



# **Administrative Penalty Tribunal 2023 APT Chair's Annual Report Chair, Sancia Pinto**

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## Background

The Administrative Penalty Tribunal (“APT”) is an independent adjudicative body consisting of 25 public Panel Members (“Members”) referred to as Hearing Officers. The APT is committed to fostering and sustaining a work environment that is diverse, inclusive, and accessible and a workforce that is representative of the public it serves. Hearing Officers are appointed by City Council and provide a second, independent review and decision for a parking violation dispute. Hearing Officers have the authority to affirm, vary or cancel the decision of a Screening Officer and extend time for payment.

In carrying out this mandate, the APT is authorized to conduct hearings and hearing reviews. Decisions of the Hearing Officers are final – there is no further appeal process.

The Administrative Penalty System (“APS”) assumed its jurisdiction on August 28, 2017. The APT is governed by the *Statutory Powers Procedure Act*, its own Rules of Practice, Guiding Principles, The Municipal Code of Conduct, and is governed by Chapter 610 of the Toronto Municipal Code.

From improving service timelines, streamlining operational processes, providing convenient and accessible services, access to justice was at the core of all we have accomplished. The APT is well on the path to achieve our vision and our achievements over the past years and continue to confirm that we are heading in the right direction in delivering a strong, accessible, and modern administrative justice system.

## Chairs Opening Remarks

I am honoured to have the opportunity of being appointed the Chair of the APT, effective July 7, 2023. I am pleased to inform City Council of the dedication and resilience of our Members and Court Services staff in continuing to deliver timely and effective adjudicative services to the users that come before the APT.

This Report covers the period from January 1, 2023, to December 31, 2023. During the 2023 fiscal year, the APT has been on a tremendous journey of user-friendly modernization to provide convenient and accessible services to our users. In recent years, many users have become more comfortable with and dependent on digital options and videoconferencing technology to access the services they need. A key part of our modernization strategy is to continue to develop supportive resources for users, so they feel confident in participating in virtual proceedings. The APT continues to provide through in-person hearings, accessibility and interpretation services for users who do not have the technology or need other supports to participate fully in our processes.

We are making positive headway in meeting and exceeding our overall service standards. Many of our targets and priorities have been met as we remain committed to delivering an accessible, strong, and modern administrative justice system. When hearing requests are received at the Court Services Office, hearings are scheduled in a timely manner in under 45 days.

The APT continues to find better ways of managing the extremely high volume of municipally generated cases. It is an expert review body operating in a sophisticated IT environment, with demonstrable adherence to administrative law requirements. The APT continues to focus on the achievement of the following goals:

- Managing high volume of cases definitively within proportional time frames,
- Providing finality with respect to outcomes; and,
- Respecting the rights of users under administrative law requirements, including

adhering to procedural fairness requirements.

In 2023, one of our top priorities was to achieve a full complement of Hearing Officer's. I am happy to report that we have a full complement of members as of December 16, 2023, and continue to meet our mandate.

In conducting its work, the APT is guided by its duty to enhance access to justice, while continuing to be innovative and responsive to the needs of our users. The APT is mindful that it represents a meaningful intersection between City administration and citizens. It is our goal to ensure that users coming before us leave with a sense that, successful or unsuccessful, they have had a full, fair, and meaningful opportunity to present their case.

Submitted Respectfully on: August 28, 2024

**Originally Signed**

A handwritten signature in black ink, appearing to read 'Sancia Pinto', with a stylized flourish at the end.

**Sancia Pinto**

**Chair, Administrative Penalty Tribunal**

## Panel Members

The APT body is appointed to a four-year term of office by City Council based on the recommendations made by the citizen-Member Nominating Panel. The Membership of the APT represents a good cross section of skill sets and experience as trained Adjudicators and Mediators, and the members adapt to regulated and ongoing legislative changes that reflect and support the diversity of the community.

