

Procedure By-law 1-2017
To govern the meetings of the Toronto Local Appeal Body (TLAB)

Whereas Section 189(2) of the City of Toronto Act, 2006, c. 32, Sched. B, s. 41(1-3) as amended provides that the City and every local board of the City shall pass a procedure by-law for governing the calling, place and proceedings of meetings; and

Whereas the Toronto Local Appeal Body (TLAB) wishes to ensure that its Procedure By-law reflects the principles of accessibility, accountability and responsiveness to local community interests and fairness, respect and full debate in the conduct of its meetings.

Whereas the TLAB wishes to ensure that the application and interpretation of the procedural rules within this By-Law are consistent with those principles;

Now therefore the TLAB hereby enacts as follows:

A. Interpretation

1. Definitions

Business Meeting – A gathering of Members convened under this by-law to discuss items of interest to the TLAB and at which a majority of Members are present. A Business Meeting shall not include any form of hearing or proceeding conducted by a Member or Members of TLAB in the exercise of a statutory power of decision on a matter appealed to it under the City of Toronto Act, the Planning Act, or any other applicable statute.

Chair – Chair of the TLAB.

City – the Corporation of the City of Toronto.

City Officials – The City Manager, the Deputy City Manager and Chief Financial Officer, the Treasurer, the Chief Corporate Officer, the City Clerk, the City Solicitor, and any executive director, general manager, or director, reporting to any of these positions.

Council – The Council of the City of Toronto.

Meeting - A business meeting of the TLAB.

Member - A Member of the TLAB.

Motion to Defer - A motion to delay a decision on a matter by postponing consideration of the matter:

- (1) Indefinitely,
- (2) Until, or within, some specified time or time period,

- (3) Until a specified event happens, or
- (4) Until a report or communication is presented.

Motion to Receive for Information - A motion to acknowledge a matter or part of a matter including the main motion or amendment, to take no current action on the matter, and to place the matter in the Secretary's records for future reference.

Motion to Refer - A motion to send a matter, including a main motion or amendment, to a Committee or person for more information or recommendation.

Open Meeting – A meeting from which the public has not been excluded.

Point of Order - Bringing to the attention of the Chair and Members that a person has broken a rule or made an error in procedures and asking that the TLAB meeting follow the rules or that the error in procedure be corrected.

Point of Privilege - A request to the Chair and to the TLAB to immediately consider and take action to remedy a situation negatively affecting the rights or privileges of Members or the TLAB, despite other pending business currently before the Board.

Point of Procedure – a question directed to the Chair to obtain information on the rules of the TLAB meetings, bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order or understand the effect of a motion.

Procedure By-law - This by-law as amended from time to time.

Quorum - The number of Members to be present at a meeting to lawfully conduct business at the meeting.

Recorded Vote - A vote for which the Secretary records all Members present and how they voted.

Secretary – Employee of the City's Court Services Division responsible for providing administrative support to the TLAB.

Special Business Meeting - A TLAB meeting other than a regular Business Meeting, a continued meeting, or a reconvened meeting.

B. Conduct of Business

2. Principles of the Procedure By-law

- (1) The following rights are the principles upon which the procedure by-law is based:

- (a) The majority of Members have the right to decide;
 - (b) The minority of Members have the right to be heard;
 - (c) All Members have the right to information to help make decisions, unless otherwise prevented by law;
 - (d) All Members have a right to an efficient meeting;
 - (e) All Members have the right to be treated with respect and courtesy;
 - (f) All Members have equal rights, privileges and obligations;
 - (g) The public has the right to attend and contribute to meetings; and
 - (i) The public has the right to be treated with respect and courtesy.
- (2) The procedure by-law is interpreted in accordance with the principles set out in Subsection 2(1).

3. Business conducted according to the by-law

The TLAB shall observe the rules in this by-law in its Business Meetings.

4. Chair's Use of Robert's Rules of Order

If there is a conflict between two or more rules in this procedure by-law, or if there is no specific rule on a matter, the Chair shall rule. The Chair may use Robert's Rules of Order and the TLAB's practices and former decisions, including previous rulings, as aids in ruling.

5. Duties of the Chair

The Chair of the TLAB:

- (1) Shall preside at all meetings of the TLAB;
- (2) May cancel and/or reschedule a regular meeting of the TLAB or call a Special Meeting or a Special Emergency Meeting as necessary;
- (3) Rules on all procedural matters at a meeting;
- (4) Establishes agendas for meetings;

- (5) Maintains decorum at meetings; and
- (6) Performs any duty that may be assigned by the TLAB from time to time.

C. TLAB Business Meetings

6. Schedule

(1) Number of Business Meetings

The TLAB shall hold at least two (2) Business Meetings per year.

(2) Regular schedule of Business Meetings

The TLAB shall establish a schedule of regular Business Meetings for a one-year period and shall adhere to such schedule unless otherwise cancelled by action of the Chair.

(3) Public notice of regular Business Meeting schedule

- (a) The Business Meeting schedule shall be posted on the TLAB website at least seven (7) calendar days before the first meeting of the TLAB in each calendar year and shall include the date, time and location of the Business Meetings.
- (b) Any change to the Business Meeting schedule shall be posted on the TLAB website as soon as possible to provide the public with sufficient advance notice.

