

2023 Toronto Licensing Tribunal, Chair's Annual Report

Mary Lee, Chair

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TORONTO LICENSING TRIBUNAL

CHAIR'S ANNUAL REPORT 2023

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1) INTRODUCTION

This is the 2023 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 appeal a refusal decision of the City's Municipal Licensing & Standards Division (MLS), or MLS may refer a matter to the Tribunal where they seek to refuse, suspend, revoke, or have conditions added to a licence. 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 May 2, 2024.

2) CHAIR'S MESSAGE

It is my privilege to submit the 2023 Annual Report for the Toronto Licensing Tribunal (the Tribunal).

In April 2023 the Tribunal welcomed four new members to its roster of seven members. A good portion of the year was dedicated to onboarding the new members and getting them familiar and comfortable with the Tribunal's business and hearing process.

The Tribunal continued to conduct virtual hearings via WebEx which has evolved into a very effective and reliable forum for delivering efficient and accessible hearings. 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 once again addressed in the recommendation section of this report. In addition, the Tribunal seeks to properly document and ensure adherence to the rules of procedure governing business meetings. This item is also included in the Chair's recommendations.

The Tribunal is fully operational under the 2021 amended Rules of Procedure. The Rules were modernized to improve efficiency, accessibility and to guide the parties through the Tribunal's hearing process. The Tribunal continues to evaluate and recommend new opportunities to achieve these outcomes.

In closing, it is my pleasure to report that the Tribunal continues to effectively deliver on its mandate and remains versatile and adaptive to changing business and hearing requirements. I would also like to express my personal appreciation to City Council for its support in my re-appointment as Chair for the new 4-year term. I look forward to finalizing these initiatives and improvements to the operation of the Tribunal during this term.

Yours sincerely,



Mary Lee, Chair

3) SUMMARY OF ACTIVITIES

Member Changes

The Tribunal operated with a complement of six members between January and April at which time the terms of three members concluded in April of 2023; Members Simon, Bakshi and Laverty departed their duties with the Tribunal.

The City's Public Appointments Office appointed four new members to the TLT; Members Cole, Bhalla, Lau and Harris were onboarded. In December of 2023, Member Cole was appointed to the Administrative Penalty Tribunal and therefore resigned from the Toronto Licensing Tribunal.

Business Meetings

The Tribunal held three public Business Meetings: February 28, June 30, and October 30, 2023.

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

- Toronto Licensing Tribunal – Chair Annual Report and Tribunal recommendations for 2023
- Implementation– 1 Member Panel; Rule #17
- Toronto Licensing Tribunal General Administrative Updates
- Hearing Schedules, Matters, Members and Materials
- Records Classifications
- Municipal Licensing and Standards Hearing Submissions – Review of Format and Content
- Municipal Licensing and Standards Updates – Licencing and Enforcement
- 2023 Annual Statistics
- Toronto Licensing Tribunal website and resources
- Software and Technical updates – MS365
- The TLT Member Appointment and Reappointment Process Presentation
- New Member Orientation – City Stakeholders
- New Member Orientation and onboarding to the Toronto Licensing Tribunal
- Stakeholder presentations and Court Services administrative procedures

Training

In November 2023, Members Lau, Francis, and Cole attended the Society of Ontario Adjudicators and Regulators' Annual Conference (SOAR), and this year's theme was The Administrative Forest, Pathways to Justice. Member Lau attended the SOAR 5-day Adjudication Certification Program.

Procedural Conferences Update (previously Pre-Hearing Conferences)

In 2023, the Tribunal moved forward with one-member panels for the purpose of conducting virtual hearings, as amended in the Tribunal Rules of Procedure. As of May 2023, the Tribunal has temporarily assigned two-member panels until the new Tribunal members are comfortable to conduct hearings on their own.

Procedural conferences are conducted by a one-member panel which provides a more efficient process for addressing procedural matters including mediating issues in dispute. Matters requiring a three-member panel are considered in advance of a hearing and scheduled as required.

