

Authority: Compliance Audit Committee Item EAX.X adopted at its meeting held on July 21, 2021

Enacted by the Compliance Audit Committee: Item EAX.X on July 21, 2021.

**CITY OF TORONTO
COMPLIANCE AUDIT COMMITTEE**

BY-LAW No. 2

**Amendments to Compliance Audit Committee By-law No. 1, Rules of Procedure for the
Compliance Audit Committee with respect to electronic participation and removal of
public presentations**

BACKGROUND

- A. Subsection 88.37(1) of the Municipal Elections Act, 1996 requires municipal councils to establish a Compliance Audit Committee on or before October 1 in the year of an election. Toronto City Council established a Compliance Audit Committee at its meeting on May 22, 2018
- B. Subsection 88.37(6) of the Municipal Elections Act, 1996 requires the City Clerk to establish administrative practices and procedures for the Committee.
- C. Under section 5.2 of the *Statutory Powers Procedure Act*, a tribunal may hold electronic hearings if its procedural rules deal with electronic hearings.
- D. Due to the COVID-19 pandemic and on-going efforts to prevent the spread of COVID-19, the Compliance Audit Committee believes that amendments to the rules of procedure should be made to allow for electronic hearings, as may be required.
- E. Additionally, the Compliance Audit Committee has determined to remove public presentations from the hearing process and instead focus the hearing on relevant submissions from the parties and their witnesses.

The Compliance Audit Committee of the City of Toronto enacts as follows:

- 1. By-law No. 1 is amended by:
 - A. Amending section 3.3 by adding a new subsection D as follows:
 - D. Members participating electronically in an electronic meeting shall be counted in determining whether or not a quorum of members is present at any point in time.
 - B. Adding as a new subsection 3.6 the following:

3.6 Meetings of the Committee shall be held, at the discretion of the Chair and in accordance with the *Municipal Elections Act, 1996* and *Statutory Powers Procedure Act*, either as in-person meetings or electronic meetings.

E. Amending subsection 11.4 by adding a new subsection C as follows:

C. Preliminary requests.

(1) Where an appeal is proceeding by electronic means, and all interested persons have identified themselves and all parties have confirmed registration with the Secretary, the Committee shall hear from any party who wishes to make:

(a) a request for an adjournment of the hearing

(b) a petition for an in-person hearing; or,

(c) both.

(2) If the Committee determines, either as a result of submissions made in relation to a petition for an in-person hearing, or on its own motion, that a hearing proceeding by electronic means shall cause a party significant prejudice, the Committee shall direct that the hearing be held as an in-person hearing, and may adjourn the hearing to such date and time as the Panel believes appropriate.

F. By deleting the definition "Public Presentation" in section 1 and replacing it with the following definition:

Presentation – An appearance before the Committee by an Applicant, a Candidate or a Third Party Advertiser, to speak to a matter before the Committee.

G. By deleting subsection 6.2D.

H. By deleting sections 8.1 to 8.5.

I. By deleting the word "public" from subsection 11.5A.

J. By deleting subsection 11.5A(4) and (5).

J. By deleting subsection 11.5B and replacing it with the following:

A member may question any person making a presentation including an Applicant, Candidate or Third Party Advertiser.

K. By deleting the word "public" from section 11.7.

2. Sections 1F to 1K of this by-law come into force on August 1, 2021.

ENACTED AND PASSED this _____ day of _____, 2021.

Chair

Secretary