Council will be the appointment of seven LAB members

The three public members on the Panel will screen, interview, and recommend seven candidates to City Council for appointment to the LAB. The Nominating Panel will also recommend one of the seven candidates to be Chair. The recommendation of LAB members will come to City Council in the fall.

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Attachment 1 – Names and biographies of candidates recommended for appointment to the Local Appeal Body Nominating Panel

Attachment 2 – Decision body profile of the Local Appeal Body Nominating Panel