

Appointment of a Public Member as Chair of the Administrative Penalty Tribunal

Date: June 20, 2023

To: Nominating Panel - Administrative Penalty Tribunal

From: City Clerk

Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report deals with personal matters about identifiable individuals who are being considered for appointment as Chair of the Administrative Penalty Tribunal.

SUMMARY

The Nominating Panel – Administrative Penalty Tribunal will conduct interviews and recommend one candidate currently serving as member of the Administrative Penalty Tribunal as Chair to City Council for appointment to the Administrative Penalty Tribunal.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council appoint one public member currently serving as member of the Administrative Penalty Tribunal as Chair to the Administrative Penalty Tribunal for a term of office as follows:
 - a. If the member is currently serving a term of office on the Administrative Penalty Tribunal ending July 15, 2025, they will be appointed as Chair until the completion of their current term on July 15, 2025, and until a successor is appointed.
 - b. If the member's current term of office on the Administrative Penalty Tribunal has expired, they will be appointed as Chair for a four year term of office ending July 21, 2027.

2. City Council direct that the confidential information contained in Confidential Attachments 1, 2, 3 and 4 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

There are no financial implications arising from this report.

DECISION HISTORY

At its meeting held July 14, 15, and 16, 2021, City Council appointed six members of the public to the Administrative Penalty Tribunal for a term of office ending July 15, 2023, and until successors are appointed:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.CC35.7>

At its meeting held July 14, 15, and 16, 2021, City Council appointed thirteen members of the public to the Administrative Penalty Tribunal for a term of office ending July 15, 2027, and until successors are appointed:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.CC35.7>

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>.

COMMENTS

Composition of the Administrative Penalty Tribunal

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

There is one position as Chair under consideration

The position of Chair was held by Paul Sommerville who resigned from the tribunal on May 18, 2023. Due to the substantial role of the Chair has on the Administrative Penalty Tribunal and compressed time between the July Council meeting and before Council resumes in October, the Nominating Panel decided to canvass the current members to select a new Chair.

There are currently 11 other public members on the Administrative Penalty Tribunal whose terms of office end in June and July 2023. These positions, as well as two vacancies on the tribunal, will be considered by Council in the fall of 2023.

Terms of office

The term of office for public members of the APT is four years. All members serve until a successor is appointed. All members are currently eligible for re-appointment.

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.

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 name of recommended candidate

The name and biography of the recommended candidate will be publicly reported once the Nominating Panel – Administrative Penalty Tribunal forwards its recommendation to City Council.

CONTACT

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SIGNATURE

John D. Elvidge
City Clerk

ATTACHMENTS

Confidential Attachment 1 – List of Candidates, Qualifications, Confidential Diversity Information Summary, and Applications for Appointment to the Administrative Penalty Tribunal

Confidential Attachment 2 – Diversity Information Summary for Current Public Members of the Administrative Penalty Tribunal

Confidential Attachment 3 - Interview questions for July 7, 2023 (to be circulated under separate cover)

Confidential Attachment 4 - Interview schedule for July 7, 2023 (to be circulated under separate cover)