



REPORT FOR ACTION

Appointment of Members to the Tribunals Nominating Panel

Date: February 15, 2019

To: City Council

From: City Clerk

Wards: All

SUMMARY

The purpose of report is to appoint public members to the Tribunal Nominating Panel. City Council established the Panel in December 2018 to make recommendations to Council on the appointment of public members to the City's nine quasi-judicial tribunals.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council appoint the following seven individuals to the Tribunals Nominating Panel, at pleasure of Council for a term of office ending February 28, 2023, and until successors are appointed:

- D. Paul Emond
- Amy Go
- Anna Kinastowski
- Kathy Laird
- Dr. Lilian Ma, as chair
- Lloyd (J.R.) Richards
- Voy Stelmaszynski

FINANCIAL IMPACT

City Council on December 4, 5 and 13, 2018 directed that funds of up to \$45,000 be included in the 2019 operating budget to pay the approved per diems of panel members. The 2019 operating budget will be considered by City Council on March 7, 2019.

DECISION HISTORY

At its meeting of December 4, 5 and 13, 2018, City Council approved the establishment of a citizen member Tribunals Nominating Panel as part of the item on recalibrating City Council's governance system for 26 members:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC1.1>

COMMENTS

City Council established a Tribunals Nominating Panel to be appointed Council on the recommendation of the City Clerk

At its meeting of December 4, 5 and 13, 2018, City Council authorized the City Clerk to shortlist, interview and recommend candidates directly to City Council for appointment to the Tribunals Nominating Panel. City Council adopted a mixed approach to screening and interviewing different types of public appointments in order reduce the demands on Council Members' time for interview panels and meetings. It also allows the City to assess the skills of tribunal candidates for public appointment by involving citizen interviewers with mediation and adjudication backgrounds in the screening of members.

The Tribunals Nominating Panel is a roster composed of up to nine public members. Members from the roster will convene in panels established by the City Clerk and the Chair will be selected by Council.

The City Clerk conducted a targeted outreach strategy to attract qualified individuals specializing in adjudication, mediation, the public sector and land use planning as well as senior level knowledge and experience in quasi-judicial tribunals and an understanding of the community context within which the tribunals 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 and to identify potential candidates and avenues of outreach. Staff also invited individual experts with the desired qualifications and eligibility to apply.

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

The remaining two seats will be filled after reviewing the experience in the next six months to a year.

We recommend seven 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
- 25+ years of experience in alternative dispute resolution
- Expertise in administrative, planning and tribunal law
- Previous member of the Toronto Local Appeal Board Nominating Panel

Dr. Lilian Ma

- Lawyer and retired adjudicator
- Current Executive Director of the Canadian Race Relations Foundation
- 30+ years of experience with administrative tribunals and agencies
- Previous member of the Toronto Local Appeal Board Nominating Panel

Anna Kinastowski

- Former City Solicitor for the City of Toronto and Director, Planning and Administrative Tribunal Law
- 35+ years of experience in municipal government
- Award winning lawyer with solid background and expertise in municipal law, land use planning and development

Kathy Laird

- Lawyer and retired adjudicator
- 35+ years of experience in the administrative justice sector as both an adjudicator and mediator
- Extensive experience on selecting and training Provincial tribunal nominating panels
- Recipient of the 2016 Law Society of upper Canada Medal for her contribution to access to justice in Ontario

Teng Teng Amy Go

- Current principal of Peachtree Canada Wellness Inc. and former Executive Director of the Yee Hong Centre for Geriatric Care
- 30+ years of leadership experience in social and healthcare services
- Extensive experience working on Tribunals and senior level nominating committees

Lloyd (J.R.) Richards

- Current member of the Immigration and Refugee Board of Canada and former Vice- Chair of the Ontario License Appeal Tribunal
- Over 20+ years of experience in both adjudication, mediation and arbitration
- Extensive experience working on both Provincial and Federal adjudicative bodies
- Former legal instructor with George Brown College

Voy Stelmasynski

- Lawyer and retired adjudicator

Appointment of Members to the Tribunals Nominating Panel

- +25 years of experience in the tribunal sector
- Past President of the Society of Ontario Adjudicators and Regulators
- Executive on the Ontario Bar Association's Public Sector Lawyers Section

All of the recommended candidates have met the eligibility requirements to serve on the Tribunals Nominating Panel

Their biographies are attached as Attachment 1.

