

## **Appointment of Public Members to the Administrative Penalty Tribunal**

**Date:** June 17, 2021

**To:** Nominating Panel - Administrative Penalty Tribunal

**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 Administrative Penalty Tribunal.

### **SUMMARY**

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The Nominating Panel – Administrative Penalty Tribunal will conduct interviews and recommend nineteen candidates to City Council for appointment to the Administrative Penalty Tribunal.

### **RECOMMENDATIONS**

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The City Clerk recommends that:

1. City Council appoint:
  - a) 6 public members to the Administrative Penalty Tribunal for a term of office ending July 15, 2023 and until successors are appointed, and
  - b) 13 public members to the Administrative Penalty Tribunal, including one as Chair, for a term of office ending July 15, 2025 and until successors are appointed.
2. City Council direct that the confidential information contained in Confidential Attachments 1, 2, 3, 4 and 5 remain confidential in its entirety as it relates to personal matters about identifiable individuals being considered for appointment to the Administrative Penalty Tribunal.

## FINANCIAL IMPACT

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There are no financial implications arising from this report.

## DECISION HISTORY

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At its meeting held June 14, 2021, the Nominating Panel - Administrative Penalty Tribunal, selected 39 candidates for interview at its June 28 and 29, 2021 meeting: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NM3.1>.

At its meeting held July 16, 17, and 18, 2019, City Council appointed six members of the public to the Administrative Penalty Tribunal for a term of office ending June 20, 2023, and until successors are appointed: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.3>.

At its meeting held February 26, 2019, City Council appointed seven individuals to the Tribunals Nominating Panel: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC3.5>

At its meeting held May 24, 25, and 26, 2017, City Council appointed 25 members of the public to the Administrative Penalty Tribunal, including one as Chair, for a term of office ending May 26, 2021 and until successors are appointed: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.CC29.5>.

## COMMENTS

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### **Composition of the Administrative Penalty Tribunal**

The Administrative Penalty Tribunal (APT) consists of 25 members who serve as Hearing Officers, including one as Chair.

### **Committee members must meet certain criteria in order to be eligible**

In addition to the general eligibility requirements set out in the Public Appointments Policy, APT members must satisfy the following additional eligibility requirements:

- Cannot be former Members of Council who served in the immediately preceding term of City Council;
- Cannot act as agents for applicants before the Administrative Penalty Tribunal and other City tribunals and would be required to resign from the tribunal before doing so; and/or
- Cannot act as agents for applicants or individuals appearing in Provincial Offences Court.

## **Committee members must meet certain qualifications**

The APT's members should collectively have the following skills, experience, and expertise:

- Experience in adjudication and mediation;
- Knowledge and/or experience with the City of Toronto's traffic and parking By-laws;
- Excellent listening skills and the ability to analyze complex information received;
- Sound judgement, tact, fairness, and decorum;
- Ability to write clearly and concisely;
- Demonstrated high ethical standards and integrity;
- Ability to work under pressure to ensure timely hearing decisions; and/or
- Respect for access to justice, diversity, and accommodation.

In addition to the above qualifications for public members, the Chair of the tribunal should bring the following skills, experience, and expertise:

- Demonstrated leadership and administrative skills;
- Highly developed chairing and facilitation skills;
- Demonstrated ability to work effectively with others;
- Knowledge of access to information and privacy legislation; and/or
- The ability to effectively represent the tribunal and communicate with Toronto City Council, City committees, the media, and the general public.

Candidates may be required to write a written test to help assess their competencies for the tribunal.

## **There are nineteen positions under consideration, including Chair**

Once interviews are complete, the Nominating Panel will nominate candidates to fill 19 positions on the APT. This includes:

- 16 positions currently held by members with terms which ended on May 26, 2021, and
- 3 vacant positions resulting from resignations over the past year.

The remaining 6 of 25 total positions are held by members with terms ending June 20, 2023.

The position of Chair is currently held by Paul Sommerville, who was appointed for a term of office which ended on May 26, 2021. The Nominating Panel will consider the Chair position as part of this process and nominate one member as Chair.

## **Terms of office**

The term of office for public members of the APT is four years. However, following the City of Toronto's Public Appointments Policy, the terms of office for members should be staggered where possible so that the terms of half the members expire every two years. This supports organizational continuity and memory, and more evenly distributes the

appointments workload for Members and staff. Staggered terms have not yet been established for the APT. To achieve this, the terms of office for the 19 nominees in this process will be distributed as follows:

- 6 members will be nominated to serve two-year terms
- 13 members will be nominated to serve four-year terms

All members continue to serve until successors are appointed and candidates appointed for a 2-year term shall not have that service count toward their term limit.

### **Committee members receive remuneration**

All public members receive a full-day per diem of \$460 and half-day per diem (3.5 hours or less) of \$275 for hearings, business meetings and training sessions.

In addition to receiving the above remuneration, public members receive an annual stipend of \$1,500 and the Chair receives an annual stipend of \$25,000, pro-rated on an annual basis from the time of appointment.

### **Public release of names of recommended candidates**

The names and biographies of the recommended candidates will be publicly reported once the Nominating Panel – Administrative Penalty Tribunal forwards its recommendations to City Council.

## **CONTACT**

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## **SIGNATURE**

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John D. Elvidge  
City Clerk

## **ATTACHMENTS**

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Confidential Attachment 1 – List of Candidates, Qualifications, Confidential Diversity Information Summary, and Applications for Appointment to the Administrative Penalty Tribunal (previously circulated with Item NM3.1)

Confidential Attachment 2 – Diversity Information Summary for Current Public Members of the Administrative Penalty Tribunal (previously circulated with Item NM3.1)

Confidential Attachment 3 - Written assignments completed by shortlisted candidates  
(to be circulated under separate cover)

Confidential Attachment 4 - Interview questions for June 28 and 29, 2021 (to be  
circulated under separate cover)

Confidential Attachment 5 - Interview schedule for June 28 and 29, 2021 (to be  
circulated under separate cover)