### Active Members of the APT in 2023:

<b>Name</b>	<b>Appt End Date</b>
<a href="#">Ashifa Alibhai</a>	16-Dec-27
<a href="#">Jennifer Ansell</a>	16-Dec-27
<a href="#">Deborah Boudreau</a>	15-Jul-25
<a href="#">Natasha Bronfman</a>	16-Dec-27
<a href="#">Barbara Cappell</a>	15-Jul-25
<a href="#">Emily Cole</a>	16-Dec-27
<a href="#">Joanne Foot</a>	16-Dec-27
<a href="#">Cheryl Gaster</a>	15-Jul-25
<a href="#">Suzanne Graves</a>	16-Dec-27
<a href="#">Jenny Gumbs</a>	16-Dec-27
<a href="#">Christina Gural</a>	15-Jul-25
<a href="#">Diane Hall</a>	15-Jul-25
<a href="#">Mumtaz Jiwan</a>	16-Dec-27
<a href="#">Randal Montgomery</a>	15-Jul-25
<a href="#">Norine Nathanson</a>	16-Dec-27
<a href="#">Shirley Nguyen</a>	15-Jul-25
<a href="#">Sancia Pinto</a>	15-Jul-25
<a href="#">Andy Radhakant</a>	15-Jul-25
<a href="#">Emile Ramlochan</a>	15-Jul-25
<a href="#">Leslie Ross</a>	15-Jul-25
<a href="#">Jeffrey Shapiro</a>	16-Dec-27
<a href="#">Kayla Stephenson</a>	15-Jul-25
<a href="#">Harold Tan</a>	16-Dec-27
<a href="#">Helen Walsh</a>	16-Dec-27
<a href="#">Daniel Boyer</a>	16-Dec-27

On May 18, 2023, the APT Chair Paul Sommerville (“Chair Sommerville”) respectfully submitted his resignation. Chair Sommerville implemented an interim practice direction in support of the APT’s Operations, until such time a Chair was appointed. On July 7, 2023, I was appointed the Chair of the APT.

In September of 2023 Member Swartz was appointed to the Committee of Adjustment. In December of 2023, Members Ayderus Alawi and Shelly Timms departed the APT and Members Emily Cole, Jeffrey Shapiro, Ashifa Alibhai, Norine Nathanson and Daniel Boyer were appointed to the APT. Daniel Boyer is a returning member.

[Toronto Public Appointments - Agency Profile](#)

## Business Meetings

- **2023:**
  - **October 11, 2023** - Training and Development by way of interactive discussions between the Chair, and Members
  - **December 28, 2023** - APT overview, Practice Directions, Review of Rules of Procedures, Tribunal Processes and Experiences, continued Training and Development.

## Training

Professional development is an integral part of the workplace culture at the APT. Training of Members and staff ensures they have the most current and relevant knowledge of legislation, rules, and operational and adjudicative functions and processes.

Training is done collaboratively throughout the APT. Members participated in workshops facilitated by the Chair and Court Services. This entailed breakout sessions where members were put into groups and assigned a variety of fact scenarios to review, research, and report on their findings, sharing the outcomes with fellow Members. This collaborative approach to training allows for Members to learn from the wealth of knowledge and experience of other Members.

## Technical Training

The APT has provided ongoing expanded training for Members via the City of Toronto, that coincides with the mandates to deliver better services to the communities they support. As staff of the APT continue to apply learned methods of acceptable use policies, cyber security and accessibility and other related training obtained in support of the Public and the Members, there is an evident advantage for Members to obtain similar or same training as they interact with the Public and representatives before the APT.

Given the changes to the APT in our digital approach to adjudicative hearings, the APT Members will be provided with the necessary technical equipment to effectively access and obtain the Tribunal records to conduct their adjudicative functions with minimal interruption in hearing proceedings, preparation and review of case files and updating decisions, written decisions, or other case management, as required.

The APT continues to operate with minimal paper correspondence. An increase in use of online and email communication has supported a digital first and eco-friendly option for users and the APT. Court Services remains committed, however, to ensure that information is provided to participants who prefer mailed notices.

All case information, notes, and images are contained within the confidential Case Management System. Hearing Officers are trained in the capabilities of a unique software and our new Members will be trained in the coming year. The software packages have evolved to provide the access to the resources required to conduct hearings, however many workarounds were put into effect to deliver efficient services and demonstrated a need to expand the system capabilities.

As previously reported, the pre and post COVID Emergency, had caused the APT to limit in-person hearings and the default method was electronic proceedings via Webex. The APT's hearings continue to be held primarily

online, however the APT resumed in person hearings, which are available and scheduled at the applicant's request, for both accessibility and accommodation needs. Hearing Officers are trained in the Webex platform and adjust accordingly to ensure our process meets the requirements of Administrative Law, fairness, and access to justice. This transition has been successful, and the APT is processing a substantial volume of appeals daily. Webex is utilized to record the audio for hearings and remains a function of the APT Hearing Officers producing an official record of the proceedings.

## **Mentoring**

Technical and substantive support is readily available on an on-going basis from the Chair, support staff and other divisions. The APT has placed an emphasis in hands-on, highly practical training. While the APT is a very modern IT - intense agency, a key part of its work involves a high degree of sensitivity to the unique circumstances of the offences and the users who come before us. This aspect of our work requires more than simple technical expertise, but also a dedication to the principle that users have personal circumstances and explanations that are important for our thoughtful consideration of their cases. It is important to the APT that users leave their hearings with a clear sense that they have been heard and their circumstances considered, within the scope of our authority, as established by Council.