City Council retains final approval authority for public appointments

City Council would retain the final authority to make appointments after scrutinizing the recommendations of the nominating panels. It would have the authority to refer back, amend or adopt the recommendations before it.

CONTACT

Aretha Phillip
Manager, Public Appointments
City Clerk's Office
aphilli@toronto.ca
416-392-8152

SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENTS

Attachment 1 – Names and biographies of candidates recommended for appointment to the Tribunals Nominating Panel

Attachment 1 – Names and biographies of candidates recommended for appointment to the Tribunals Nominating Panel

D. Paul Emond

Professor Emeritus Emond is a former member of the City's Toronto Local Appeal Body Nominating Panel. He began his law teaching and research career at Dalhousie University's Faculty of Law in 1973. He joined Osgoode Hall Law School in 1976, where his teaching subjects have included: Property Law; Environmental Protection Law; Land Use Planning; Administrative Law (and two advanced administrative law seminars); Native Rights; and several courses in the field of negotiations, conflict and dispute resolution. In 2015, he retired from Osgoode Hall Law School but continues to be the Director of Osgoode's Professional LL.M in Alternative Dispute Resolution, the first program of its kind in North America. He is also the owner and President of Emond Publishing, an educational and professional publisher that focuses on the fields of law and justice for the higher education and legal markets.

In addition to his teaching, research and graduate supervision, Professor Emond has served as a member of the Environmental Appeal Board; co-chaired the Working Group on the Environment and Taxation for the Fair Tax Commission; and organized conferences and workshops on topics as diverse as dispute resolution, collaborative law and legal expert systems. Professor Emond is much in demand as a workshop leader, trainer and conference speaker on topics in the conflict management, dispute resolution and negotiation fields. In 2000, Professor Emond was the co-recipient of the OBA Award of Excellence in Alternative Dispute Resolution.

Amy Go

Amy Go has over 30 years of leadership experience in social and health care services. Amy is a management consultant supporting health and social services organizations and a Part Time Board Member of the Ontario Health Professions and Services Appeal and Review Boards. She has also been actively engaged in public service through government appointments on various tribunals. She firmly believes that her work is guided by three principles: protection of public interest, accountability and integrity.

For her commitment to social justice for racialized women, Amy received Woman of Distinction Award from YWCA Toronto and Immigrant Success Individual Award for Outstanding Innovation and Achievement. With her experience as a tribunal member, a senior leader in organizations and government appointed advisory councils, she brings an understanding and practical implementation strategies to advance the objectives of the Tribunals Nominating Panel.

Anna Kinastowski

Anna retired from over 35 years of public service in June, 2016. She served as the City Solicitor for the City of Toronto for 14 years prior to her retirement. During her career, she held senior positions in the former City of Scarborough and on amalgamation, was appointed Director, Planning and Administrative Tribunal Law. In March 2002, Anna

was appointed City Solicitor, responsible for the provision of legal services to the City. She oversaw the largest municipal legal division in Canada consisting of approximately 300 staff including almost 130 lawyers.

Anna was certified by the Law Society of Upper Canada as a Specialist in Municipal Law: Local Government/Land Use Planning and Development. Anna was the first recipient of the International Municipal Lawyers' Association (IMLA) Bruce A. Noble Award honouring an outstanding Canadian Municipal lawyer and recognizing excellence, dedication and service in the practice of Canadian municipal law. She was awarded the Ontario Bar Association's Tom Marshall Award of Excellence for Public Sector Lawyers. Anna was also awarded the Charles S. Rhyne Lifetime Achievement Award which is IMLA's highest award.

Kathy Laird

Kathy Laird has extensive experience in the administrative justice sector, both internally, as an adjudicator and mediator at several Ontario tribunals, and externally, as a litigator and community legal clinic director. Most recently, Ms. Laird was retained by the Immigration and Refugee Board to conduct an audit of immigration detention hearings across the country to determine if standards of procedural and substantive fairness were met. She has served as counsel to the Chair of the Human Rights Tribunal of Ontario and as executive director of the Human Rights Legal Support Centre. She was a part-time member at the Social Justice Tribunals of Ontario until October 2018.