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 continues to demonstrate an efficient use of resources and time.

Toronto Licensing Tribunal Administration Office

The Tribunal office is one of four adjudicative tribunals 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 operated by a team of Court Services Staff under the management of Tribunal Supervisor's and Manager. The Tribunal office underwent several changes in leadership over the past few years which included a rotation of Acting Managers overseeing Court Services Tribunals. In July of 2023, a permanent Manager was assigned.

The Supervisor, who is the Tribunal Administrator and Secretary continues to oversee the operations of the Toronto Licensing Tribunal and 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, as the parties prefer to participate electronically vs in person. 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 throughout 2023 to the Tribunal and to the public which includes technical support in remote hearings and on-line services. Staff continued to ensure the Public had access to the hearings through various channels, such as video or audio connectivity to support participation. In 2023, the Tribunal staff continued to work with the many unique requirements participants need to attend such as Interpretation services, connectivity support and overall understanding of the Tribunal proceedings.

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 to the participants and the public, support to the Tribunal members, and collaborating with City Clerk's Office in the administration of member complement and annual reporting in addition to City Committee Payroll for member remuneration. Court Services Staff oversee the Agendas, 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. The Supervisor works with the Chair to provide training and orientation for newly appointed members and ongoing member scheduling and to provide statistical information and annual activity reporting on Tribunal performance indicators.

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 leads to delay in their ability to participate fully in 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 hearing efficiency, 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.

3) Expanded Rules of Procedure for the management of TLT Business Meetings

Issue:

In accordance with the Relationship Framework, the Tribunal is expected to conduct a minimum of two Business Meetings a year. The Tribunal met this requirement in 2023 with meeting quorum. These meetings are held in accordance with the public meeting rules set out in the City of Toronto Act, 2006. The Tribunal should create clear rules and procedures for the management of its Business Meetings.

Recommendation:

The Tribunal formalize the Rules of Procedure for the management of Business Meetings.

5) STATISTICAL INFORMATION – 2023

In 2023, the Toronto Licensing Tribunal heard 97 new cases filed for a Hearing. There were 130 updates to the MLS reports filed that expanded the matters to be dealt with in existing cases. The Tribunal scheduled 185 appearances before the hearing panel.

The below table accounts for the number of scheduled appearances before a hearing panel in 2023, this was higher than in 2022.

Matters Heard

Year	Total Scheduled Appearances Before Hearing Panel
2023	185
2022	166
2021	219
2020	156
2019	225

The Tribunal scheduled hearings every Thursday, except for two breaks during the month of August and the last two weeks of December. Typically, there are 48 scheduled hearing dates per year. In 2023, there were 49 hearings dates reserved, including 1 matter where the panel is seized, and 2 cancelled dates. All hearings were conducted virtually. While parties to a hearing have the option to request an in-person hearing, the Tribunal received no requests for in-person hearings in 2023 and electronic hearings continue to be a preferred method of access. The Tribunal is readily available to accommodate in-person, written or electronic hearing upon request.

In 2023, the Tribunal issued 1 Written Reasons for Decision (WRFD) following a hearing, a decrease in comparison to the 2 WRFD issued in 2022. The decrease in WRFD is a result of the increased use of procedural conference discussions and matters settled at the start of regularly scheduled hearing dates. MLS processed license applications for issuance efficiencies.

Licensing and Enforcement Reports Filed with the Tribunal

MLS Reports	2023	2022	2021	2020	2019
Licensing Reports	94	72	94	170	148
Enforcement Reports	3	0	6	4	7
Total New Cases	97	72	100	174	155
Licensing Updates – Active Cases	28	21	38	26	24

Enforcement Updates – Active Cases	5	6	9	5	5
Total Reports and Updates	130	147	205	184	238

Adjournments and Withdrawals by the Parties or MLS

Matters Adjourned	Matters Withdrawn	Matters Abandoned
82	28	3

Interpreters

Languages interpreted in 2023	Number of Requests
Amharic	3
Arabic	10
Mandarin	3
Pashto	2
Punjabi	1
Somali	2
Urdu	2

**Source documents for above: 2023 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 2023. This Chart indicates some of the cases involved more than one type of licence and some cases had more than one appearance.

