

2022 Toronto Licensing Tribunal, Chair's Annual Report

Mary Lee, Chair

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TORONTO LICENSING TRIBUNAL

CHAIR'S ANNUAL REPORT 2022

Contents

1) INTRODUCTION	2
2) CHAIR'S MESSAGE	3
3) SUMMARY OF ACTIVITIES	4
Member Changes	4
Business Meetings	4
Training	4
Procedural Conferences Update (previously Pre-Hearing Conferences)	4
Toronto Licensing Tribunal Administration Office	5
4) CHAIR'S RECOMMENDATIONS	6
5) STATISTICAL INFORMATION – 2022	7
Matters Heard	7
Licensing and Enforcement Reports Filed with the Tribunal	7
Adjournments and Withdrawals by the Parties or MLS	8
Interpreters	8
Categories of Licence Types	8
Licence Categories by Reports Received in 2022	9
Licence Categories by Matters Heard in 2022	10
6) MEMBERS	11

1) INTRODUCTION

This is the 2022 Chair's Annual Report of the Toronto Licensing Tribunal.

The Toronto Licensing Tribunal (TLT) is an adjudicative tribunal that is part of the City's regulation of certain occupations and businesses, to protect consumers and the public. A licence holder or applicant may request a hearing before the TLT to challenge a decision of the City's Municipal Licensing & Standards Division (MLS), or MLS may require a licence-holder or applicant to appear before the Tribunal. Most of the cases before the TLT involve vehicle-for-hire licences, which includes taxicabs. The TLT acts independently from MLS and the City when it hears and decides cases in accordance with the evidence and the law.

Further information about the Tribunal is available at:

<https://www.toronto.ca/services-payments/permits-licences-bylaws/toronto-licensing-tribunal/>.

Submitted respectfully on April 20, 2023.

2) CHAIR'S MESSAGE

It is my privilege to submit the 2022 Annual Report for the Toronto Licensing Tribunal (the Tribunal).

Throughout 2022, the Tribunal continued to conduct virtual hearings on a WebEx platform. The virtual platform has evolved to the point where it has now become a very effective forum for delivering efficient and accessible hearings. Tribunal members, clients, client representatives and staff have reached a strong comfort level in this hearing environment. That said, there remain opportunities to continue to enhance and improve the virtual hearing process, particularly as it relates to accessibility and ease of access to hearing materials and interpretation services for all participants. These matters are addressed in the recommendation section of this report.

It is worthy to note that the Tribunal is now fully operational under the amended Tribunal Rules of Procedure which came into effect in September 2021. The Rules were modernized to improve efficiency, accessibility and to guide the parties through the Tribunal's hearing process. The Rules were also amended to provide that a hearing can be presided by one Tribunal member, which is a change from the previous Rules which required hearings to be conducted by panels of three Tribunal members.

In closing, I am immensely proud of the accomplishments, improvements and progress the Tribunal continues to make in the delivery of its mandate. I would also like to acknowledge our outgoing members for their dedication and contribution to the Tribunal for the past 4 years.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Mary Lee", is positioned above a horizontal blue line.

Mary Lee, Chair

3) SUMMARY OF ACTIVITIES

Member Changes

The Tribunal operated with a complement of six members and one Chair between January and July of 2022, at which time Member Paula Turtle resigned from TLT to accept an appointment to another City Tribunal. The subsequent vacancy was not filled for the balance of the term.

Business Meetings

The Tribunal held two public Business Meetings: June 28 and October 18, 2022.

Subject matters discussed at the Business Meetings covered the following areas:

- Review of the adopted 2021 Toronto Licensing Tribunal – Chair Annual Report and Tribunal recommendations for 2022
- Adoption of the Newly Revised TLT Rules of Procedure By-Law No. 1 (as amended on April 12, 2021)
- Pilot Project Implementation – 1 Member Panel; Rule #17 - Hearing Quorum (17.1)
- Administrative Law Updates
- Toronto Licensing Tribunal General Administrative Updates
- Municipal Licensing and Standards Hearing Submissions – Review of Format and Content
- Municipal Licensing and Standards Updates – Licencing and Enforcement
- 2022 Annual Statistics
- Review of Draft Electronic Pre-Hearing Conference/Proposed Resolution Process
- The TLT Member Appointment and Reappointment Process Presentation

Training

In November 2022, the Tribunal Chair, Ms. Mary Lee attended the Society of Ontario Adjudicators and Regulators' Annual Conference (SOAR), along with members Verlyn Francis, Melina Laverty, Edgar Montigny, Daphne Simon, and Anu Bakshi.

Procedural Conferences Update (previously Pre-Hearing Conferences)

In July of 2022, the Tribunal moved forward with one-member panels for the purpose of conducting Virtual hearings, as amended in the Tribunal Rules of Procedure. The recommended rule amendments were adopted in the latter part of 2021 providing the Tribunal the opportunity to proceed with expanded uses of one-member panels into 2022.