For many years, she trained new provincial adjudicators on bias-free adjudication, as well as on accessible decision-writing, evidentiary issues and the conduct of hearings. This experience sharpened her understanding of the strengths that need to be developed in bringing new adjudicators on stream. In 2004, in recognition of her work in Ontario's tribunal system, she received the medal of the Society of Ontario Adjudicators and Regulators for outstanding contribution to administrative justice in Ontario. In 2016, she received the Law Society of Upper Canada Medal for her work in promoting access to justice.

Dr. Lilian Ma

Dr. Lilian Ma is the current Executive Director of the Canadian Race Relations Foundation and former member of the City's Toronto Local Appeal Body Nominating Panel. She is a former Alternate Executive Chair of Social Justice Tribunals Ontario (SJTO) and former Associate Chair of the Landlord and Tenant Board (LTB) (2011-16), as well as the former Chair and CEO of the LTB and Ontario Rental Housing Tribunal (2005 – 2011). She has a B.Sc. (Physics and Chemistry), a Ph.D. (Chemistry) and a LL.B. and is a current member of the Law Society of Upper Canada.

She has extensive experience with administrative justice for over 25 years, having sat on over ten administrative tribunals and agencies. She currently sits on the Board of Directors of CCAT, and a member of the Action Committee on Access to Justice in Civil and Family Matters. She has been invited to speak and teach at various International and Canadian conferences and courses including those organized by Council of Canadian Administrative Tribunals (CCAT), the Rental Housing Conference in Australia,

Appointment of Members to the Tribunals Nominating Panel

Osgoode Hall Law School, Society of Ontario Adjudicators and Regulators (SOAR) and the Chinese Immigrant Services Agencies Network International (CISANI). She is a former Commissioner of the Ontario Human Rights Commission, a former Member of the Liquor Licence Board of Ontario and a former Member of the Immigration and Refugee Board of Canada (IRB). She also served as the Chief in Public Education at the Race Relations Directorate of Multiculturalism Canada in Ottawa.

She was a former National President of the Chinese Canadian National Council and a former Board Director of the Canadian Ethno cultural Council. She received the Race Relations Award from the Urban Alliance on Race Relations and the Life-time Achievement Award from the Federation of Asian Canadian Lawyers (FACL).

Lloyd (J.R.) Richards

Mr. Richards is a Member of the Immigration and Refugee Board of Canada. Prior to his appointment, he was a Vice Chair of the License Appeal Tribunal of Ontario. He has also held the positions of Mediator, Arbitrator and Senior Arbitrator with the Financial Services Commission of Ontario. J.R. began his career as a staff lawyer practicing in equity and human rights at the African Canadian Legal Clinic.

J.R. began his career as a staff lawyer practicing in equity and human rights at the African Canadian Legal Clinic. He first became involved in alternative dispute resolution when he was a policy advisor engaged in legislative drafting with the former Ontario Ministry of Consumer and Business Services. He has also taught commercial law as well as employment and human rights law at George Brown College. J.R. earned his Bachelor of Laws from Osgoode Hall Law School in Toronto and is a Member of the Law Society of Ontario.

Voy Stelmaszynski

Voy Stelmaszynski is a retired lawyer with over 25 years' experience in the tribunal sector, primarily with the Ontario Labour Relations Board. Prior to joining the Board, he was Legal Counsel to the Office of Adjudication, a Ministry of Labour agency responsible for employment standards and occupational health and safety appeals. He holds a Master's degree in Slavic Languages and Literatures (U of Toronto) and an LLB from the University of Windsor.

He has spoken at a variety of conferences on employment standards, health and safety, privacy, accessibility and conflict of interest. Mr. Stelmaszynski is Past President of the Society of Ontario Adjudicators and Regulators, serving on several SOAR Committees: Education, SAMN and the annual Conference Planning Committee. He is a member of the Ontario Bar Association and Past President of the board of directors of College Montrose Children's Place, a non-profit family resource centre. He was the 2017 honoured recipient of the Ontario Bar Association's Tom Marshall Award of Excellence for Public Sector Lawyers.