

Appointment of Public Members to the Toronto Licensing Tribunal

Date: March 7, 2023

To: Nominating Panel - Toronto Licensing 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 Toronto Licensing Tribunal.

SUMMARY

The Nominating Panel - Toronto Licensing Tribunal will conduct interviews and recommend seven candidates, including one candidate as the Chair, to City Council for appointment to the Toronto Licensing Tribunal.

RECOMMENDATIONS

The City Clerk recommends that:

1. The Nominating Panel - Toronto Licensing Tribunal recommend seven candidates for appointment to the Toronto Licensing Tribunal, including one candidate who will serve as Chair, for a term of office ending on November 14, 2026 and until successors are appointed.
2. City Council direct that the confidential information contained in Confidential Attachment 1 - 5 remain confidential in its entirety as it relates to personal matters about identifiable individuals being considered for appointment to the Toronto Licensing Tribunal.

FINANCIAL IMPACT

There are no financial implications arising from this report.

DECISION HISTORY

At its meeting on March 10, 2023, the Nominating Panel - Toronto Licensing Tribunal selected candidates to be interviewed at its meeting on March 21, 2023:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.NL1.1>

At its meeting on November 25, 2020, City Council appointed one member to the Toronto Licensing Tribunal:

<https://secure.toronto.ca/council/agenda-item.do?item=2020.CC26.8>

At its meeting on November 3, 2020, the Nominating Panel – Toronto Licensing Tribunal selected eight candidates to be interviewed at its meeting on November 17, 2020:

<https://secure.toronto.ca/council/agenda-item.do?item=2020.NL3.1>

At its meeting on March 27, 2019, City Council appointed seven members to the Toronto Licensing Tribunal:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC5.5>

COMMENTS

Composition of the Toronto Licensing Tribunal

There are seven public members on the Toronto Licensing Tribunal, including one member appointed as the Chair.

There are currently seven positions under consideration

One position is as a result of a vacancy due to the resignation of Paula Turtle in July 2022. The other six positions are as a result of terms that came to an end on November 14, 2022. The members have been serving until their successors are appointed.

Tribunal members must meet certain qualifications

Public members should collectively bring the following skills and expertise to the Tribunal:

- An understanding of the Toronto Licensing Tribunal's mandate;
- An understanding of the Licensing By-law and the Statutory Powers Procedure Act;
- An understanding of a field related to business licensing and sensitivity to the various interests and issues;
- Familiarity with the concepts of natural justice and fairness;

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- Excellent listening skills, open-mindedness, sound judgement, and tact and the ability to mediate;
- Ability to organize and analyze written and oral evidence;
- Demonstrated ability to write a clear, well-reasoned decision that takes into account the evidence, the submissions, the law, and policy;
- A commitment to public service and to upholding a high standard of ethics;
- Good interpersonal skills, including the ability to work in a team;
- Ability to work under time pressures;
- A flexible work schedule to allow attendance at hearings and business meetings; and/or
- A willingness and availability to attend training programs once appointed.

Eligibility for the Toronto Licensing Tribunal

In addition to the general eligibility requirements set out in the Public Appointments Policy, candidates are ineligible if they are current City licence-holders or are engaged in the business of a corporate licence-holder or do not pass the required written test. Former Members of Council who served in the immediately preceding term of Council (2014-2018) are also ineligible for appointment as public members on the Tribunal.

City Council appoints the Tribunal's Chair

Toronto Municipal Code Chapter 545, Licensing, Section 545-3F (1) and Section 6.2 of the Relationship Framework for the Toronto Licensing Tribunal state that City Council appoints the Chair of the Tribunal.

The Chair's responsibilities are outlined below:

- Consulting with the Administrator of the Tribunal to ensure the efficient and effective day-to-day operation of the Tribunal;
- Ensuring that all members attend the prescribed training program and seeking training opportunities for members to foster their adjudicative skills on an ongoing basis;
- Presenting the Annual Report to City Council;
- Liaising with City Councillors, the Mayor, the public, and the media from time to time, as necessary;
- Leading the preparation, review, or update of various documents, using any relevant City-wide policy as a reference point;
- Developing statistical performance measures of Tribunal operations;
- Participating in hearings where other members are unavailable, or in hearings of a complex, highly controversial, or lengthy nature;
- From time to time, retaining outside legal advice regarding issues that arise in conjunction with specific hearings or other consultants to assist with the preparation of administrative policies or other business-related matters;
- From time to time and at least twice a year, convening and chairing a business meeting of the Tribunal to review the Tribunal's decision-making in respect to consistency with applicable laws, clarity, and rationale;
- Ensuring that City Council policies and procedures for procurement are followed;
- Liaising with staff on the administration of the hearing process; and

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- Investigating complaints against Tribunal members and consulting with the City Manager.

Term of office

The term of office for the Toronto Licensing Tribunal are governed by Toronto Municipal Code, Chapter 545, Licensing, Section 545-3G (1). The new appointees, including the chair, will serve a term of office ending November 14, 2026, continuing to serve until successors are appointed.

Short-listed candidates will write a test and be interviewed

Candidates must complete a test related to the roles and responsibilities of Toronto Licensing Tribunal members in order to proceed to the interview stage. The Nominating Panel - Toronto Licensing Tribunal will be provided with the test results during the interviews.

We have consulted with Court Services Division staff

Public Appointments Secretariat staff consulted with Court Services Division staff in December 2022 to discuss Tribunal qualifications and the appointment process.

Tribunal members receive remuneration

- The chair receives an annual retainer of \$25,000, plus full-day per diem of \$460 and half-day remuneration (3.5 hours or less) of \$275 for attendance at hearings, business meetings and training.
- Tribunal members receive an annual stipend of \$1,500, plus full-day per diem of \$460 and half-day remuneration (3.5 hours or less) of \$275 for attending hearings, business meetings, and training.
- Members receive a \$50 payment for preparing and submitting a written reason for decision.

Public release of the name of the recommended candidates

The name of the recommended candidates will be publicly reported once the Nominating Panel - Toronto Licensing 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 Toronto Licensing Tribunal (previously distributed with item NL1.1)

Confidential Attachment 2 - Diversity Information Summary of Current Members of the Toronto Licensing Tribunal (previously distributed with item NL1.1)

Confidential Attachment 3 - Toronto Licensing Tribunal Interview Schedule (to be circulated under separate cover)

Confidential Attachment 4 - Toronto Licensing Tribunal Interview Questions (to be circulated under separate cover)

Confidential Attachment 5 - Toronto Licensing Tribunal Candidate Assignments (to be circulated under separate cover)