

Relationship Framework for the Multi-Tenant House Licensing Tribunal, Rates of Remuneration, and Vice-Chair Selection Process

Date: October 17, 2023
To: Executive Committee
From: Director, Court Services
Wards: All

SUMMARY

This report recommends that City Council adopt the City's Relationship Framework for the Multi-Tenant House Licensing Tribunal in Attachment 1 and as generally described in this report. A Relationship Framework is City Council's governing instrument for setting out details of the functioning of City tribunals. It also clarifies roles and responsibilities for tribunal members as adjudicators of matters before the tribunal and City staff as administrators of the tribunal.

On December 14, 2022, City Council adopted a Multi-Tenant House regulatory framework that included the establishment of a new Multi-Tenant House Licensing Tribunal. The Relationship Framework outlined in Attachment 1 reflects the Multi-Tenant House Licensing Tribunal's mandate in Chapter 575 of the Toronto Municipal Code, Multi-Tenant Houses which becomes effective on March 31, 2024.

This report also recommends that City Council direct the City Clerk to recruit Members of the Multi-Tenant House Licensing Tribunal and compensate the Chair and Members at the proposed rates outlined in Recommendation 6.

Finally, this report recommends that City Council direct that Council will appoint the Chair of the Multi-Tenant House Licensing Tribunal, and that the Vice-Chair will be selected by tribunal members as opposed to being appointed by City Council. This process is consistent with all other City tribunals that have a Vice-Chair.

RECOMMENDATIONS

The Director, Court Services recommends that:

1. City Council adopt the Relationship Framework of the City with the Multi-Tenant House Licensing Tribunal as set out in Attachment 1.
2. City Council approve the amendment of the Code of Conduct for Members of Adjudicative Boards to add the Multi-Tenant House Licensing Tribunal to its schedule of applicable boards.
3. City Council authorize the City Manager, in consultation with the City Solicitor, to make technical changes to the Relationship Framework and any other changes as may be required to give effect to City Council's decisions.
4. City Council direct that Council will appoint the Chair of the Multi-Tenant House Licensing Tribunal and that the Vice-Chair of the Multi-Tenant House Licensing Tribunal will be selected by tribunal members as opposed to being appointed by City Council.
5. City Council authorize the City Clerk to recruit members for the Multi-Tenant House Licensing Tribunal for review by the appropriate Nominating Panel for recommendation of appointment by City Council.
6. City Council direct that remuneration for members of the Multi-Tenant House Licensing Tribunal is as follows:
 - a. Members receive a per diem of \$460 for a full day of hearings.
 - b. Members receive \$275 for a half day of hearings, where a half day is defined as three and a half hours or fewer.
 - c. Members receive \$460 for attendance at a full-day business meeting or training, as required.
 - d. Members receive \$275 for attendance at a half-day business meeting or training, as required, where a half day is defined as three and a half hours or fewer.
 - e. Members receive \$1,500 annually for performing the duties of a Member of the Tribunal.
 - f. The Chair receive \$25,000 annually for performing the duties of the Chair of the Tribunal.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impact to the City in 2023. Future year requirements to support the Multi-Tenant House Licensing Tribunal

will be presented for Council consideration and approval through the 2024 and future year budget processes.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting on December 14, 2022, City Council adopted Item CC2.1, and in so doing established Municipal Code Chapter 575, Multi-Tenant Houses, which establishes a new Multi-Tenant House Licensing Tribunal. The link to the staff report and Council's decisions are available at:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.1>

COMMENTS

Multi-Tenant House Licensing Tribunal – Relationship Framework

At its meeting on December 14 and 15, 2022, City Council directed that a new By-law titled Municipal Code Chapter 575, Multi-tenant Houses be adopted, effective March 31, 2024. This direction enables the creation of a comprehensive city-wide regulatory framework for multi-tenant houses to respond to calls for deeply affordable and safe housing in all parts of Toronto. Multi-tenant houses, also known as Rooming Houses, are one of the most affordable forms of housing in the city, including for individuals belonging to equity-deserving groups. However, current rules governing these houses are fragmented and many of them operate illegally, leading to inadequate conditions for tenants and the wider community. The regulatory framework aims to address these issues and provide a pathway to regulated, safe, liveable, and affordable multi-tenant houses through the development of city-wide standards, enhanced licensing requirements, strategic compliance and enforcement, and robust tenant support initiatives.