Procedural conferences were also conducted by a one-member panel which provides a more efficient process for addressing procedural matters including mediating issues in dispute.

During the pandemic, MLS redirected resources to priority operations and as a result requested the suspension of the weekly procedural conferences with Licensees or Applicants. It was no longer necessary for Court Services to schedule Procedural Conferences on Tuesdays.

Procedural conference discussions now take place on regular scheduled hearing dates, every Thursday. The parties meet in private, prior to the scheduled hearing start time for settlement discussion purposes. This change in practice has proven to be a better use of resources and time.

Toronto Licensing Tribunal Administration Office

The Tribunal office is one of three offices managed by the Court Services Division, and it has collaboratively worked with the respective City Divisions to provide ongoing client and operational support.

The Tribunal is supported by a team of Court Services Staff under the management of the Tribunal Supervisor and Manager. The Tribunal office underwent several changes in leadership which included a rotation of Acting Managers overseeing all Tribunals. The Supervisor, who is the Tribunal Administrator that previously managed the TLT operations, returned to the TLT and in addition will oversee the Administrative Penalty Tribunal operations.

The Court Services team for TLT include three support assistants who process requests for a hearing filed with MLS by defendants or requests made by Municipal Licensing and Standards for a Tribunal hearing. The team coordinates and schedules hearings and hosts a wide array of activities in support of Tribunal proceedings.

Court Services Staff continued to provide services remotely. Court Services Staff remain instrumental in implementing on-line hearings in a relatively short order which resulted in continued access to justice and minor interruption to Tribunal operations.

Court Services Staff continued to provide Administrative support to the Tribunal and the public in remote hearings and on-line services throughout 2022 and continued to support the Public in accessing the hearings through various channels, such as video or audio connectivity to support participation.

The Tribunal Administration office is instrumental in the timely and efficient functioning of the Tribunal, which includes case management and confidential distribution of hearing materials, support to the Tribunal members, and collaborating with City Clerk's Office in the administration of member complement and remuneration. Court Services Staff oversee the Summary of Decisions for hearings and the release and posting of all Tribunal Written Reasons for Decisions on the Tribunal website.

Furthermore, the office ensures accountability for compliance with the Tribunal Relationship Framework and collaborates with the MLS Division in addition to various stakeholders. Court Services Staff provide statistical information and annual activity reporting in relation to the Tribunal performance indicators. The Supervisor works with the Chair to provide training and orientation for newly appointed members and ongoing member scheduling.

4) CHAIR'S RECOMMENDATIONS

1) Review of Hearing Documents and Submissions for Electronic Hearings

That the Tribunal continue to collaborate with Municipal Licensing and Standards and Court Services and relevant stakeholders to improve and streamline electronic hearing documents and submissions.

Issue:

Tribunal members have on multiple occasions experienced and observed hearing participants struggle with accessing electronic hearing submissions. The impact of not having efficient access to the documents hinders their ability to participate fully in the hearing and leads to frustration with the hearing process.

Recommendation:

Depending on the type of hearing, MLS submits several procedural documents prior to the hearing event such as evidence relied upon, supporting documents, updates, and exhibits. To ensure that all parties can participate fully in electronic hearings, the Tribunal recommends changes to the layout of hearing submissions. This will ensure ease of access to the hearing submission for the parties participating in hearings while utilizing various electronic devices.

2) Review the Interpretation Services to Support TLT Hearings

Issue:

Currently, interpreters are contacted on a scheduled hearing day to provide interpretation services. This approach has proven to be an ineffective method due to challenges with interpreter availability and appropriate technology readiness.

Recommendation:

It is recommended that TLT return to the previous practice of scheduling interpreters in advance of hearing dates to support the parties.

5) STATISTICAL INFORMATION – 2022

In 2022, the Toronto Licensing Tribunal recorded 72 new cases filed. There were 27 updates to the MLS reports filed that expanded the matters to be dealt with in existing cases. The Tribunal scheduled 166 appearances before the hearing panel.

The below table accounts for the number of scheduled appearances before a hearing panel in 2022. This was lower than in 2021, due to a decrease in renewal of business licenses and a decrease in new licence applications.

Matters Heard

Year	Total Scheduled Appearances Before Hearing Panel
2022	166
2021	219
2020	156
2019	225
2018	235

The Tribunal scheduled hearings every Thursday, except for two breaks during the first week of August and the last two weeks of December. Typically, there are 48 scheduled hearing dates per year. In 2022, there were 49 hearings dates and 166 matters scheduled. All hearings were conducted virtually. While parties to a hearing have the option to request an in-person hearing for accommodations or accessibility reasons, the Tribunal received no requests for in-person hearings in 2022. The Tribunal is readily available to accommodate in-person, written or electronic hearing upon request.

In 2022, the Tribunal issued 2 Written Reasons for Decision (WRFD) following a hearing. This was a decrease in comparison to the 13 WRFD issued in 2021 and the 17 WRFD issued in 2020. The decrease in WRFD is a result of the increased use of procedural conference discussions and matters being settled at the start of regularly scheduled hearing dates.