New Members have had opportunities to shadow existing senior Members during their onboarding training. Furthermore, new Members have been mentored and supported by existing senior Members as they conduct their assigned independent hearings.

## **The Administrative Penalty Hearing Process**

A person who disputes a parking violation with a Screening Officer and is unsatisfied with the decision, may within 15 days of that decision date, request a review of that decision before an APT Hearing Officer.

That Request for a Hearing may be completed in written form and left with the Screening office to forward to the APT, emailed, or it may be completed and filed on-line. The method of online applications is an efficient and timely process, however, there is opportunity to improve the processing of the applications and the ability in which applicants can readily access, add to or review their submissions and accompanying evidentiary documents.

## **Hearings**

Court Services staff receive and review the incoming applications, and process, schedule and serve notices of hearing dates for those matters accepted.

<b>Hearing Application Activity</b>	<b>2023</b>	<b>2022</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
<b>Requests for hearing received</b>	16,115	17,239	12,905	16,470	15,503
<b>Accepted</b>	16,088	17,141	11,449	16,316	14,567
<b>Requests refused</b>	27	98	15	77	948
<b>Notice of Hearing issued</b>	16,127	19,982	21,319	7,696	16,679
<b>Requests to change hearing date</b>	348	375	295	155	1,972
<b>Hearings still to be scheduled</b>	1,780	1,248	2,436	6,710	255

\*Numbers include matters carried forward from 2022 and new matters filed in 2023.

## Hearing Dispositions

The APT has taken strides to modernize, adapt, and transform its core services, while always keeping access to justice at the center of its focus. For the 2023 fiscal year, hearings were primarily held using an electronic platform, Webex with limited in person hearings. This digital first approach has been well received by users and allows for a more efficient process to adjudicate matters before the APT.

All information relating to the cases is electronic, and may include applications, supporting documentation, photographs, and decisions. This information is accessible to the Hearing Officer at the time of review. All hearings are recorded.

Hearing Dispositions	2023	2022	2021	2020	2019
Prepaid prior to hearing date	879	1,070	1,675	639	2,095
Affirmed	1,467	1,355	1,436	760	2,434
Affirmed in Absentia	3,924	3,872	4,562	949	3,303
Varied	2,359	2,345	2,898	1,999	1,616
Varied - hardship	7,059	6,602	5,111	2,709	4,757
Canceled	1,561	2,333	2,548	1,080	2,138
Canceled - hardship	1,552	2,073	3,002	787	2,421
Adjourned	2,246	1,691	3,995	1,876	1,972
Agenda Total	21,047	21,341	25,227	10,799	20,736

Motion to Set Aside Decisions	2023	2022	2021	2020	2019
Prepaid prior to hearing date	1,599	2,498	1,192	144	943

NOTE: All Variances are attributable to demonstrated hardship.

The Chair reviews and makes decisions on exceptional processes. In the case of Motions to Set Aside a decision, the appellant has failed to attend the hearing and the matter automatically affirmed, with an additional fee added as required by Chapter 610 of the Municipal Code. The Chair reviews a Motion to Restore application and approves the scheduling of the matter if the grounds are reasonable and compelling.

In addition to reviews, the Chair also receives and responds to complaints of hearing procedure or conduct in writing. The APT is user focused and conducts its hearings with a high degree of professionalism. The Chair personally reviews complaints, and each complaint is responded to in a timely manner in line with the Tribunal's complaint procedures.

The role of the Chair requires a sound background in Administrative Law, and extensive experience in managing hearings. Subject matter specific training and mentoring is a key component of the position, activities that are ongoing and build on extensive exposure and experience with Administrative Law processes, and the confident application of statute and case law. The APT has faced and is likely to face further issues that require all the above background knowledge and experience, and the role also requires a great deal of time, thought and judgement.



## **Court Services Staff**

The APT Administration office is managed by Court Services staff and is located at 40 Orchard View Blvd. Court Services is responsible for scheduling hearing applications which includes various subsequent steps, notification of hearing schedules, responding to complaints of process and inquiries, payroll reconciliation, posting agenda and materials on the Web site, providing technical support in the operation of Digital Recordings, Queuing Systems, Case management system and Records management.

In addition, the City designate performs the duties of Secretary at business meetings, which includes securing appropriate facilities and equipment, provide notice to the public and the required stakeholders, manage the meeting agendas, presentations, and order of the meeting. The Secretary effectively maintains all records, transcribes minutes and provides subject matter expertise of the rules of procedure and relationship framework. This continues to be a living and evolving document.

