

## **Governance Structure for the City of Toronto's Administrative Penalty Tribunal**

### **1. Mandate**

The Administrative Penalty Tribunal is an independent quasi-judicial tribunal that reviews the decisions of Screening Officers and has the authority to affirm, reduce, or cancel administrative penalties. It is part of the City of Toronto's Administrative Penalty System and local board established under the City of Toronto Act, 2006. The Administrative Penalty System is a dispute resolution process for designated by-law violations (currently parking violations) and designated statutory violations (currently red light camera and automated speed enforcement violations).

### **2. Member Responsibilities**

Administrative Penalty Tribunal members are responsible for:

- Reviewing materials filed with each review request they hear;
- Reviewing motions filed or late filed applications for hearing;
- Conducting mediations, where appropriate;
- Presiding over hearing reviews and rendering written decisions based on the information submitted;
- Declaring conflicts of interest, as appropriate;
- Attending business meetings of the Administrative Penalty Tribunal; and
- Attending training sessions, as required.

### **3. Chair Responsibilities**

In addition to the member responsibilities identified in Section 2, the Chair of the Administrative Penalty Tribunal is responsible for:

- Ensuring that the hearing review practices of the Administrative Penalty Tribunal are fair, equitable, accessible, and effective;
- Ensuring the quality and consistency of Administrative Penalty Tribunal decisions;
- Acting as the lead representative and spokesperson for the Administrative Penalty Tribunal;
- Retaining external legal counsel:
  - 1) To advise on questions identified by the Chair with respect to specific hearings.
  - 2) To represent the Administrative Penalty Tribunal should it be a party to a specific judicial proceeding involving its jurisdiction, decision or process when representation is required.
- Preparing the Annual Report to City Council on the Administrative Penalty Tribunal activities;
- Chairing the Business Meetings of the Administrative Penalty Tribunal;
- Liaising with City staff on administrative support matters;
- Recommending member training and professional development; and

- Responding to access to freedom of information and privacy related matters respecting the Administrative Penalty Tribunal and acting as the 'head' for the purposes of the Municipal Freedom of Information and Protection of Privacy Act.

#### **4. Board Size and Composition**

The Administrative Penalty Tribunal is composed of 25 Hearing Officers including one hearing officer who is also a Chair, all appointed by City Council.

Each hearing review is conducted by a tribunal panel of one member.

#### **5. Eligibility Requirements**

Members of the Administrative Penalty Tribunal must satisfy the general eligibility requirements of the Public Appointments Policy. In addition:

- Former Council Members who served in the current or immediately preceding term of Council are ineligible for appointment.
- A member of the Administrative Penalty Tribunal cannot act as an agent for penalty notice recipients before the Administrative Penalty Tribunal or as an agent before other City administrative tribunals and is required to resign from the Administrative Penalty Tribunal before doing so. Individuals who act as agents or representatives for defendants appearing in Provincial Offences Court are not eligible for appointment.
- A member of the Administrative Penalty Tribunal cannot serve on more than one City of Toronto Tribunal / Committee during their term.

#### **6. Member Qualifications**

Administrative Penalty Tribunal members shall have the following skills and expertise:

- Experience in adjudication and mediation
- Knowledge and experience with the City's traffic and parking by-laws;
- Knowledge and experience with the Highway Traffic Act, specifically with Red Light Camera and Automated Speed Enforcement violations;
- Excellent listening skills and ability to analyze complex information received;
- Sound judgement, tact, diplomacy, fairness, and decorum;
- Ability to write clearly and concisely;
- Demonstrated high ethical standards and integrity;
- Ability to work under pressure to ensure timely hearing review decisions; and
- Respect for access to justice, diversity, and accommodation

#### **7. Chair Qualifications**

In addition to Member Qualifications the Chair shall also exhibit:

- Demonstrated strong leadership and coaching skills;

- Highly developed administrative and facilitation skills;
- Demonstrated ability to work effectively with key stakeholders / others;
- Knowledge of access to information and privacy legislation, MFIPPA, and FIPPA; and
- The ability to effectively represent the Administrative Penalty Tribunal and communicate with City staff, City Council, City committees, the media, and the general public.

## **8. Public Appointments Process**

All members, including the Chair, are recruited in accordance with the City's Public Appointments Policy.

City Council, on the recommendation of the appropriate Nominating Panel, appoints the Chair and members of the Administrative Penalty Tribunal.

The Nominating Panel reviews applications, selects candidates for interview, conducts the interviews, and makes recommendations to City Council on the members and a Chair to be appointed to the Tribunal.

## **9. Hearing Reviews**

Administrative Penalty Tribunal hearing reviews are conducted in accordance with the Tribunal's Rules of Procedure and the Statutory Powers Procedure Act (SPPA).

## **10. Records**

Forms, evidence, and submissions provided to the Administrative Penalty Tribunal are collected specifically for the purpose of creating and maintaining a record available to the general public unless sealed by the Tribunal under s.9 (1) (a) or (b) of the Statutory Powers Procedure Act.

In addition, hearing reviews are open to the public with the exception of when the Administrative Penalty Tribunal is of the opinion that matters set out under s.9 (1) (a) or (b) of the Statutory Powers Procedure Act may be disclosed.

All records of the Administrative Penalty Tribunal will be kept in accordance with the SPPA and MFIPPA as applicable.

## **11. Remuneration**

### Chair

In addition to receiving the remuneration for a member, the Chair shall receive \$25,000 annually for performing their duties as Chair.

### Members

- A full-day per diem of \$460 and half-day per diem (3.5 hours or less) of \$275 for hearings, business meetings or training sessions
- In addition to receiving the above remuneration, public members receive an annual stipend of \$1,500.

**Administrative Penalty Tribunal Municipal Code Provisions**

<b>Subject</b>	<b>Provision</b>
Creation of Committee	The Administrative Penalty Tribunal is constituted by the City of Toronto.
Mandate	The Administrative Penalty Tribunal is an independent quasi-judicial tribunal that reviews the decisions of Screening Officers and has the authority to affirm, reduce, or cancel the administrative penalties.
Procedures	Administrative Penalty Tribunal hearing reviews are conducted in accordance with any procedures adopted by the Tribunal and the <i>Statutory Powers Procedure Act (SPPA)</i> .
Board Composition	The Administrative Penalty Tribunal consists of 25 members who are Hearing Officers inclusive of one member who acts as the Chair. A Tribunal hearing review panel consists of one member.
Member Responsibilities	Administrative Penalty Tribunal members are responsible for conducting hearing reviews and rendering a written decision based on the information submitted in a timely manner.
Term	The term of Administrative Penalty Tribunal members is subject to the City's Public Appointments Policy and is a maximum of 4 years, and until successors are appointed.

<b>Subject</b>	<b>Provision</b>
Staff Support	The Court Services Division administers the Administrative Penalty Tribunal. This includes providing case management administrative processes, hearing room services, financial administration, and all customer services to the public and stakeholders.