

**REPORT FOR ACTION****Rates of Remuneration for Public Members of City Tribunals**

Date: February 19, 2019

To: Budget Committee

From: City Clerk

Wards: All

SUMMARY

The purpose of this report is to set harmonized remuneration rates for members of the City's nine Adjudicative Boards ("tribunals"). Funding for these rates is provided separately in the respective program budgets.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council adopt the following remuneration rates for Adjudicative Boards effective April 1, 2019 as follows:

a. Full-day per diem of \$600 and half-day remuneration (3.5 hours or less) of \$400 for members of the Compliance Audit Committee and the Toronto Local Appeal Body, such rates to apply equally to hearings, business meetings and training sessions.

b. Full-day per diem of \$460 and half-day remuneration (3.5 hours or less) of \$275 for members of the Administrative Penalty Tribunal, Committee of Adjustment, Dangerous Dogs Review Tribunal, Property Standards Committee, Rooming House Licensing Commissioner and Deputy Commissioner, Sign Variance Committee, and Toronto Licensing Tribunal, such rates to apply equally to hearings, business meetings or training sessions.

c. A stipend of \$1,500 per year for each public member who is not a chair of a tribunal or tribunal panel, pro-rated on an annual basis from the time of appointment.

d. Stipends for chairs, pro-rated on an annual basis from the time of appointment, as follows:

- Administrative Penalty Tribunal – \$25,000
- Committee of Adjustment – \$2,500 for each panel chair

- Compliance Audit Committee – \$2,500
- Dangerous Dogs Review Tribunal -- \$2,500
- Property Standards Committee – \$2,500 for each panel chair
- Rooming House Licensing Commissioner – \$2,500
- Sign Variance Committee – \$2,500
- Toronto Licensing Tribunal – \$25,000

e. Members will receive a full-day per diem rate for any hearing cancelled by the City with less than 48 hours' notice of the hearing date.

2. City Council remove the annual limit on remuneration for the Rooming House Licensing Commissioner and Deputy Commissioner.

FINANCIAL IMPACT

The adoption of these rates as of April 1, 2019 will be absorbed by the budgets of the respective divisions that support the operation of the tribunals: City Clerk's Office, Court Services, City Planning, Toronto Building, Municipal Licensing and Standards. The applicable divisions will review the 2019 experience against the sufficiency of their appeal/applications fees in time to make fee adjustments in the 2020 budget.

DECISION HISTORY

At its meeting held January 31 - February 2, 2006, City Council considered Clause 2 of Policy and Finance Committee Report 1, Remuneration for Citizen Appointees to Agencies, Boards, Commissions and Corporations, which included remuneration rates for the Compliance Audit Committee, Property Standards Committee, Rooming House Commissioner, and the Toronto Licensing Tribunal:

<https://www.toronto.ca/legdocs/2006/agendas/council/cc060131/pof1rpt/cl002.pdf>.

At its meeting held July 20 - 22, 2004, City Council considered Clause 9 of Policy and Finance Committee Report 6, Committee of Adjustment Remuneration:

<https://www.toronto.ca/legdocs/2004/agendas/council/cc040720/pof6rpt/cl009.pdf>.

COMMENTS

There are nine City of Toronto tribunals with public members

City Council appoints 103 members of the public to serve on nine tribunals:

- Administrative Penalty Tribunal
- Committee of Adjustment
- Compliance Audit Committee
- Dangerous Dogs Review Tribunal

- Property Standards Committee
- Rooming House Licensing Commissioner and Deputy Commissioner
- Sign Variance Committee
- Toronto Local Appeal Body
- Toronto Licensing Tribunal

While there is variation in their mandates, composition, meeting schedules, qualifications, and the scope and impact of their decisions, the City's tribunals share an adjudicative function that makes them distinct from other City boards and committees with public appointees.

City Council should harmonize the rates

- People are quitting our lower paying tribunals to fill vacancies on our higher paying tribunals when they arise, creating a revolving-door effect.
- People are quitting our tribunals for higher paying appointments at the provincial and federal level
- It is increasingly difficult to compete with the rates paid by provincial and federal tribunals when recruiting highly qualified candidates
- The rates for tribunals have not been reviewed or adjusted since 2006
- There is a wide discrepancy in rates between older tribunals and those recently established (e.g., Property Standards, \$125; Toronto Local Appeal Body, \$500)
- Some chairs receive a stipend for their leadership and coordination activities, while others are not.

There are several benefits associated with setting these rates now

- The City will be better able to recruit and retain highly skilled and qualified tribunal members;
- There will be consistency and standard remuneration across City tribunals;
- Tribunal remuneration will be competitive with other jurisdictions

Comparison with provincial and federal rates

- The Province of Ontario has adopted standardized per diem rates of \$463 or \$773 for certain professions.
- The federal government rates are generally higher. Examples include the Canadian Human Rights Tribunal at \$710-\$830 and the Canadian Industrial Relations Board at \$615-\$720.