Licensing and Enforcement Reports Filed with the Tribunal

MLS Reports	2022	2021	2020	2019	2018
Licensing Reports	72	94	170	148	162
Enforcement Reports	0	6	4	7	21
Total New Cases	72	100	174	155	183
Licensing Updates – Active Cases	21	38	26	24	32
Enforcement Updates – Active Cases	6	9	5	5	23
Total Reports and Updates	99	147	205	184	238

Adjournments and Withdrawals by the Parties or MLS

Matters Adjourned	Matters Withdrawn
68	11

Interpreters

Languages interpreted in 2022	Number of Requests
Bengali	1
Cantonese	6
Mandarin	1
Pashto	4
Urdu	11
Vietnamese	1
Total	24

**Source documents for above: 2022 Toronto Licensing Tribunal Statistics Report.*

Categories of Licence Types

The cases before the Tribunal can be categorized based on the licence types that were involved. The Chart below lists the cases that were the subject of a hearing in 2022. This Chart indicates some of the cases involved more than one type of licence and some cases had more than one appearance.

In 2022, the top licence types that came before the Tribunal were:

- Vehicle-For-Hire Driver's Licences
- Tow Truck Drivers Licences
- Taxicab Owner's Licence

The chart below identifies the number of licence types where an alleged contravention of the Municipal Code was identified by MLS in that licence category. When a contravention occurs, MLS can deny the new application for a licence or renewal of a licence or notify the holder of a licence (Licensee/Applicant) of their requirement to appear before the Tribunal.

Licence Categories by Reports Received in 2022

Licence Category	New Applicant	Applicant for Renewal	Holder of Licence	Additional Info:
Body Rub Parlour Owner/Operator's Licence	0	0	2	
Commercial Parking Lot Licence	1	0	0	
Eating Establishment Licence	1	1	1	
Entertainer Licence	1	0	0	
Pawn Shop Licence	0	0	1	
Plumbing Contractor Licence	0	1	0	
Public Garage Licence	1	0	1	
Retail Store (Food) Licence	3	1	0	
Second Hand Shop Licence AND Payday Loan Licence	0	0	1	
Taxicab Owner's Licence	0	0	28	With *Toronto Taxicab Owner's Licence (1) added
Tow Truck Driver's Licence	13	5	0	
Tow Truck Owner's Licence	0	1	0	With Tow Truck Driver's Licence & Public Garage Licence as secondary (1)
Vehicle-For-Hire Driver's Licence	4	5	0	With Taxicab Owner's Licence as secondary (1)
Total of 72	24	14	34	

**If taxicab owner also has a VFH licence, the report is counted here as one (1).*

Licence Categories by Matters Heard in 2022

Licence Category	New Applicant	Applicant for Renewal	Holder of Licence	Additional Info:
Body Rub Parlour Owner/Operator's Licence	0	0	2	
Driving School Instructor Owner Licence	0	1	0	With Vehicle-For-Hire Driver's Licence as secondary (1)
Eating Establishment Licence	1	1	6	
Holistic Centre Licence	0	1	0	
Holistic Practitioner Licence	0	0	3	
Motorized Refreshment Vehicle Owner's Licence	0	0	1	
Pawn Shop Licence	0	0	1	
Personal Services Settings Licence	0	0	1	
Plumbing Contractor Licence	0	1	0	
Public Garage Licence	1	0	2	
Retail Store (Food) Licence	2	1	0	
Second Hand Shop Licence AND Payday Loan Licence	0	0	1	
Taxicab Owner's Licence	0	2	29	With* Toronto Taxicab Owner's Licence (2) added
Tow Truck Driver's Licence	15	18	21	
Tow Truck Owner's Licence	0	0	11	With Tow Truck Driver's Licence as secondary
Vehicle-For-Hire Driver's Licence	9	23	12	With Taxicab Owner's Licence as secondary (5)
Total of 166	28	48	90	

**If taxicab owner also has a VFH licence, the report is counted here as one (1).*

***Source document: 2022 Toronto Licensing Tribunal Reference List.*

6) MEMBERS

Position	Name	Terms of Appointment
Chair	Mary Lee	March 29, 2019 – November 14, 2022
Members	Anu Bakshi	March 29, 2019 – November 14, 2022
	Paula Turtle	November 27, 2020 – July 22, 2022
	Verlyn Francis	March 29, 2019 – November 14, 2022
	Melina Laverty	March 29, 2019 – November 14, 2022
	Edgar-Andre Montigny	March 29, 2019 – November 14, 2022
	Daphne Simon	March 29, 2019 – November 14, 2022

Please refer to the City of Toronto Public Appointments website for the member biographies.

<https://www.toronto.ca/services-payments/permits-licences-bylaws/toronto-licensing-tribunal/tribunal-member-biographies/>