In 2023, the top licence types that came before the Tribunal were:

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

The chart below identifies the number of licence types where an alleged contravention of the Municipal Code or other applicable laws 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 refer the licence to a hearing before the Tribunal where the licence can be refused, suspended, revoked, or have conditions added to it.

Licence Categories by Reports Received in 2023

Licence Category	New Applicant	Applicant for Renewal	Holder of Licence
Body Rub Parlour Owner/Operator's Licence	0	0	2
Body Rubber Licence	1	0	0
Driving Instructor (V) Licence	0	0	1
Eating Establishment Licence	1	0	1
Entertainer Licence	1	0	0
Holistic Practitioner Licence	3	0	1
Personal Services Settings Licence	2	0	0
Refreshment Vehicle Driver's Licence	1	0	0
Retail Store (Food) Licence	2	1	0
Taxicab Owner's Licence	1	0	59
Tow Truck Driver's Licence	7	3	1
Vehicle-For-Hire Driver's Licence	7	1	1
Total	26	5	66

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

Licence Categories by Matters Heard in 2023

Licence Category	New Applicant	Applicant for Renewal	Holder of Licence
Body Rub Parlour Owner/Operator's Licence	0	0	2
Body Rubber Licence	2	0	0
Commercial Parking Lot Licence	1	0	0
Driving Instructor (V) Licence	0	0	1
Eating Establishment Licence	1	0	1
Entertainer Licence	2	0	0
Holistic Practitioner Licence	4	0	1
Personal Services Settings Licence	2	0	0
Public Garage Licence	0	0	1
Refreshment Vehicle Driver's Licence	3	0	0
Retail Store (Food) Licence	12	3	0

Taxicab Owner's Licence	1	0	66
Tow Truck Driver's Licence	21	15	13
Tow Truck Owner's Licence	0	4	0
Vehicle-For-Hire Driver's Licence	10	4	15
TOTAL	59	26	100

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

***Source document: 2023 Toronto Licensing Tribunal Reference List.*

Vehicle Replacement Reports for Taxicabs Received in 2023

Summary of Outcomes

Total Reports Received	Report Withdrawn Before Hearing (vehicle in compliance)	Report Withdrawn at Hearing (vehicle in compliance)	PR/JR (with Suspension until compliance)	Full Hearing (Suspension until compliance order)
33	4	17	11	1

Tow Truck Industry Changes from 2023 into 2024

In 2023 The Province of Ontario announced new legislations that will change the Tow Truck industry Licensing provisions. This resulted in a reduction of Tow Truck Licenses issued by Municipal Licensing and Standards, which in turn removed a large percentage of matters referred to the Tribunal.

[Tow Truck Drivers – City of Toronto](#)

The new Legislation applies consistent rules to all tow and storage operators in Ontario. Previously, only some municipalities regulated towing and storage through local by-laws, all of which were different and offered inconsistent levels of protection.

Source: [Ontario Towing & Storage Regulations \(ibc.ca\)](#), [Towing and Storage Safety and Enforcement Act, 2021, S.O. 2021, c. 26, Sched. 3 \(ontario.ca\)](#)

6) MEMBERS

Position	Name	Terms of Appointment
Members	Anu Bakshi	March 29, 2019 – April 3, 2023
	Melina Laverty	March 29, 2019 – April 3, 2023
	Daphne Simon	March 29, 2019 – April 3, 2023
Chair	Mary Lee	March 29, 2019 – November 14, 2026
	Verlyn Francis	March 29, 2019 – November 14, 2026
	Edgar-Andre Montigny	March 29, 2019 – November 14, 2026
	Joanne Lau	April 3, 2023 – November 14, 2026
	Marc Bhalla	April 3, 2023 – November 14, 2026
	Peter Harris	April 3, 2023 – November 14, 2026
	Resigned	Emily Cole

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/>