How we arrived at these rates

We consulted the divisional leads, Chairs for each tribunal, Human Resources Compensation Unit, along with other municipal, provincial and federal jurisdictions.

The revised rates of remuneration reflect the following:

- The job knowledge, experience, and qualifications necessary to successfully serve as a member;

- The impact of the tribunals' decisions to the City including staff, Council, residents, business owners, and stakeholders; and
- The complexity of the issues before the tribunal and the time and effort required to render a decision.

We are recommending two tiers of compensation. The first tier contains two tribunals-- Compliance Audit Committee and Toronto Local Appeal Body--and the rates reflect the factors noted above. The second tier contains the balance of the tribunals.

We are recommending the deletion of the previous cap on compensation for the Rooming House Commissioner and Deputy Rooming House Commissioner to be consistent with all other tribunals.

The proposed rates include the introduction of a new annual stipend of \$1,500 per annum per member. This is intended to compensate the member for time spent reviewing agendas, reading reports, site visits and other meeting preparation similar to appointments the City makes to corporations.

CONTACT

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SIGNATURE

Ulli Watkiss
City Clerk

ATTACHMENTS

Attachment 1 - Current and Proposed Rates of Remuneration for City Tribunals
Attachment 2 - Jurisdictional Scan of Tribunal Remuneration of Other Municipal, Provincial and Federal Governments

Attachment 1 - Current and Proposed Rates of Remuneration for City Tribunals

Table 1 - Current and Proposed Rates of Remuneration for Tier 1 Tribunals

Tribunal	Current Hearing & Meeting Fee	Proposed 2019 Hearing & Meeting Fee
Compliance Audit Committee	<ul style="list-style-type: none"> - Full Day Hearing: \$350 - Half Day Hearing: n/a - Chair Annual Stipend: n/a - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$600 - Half Day Hearing: \$400 - Chair Annual Stipend: \$2,500 - Public Member Annual Stipend: \$1,500
Toronto Local Appeal Body	<ul style="list-style-type: none"> - Full Day Hearing: \$500 - Half Day Hearing: \$250 - Chair Annual Stipend: \$60,000 - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$600 - Half Day Hearing: \$400 - Chair Annual Stipend: \$60,000 - Public Member Annual Stipend: \$1,500

* full-day rate - hearing more than 3.5 hours, half-day rate - hearing of 3.5 hours or less

Table 2 - Current and Proposed Rates of Remuneration for Tier 2 Tribunals

Tribunal	Current Hearing & Meeting Fee	Proposed 2019 Hearing & Meeting Fee
Administrative Penalty Tribunal	<ul style="list-style-type: none"> - Full Day Hearing: \$350 - Half Day Hearing: \$200 - Chair Annual Stipend: \$18,000 - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$460 - Half Day Hearing: \$275 - Chair Annual Stipend: \$25,000 - Public Member Annual Stipend: \$1,500
Committee of Adjustment	<ul style="list-style-type: none"> - Full Day Hearing: \$350 - Half Day Hearing: n/a - Chair Annual Stipend: \$1,000 - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$460 - Half Day Hearing: \$275 - Chair Annual Stipend: \$2,500 - Public Member Annual Stipend: \$1,500
Dangerous Dogs Review Tribunal	<ul style="list-style-type: none"> - Full Day Hearing: \$350 - Half Day Hearing: \$200 - Chair Annual Stipend: \$1000 - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$460 - Half Day Hearing: \$275 - Chair Annual Stipend: \$2,500 - Public Member Annual Stipend: \$1,500

Tribunal	Current Hearing & Meeting Fee	Proposed 2019 Hearing & Meeting Fee
Property Standards Committee	<ul style="list-style-type: none"> - Full Day Hearing: \$125 - Half Day Hearing: n/a - Chair Annual Stipend: \$500 - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$460 - Half Day Hearing: \$275 - Chair Annual Stipend: \$2,500 - Public Member Annual Stipend: \$1,500
Rooming House Hearing Committee	<ul style="list-style-type: none"> - Full Day Hearing: \$230 - Half Day Hearing: n/a - Chair Annual Stipend: n/a - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$460 - Half Day Hearing: \$275 - Chair Annual Stipend: \$2,500 - Public Member Annual Stipend: \$1,500
Sign Variance Committee	<ul style="list-style-type: none"> - Full Day Hearing: \$250 - Half Day Hearing: n/a - Chair Annual Stipend: \$750 - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$460 - Half Day Hearing: \$275 - Chair Annual Stipend: \$2,500 - Public Member Annual Stipend: \$1,500
Toronto Licensing Tribunal	<ul style="list-style-type: none"> - Full Day Hearing: \$350 - Half Day Hearing: n/a - Chair Annual Stipend: \$18,000 - Public Member Annual Stipend: \$0 	<ul style="list-style-type: none"> - Full Day Hearing: \$460 - Half Day Hearing: \$275 - Chair Annual Stipend: \$25,000 - Public Member Annual Stipend: \$1,500

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