

Appointment of a Public Members to the Administrative Penalty Tribunal

Date: November 21, 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 to the Administrative Penalty Tribunal.

SUMMARY

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

RECOMMENDATIONS

The City Clerk recommends that:

1. The Nominating Panel – Administrative Penalty Tribunal recommend that City Council appoint 13 public members to Administrative Penalty Tribunal for a term of office ending December 15, 2027, and until successors are appointed.
2. The Nominating Panel – Administrative Penalty Tribunal direct that Confidential Attachments 1, 2, 3, and 4 to this report remain confidential in their entirety as they relate 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 19 and 20, 2023, City Council appointed one member as Chair to the Administrative Penalty Tribunal for a term of office ending July 15, 2025, and until successors are appointed:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC8.4>

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>

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 are currently 13 positions under consideration

Three positions are a result of vacancies due to the resignations of Larry Swartz, October 18, 2023; Paul Sommerville, May 18, 2023; and Ben Drory, October 27, 2022. The other 10 positions are under consideration due to the terms of office which ended July 15, 2023, though members continue to serve until their successors are appointed.

Terms of office

The term of office for public members of the APT is four years. All members serve until a successor is appointed.

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.

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.

Short-listed candidates will write an assignment and be interviewed

Candidates must complete a test related to the roles and responsibilities of Administrative Penalty Tribunal members. The Nominating Panel - Administrative Penalty Tribunal members will be provided with the test results for consideration.

Public release of name of recommended candidate

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

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 schedule for November 28 and December 1

Confidential Attachment 4 - Administrative Penalty Tribunal Written Assignment - Completed Assignments