Court Services Staff provide up to date and timely information to the Members along with required resources and tools, technical capability and troubleshooting, operational amendments to bylaws, fees, and work directives on service and legislated changes to carry out their responsibilities and consults with the Legal Services Division as required.

Support from Court Services staff has been exemplary. From management through to hands-on support, Court Services has been able to provide expert assistance to the Chair and the Members. This is a complex and demanding environment and Court Services has been there every step of the way to facilitate the relatively seamless transition we have had and remain current with technology trends hands on system knowledge to support access for the public.

## **Challenges**

The APT continues to face challenges related to quality interpreter services. Staff continue to ensure that this service is available to the public in as seamless a manner as possible; however, as Members conduct hearings and engage interpreters as required, there is a notable decline in accurate translation of information in the APT setting.

The City's eportal process currently in effect which permits Members remote access to the relevant systems and tools required to conduct hearings, has posed new challenges with Members. The Token method is a time consuming and often tricky method of access, which when operating with defects or delays, causes service interruptions for inefficient hearing proceedings.

## **Practice Directions**

Practice Directions were provided to Members in 2023 in collaboration with the Chair and the Administrator of APT. These practice directions ensured a consistent and timely application of procedures along with the knowledge and skills for Members to effectively carry out and respond to queries during day-to-day operations. New practices included:

- Post hearing cancellations
- Sensitive Information and Documents
- Errors and Omissions regarding Parking Violation notices
- Scheduling, Dockets and Webex Accounts

## **Strategic Plan for 2024**

### **Continued Training**

Member benefit from continued training that goes beyond the completed SOAR training in Adjudication. Members would benefit from additional training in the areas of sharpening decision-making skills, especially with the expansion of Red Light Camera and Automated Speed Enforcement programs. The significant monetary fines associated with Red Light Camera and Automated Speed Enforcement programs is sure to bring users with more evidentiary and hearing management challenges. This expansion will bring a new set of challenges from users that warrant further training of Members on strategies and tools to enhance decision making. Given the complexity of these matters, Members would benefit from and will receive ongoing training in the following areas:

- Effective Decision writing and adjudicative reasoning
- Managing the Hearing Room
- Accessibility and Tribunal Hearings
- Exploring unconscious bias and cultural sensitivity training

At the APT it is our goal to create a highly effective and expert body capable of discharging our mandate efficiently and effectively in every case. This includes continuous improvement of technical expertise respecting the broad range of parking regulations. In addition, we are committed to the thoughtful and consistent application of well-informed and sensitive approaches to the wide variety of exceptional circumstances presented by users.

Further, the APT fully supports the passing of Ontario Regulation 355/22 by the Government of Ontario in April 2022 and City Council's decision to authorize City staff to take steps to implement an Administrative Penalty System for the Red Light Camera and Automated Speed Enforcement programs. It is also our goal to ensure that the APT and its Members, have the requisite skills and training to efficiently administer this wider range of Administrative Penalty subject matters seamlessly and confidently. This will require ongoing training, professional development, and mentoring, which will be undertaken throughout the year. The training plan will ensure that the Members are trained to adjudicate matters and deliver administrative justice in a fair, effective, and timely manner.

IT Support familiar with the APT's practices to support Members, this takes up an extraordinary number of resources from the Supervisor.

Accessibility plays a large part in the administration of access to Justice; therefore, appropriate resources must be expended to those coming before the Tribunal. Accommodations requests include extended timelines to conduct hearings, language interpreters and a level of privacy. Our Hearings are conducted in a public setting and open meeting requirements continue to be available, however continued efforts to meet specific interpretation such as ASL and other will continue to be explored with Court Services.

### **Chair Recommendations:**

### **Request review of the feasibility of the creation of an APT Vice Chair appointment**

The administrative and operational responsibilities associated with the APT Chair's role, coupled with a full workload of assigned Hearings, often does result in a full-time work week, including evening and weekend hours. The APT would benefit from a review of the composition of the Tribunal, conducted by City staff, to determine whether the creation of a Vice-Chair appointment would be appropriate to assist the Chair in managing leadership responsibilities, providing support during the Chair's absence, and afford opportunities for succession planning.

### **Request a review of APT Member Remuneration**

The APT would benefit from a future review of the rates of remuneration for public Members of the Tribunal, conducted by City staff, to assess whether the current rates of remuneration are reflective of the responsibilities of the Members and Chair to ensure continued recruitment and retention of high-quality Members.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED.**

**August 28, 2024**