An important part of this project is the creation of a new Multi-Tenant House Licensing Tribunal which will replace the current Rooming House Commissioner in former Toronto and have jurisdiction across the city. The new City tribunal will be an independent quasi-judicial body with the authority to hear licence applicant appeals and referrals from City staff. The Municipal Licensing and Standards Division will receive and review applications for a multi-tenant house licence and will have the ability to refuse an application where the applicant has failed to meet criteria set out in the by-law. Applicants may appeal a refusal to the tribunal.

City staff will also be able to refer a licence application or a licence to the tribunal at any time with the recommendation that the licence be revoked, suspended or that conditions be added to it.

The tribunal will hear matters appealed to or referred to it, and on holding a hearing, may uphold a refusal or recommendation of Municipal Licensing and Standards, issue, refuse, suspend or revoke a licence, or add conditions to a licence.

A Relationship Framework is City Council's governing instrument for setting out details of the functioning of City tribunals. It also clarifies roles and responsibilities for tribunal members as adjudicators of matters before the tribunal and City staff as administrators of the tribunal. Finally, it outlines member and Chair qualifications and eligibility criteria that are necessary to inform the Public Appointments process.

The City Manager's Office consulted with the current Rooming House Commissioner and key divisional partners on the development of the City of Toronto – Multi-Tenant House Licensing Tribunal Relationship Framework. Divisions that provided feedback include Court Services, City Clerk's Office, and Legal Services. Attachment 1 is a draft of the Relationship Framework and is being provided for approval by City Council.

The framework will promote an effective and collaborative relationship between City staff and the tribunal and provide clarity about the tribunal's mandate. It also clearly articulates the role of City staff in terms of providing administrative support and outlines the responsibilities and obligations of the tribunal including reporting requirements, and expectations around governance, transparency, and accountability.

It is important to note that City Council is the sole approver for Relationship Frameworks with City tribunals. The Multi-Tenant House Licensing Tribunal will be bound by its provisions.

Rates of Remuneration for the Multi-Tenant House Licensing Tribunal

The proposed rates in this report align with the remuneration paid to the Chair and Members of the Toronto Licensing Tribunal. The Multi-Tenant House Licensing Tribunal will be a similar tribunal in that it will adjudicate appeals of licensing decisions made by Municipal Licensing and Standards Division.

The annual stipend for the MTHLT Chair of \$25,000 recognizes the additional responsibilities and workload anticipated for this position exceeding regular Tribunal member work commitments.

Selection process for the Vice-Chair

Toronto Municipal Code Chapter 575, Section 575-2.3 A(1) states that 'A tribunal, composed of not fewer than six members, inclusive of a Chair and Vice-Chair, who are appointed by resolution of Council, is established under the name 'Toronto Multi-Tenant House Licensing Tribunal' or 'Multi-Tenant House Licensing Tribunal'. This wording could suggest that the Vice-Chair is appointed by Council.

This report recommends City Council direct that Council will appoint the Chair of the Multi-Tenant House Licensing Tribunal and that the Vice-Chair of the tribunal will be selected by tribunal members as opposed to being appointed by Council. This is consistent with all other City tribunals that have a Vice-Chair position. Standard practice is for the Vice-Chair to be selected through a voting process among the tribunal's

membership at a business meeting, and this is what is contemplated in the recommended Relationship Framework.

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SIGNATURE

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Attachment 1: Multi-Tenant House Licensing Tribunal Relationship Framework