7. Conflict of Interest

(1) Members to declare conflicts of interest at the start of Business Meetings

A request for conflict of interest declarations on the agenda items shall be made by the Chair at the start of each Business Meeting. Members are responsible for making conflict of interest declarations.

(2) Members to excuse themselves if there is a conflict of interest

If a Member declares a conflict of interest, he or she shall excuse themselves from participating in the discussion of or voting on the agenda item in conflict.

8. Special Business Meetings

(1) No other business considered

The TLAB only considers the business on the agenda and no other business at a Special Business Meeting.

(2) Special Business Meeting called by the Chair

The Chair may call a Special Business Meeting of the TLAB provided that:

- (a) Members are notified at least 24 hours before the scheduled beginning of a Special Business Meeting;
- (b) The notice for the Special Business Meeting must include the time, date, location and purpose of the meeting;
- (c) The notice is delivered either in person or sent by email to each Member.

(3) Special Business Meeting by written request of the Members

If the Chair receives a written request for a Special Business Meeting signed by the majority of the Members, the Chair shall call a Special Business Meeting.

(4) Special Emergency Meetings

Despite Subsection 8(2), the Chair may call a Special Emergency Meeting of the TLAB without giving notice as required under Subsection 8(2) whenever he or she considers it necessary to do so if:

- (a) All Members are notified of the meeting either personally, by electronic mail, or by any other means necessary; and
- (b) A majority of the Members agree to the meeting by giving written consent to the Secretary either personally or by email before the beginning of the meeting.

9. Closed Business Meetings

(1) The TLAB may close a Business Meeting to the public to discuss the following:

- (a) Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (b) Security of property;
- (c) Personal information about an identifiable individual;
- (d) Labour relations or employee negotiations;
- (e) Litigation or pending litigation, including matters before administrative tribunals;
- (f) Education or training of the Members;
- (g) A matter for which the TLAB has authorized a Business Meeting to be closed under another Act; or
- (h) A request under the *Municipal Freedom of Information and Protection of Privacy Act*.

(2) Motion details for closed meetings

Before holding a closed Business Meeting, the TLAB shall pass a motion to hold a closed meeting.

The motion must state:

- (a) That the meeting is a closed meeting;
 - (b) The general nature of the matter the TLAB is considering at the closed meeting; and
 - (c) The reason(s) the matter requires a closed meeting under Subsection 9(1).
- (3) All motions approved in the closed Business Meeting shall be moved and voted on when the TLAB moves to an open Business Meeting, with the exception of procedural matters.
- (4) Where a matter has been discussed in a closed Business Meeting, and where the matter remains confidential, TLAB Members shall not disclose the content of the matter or the substance of deliberations of the closed Business Meeting.

10. Quorum

- (1) A quorum of a Business Meeting of the TLAB is a majority of Members.
- (2) If no quorum is present fifteen minutes after the time appointed for a Meeting, the Secretary calls the roll and records the names of the Members present and the Meeting is adjourned until the next scheduled day of Meeting, or the next regular Meeting, or at the call of the Chair in accordance with Section 8.

11. Absence of Chair

In the absence of the Chair for a period of fifteen minutes after the appointed time of the Meeting, if a quorum is present, the TLAB shall appoint one of the other Members as Acting Chair to preside and shall discharge the duties of the Chair during the meeting, or until the arrival of the TLAB Chair.

D. Business Meeting Agenda

12. Agenda – General

(1) Chair to set the Business Meeting agenda

The Chair shall set the agenda for TLAB Business Meetings in consultation with the Secretary.

(2) Delivery of agenda to Members and the public

The Secretary shall distribute the agenda to the TLAB Members and post the agenda to the TLAB website at least seven (7) calendar days in advance of the meeting.

(3) Agenda order

Unless otherwise decided by the Members, the TLAB considers the items on the agenda in the order in which it is listed on the agenda.

(4) Changes to agenda

The TLAB, without debate and by a majority vote, may make any alteration to the order of the business but may not delete any item from the agenda. The TLAB Members may defer an agenda item to a future agenda.

(5) Introduction of new agenda items

Any item not included on the agenda may only be introduced by a Member at a Business Meeting with the consent of the majority of the TLAB Members present.

13. Agenda – Procedures

- (1) The Chair introduces the matter before the TLAB Members.
- (2) The TLAB hears public presentations from everyone who has registered a notice of intention to make a public presentation on the matter before the TLAB.
- (3) After the public presentation, a Member may ask the presenter any relevant questions.
- (4) After the TLAB hears all public presentations related to the matter, a Member may ask City Officials questions on the matter subject to the speaking order.
- (5) After hearing all public presentations on the matter and asking any related questions, the TLAB may immediately consider the matter or defer considering it to a future meeting.
- (6) After the TLAB debates the matter, the Chair puts the matter to a vote.

14. Members' options for presenting communications

- (1) Members may present communications to the TLAB about:
 - (a) Any matter on the meeting agenda; or
 - (b) Matters not on the meeting agenda but within the TLAB's mandate.
- (2) In submitting communications under Subsection 14-1(b), Members must comply with any applicable notice requirements and must meet agenda deadlines.

E. Public Participation in Business Meetings

15. Business Meetings open to the Public

All TLAB Business Meetings are open to the public unless the Chair declares the meeting or a portion of the meeting closed in accordance with Subsection 9(1).

16. Public input on TLAB processes and procedures

- (1) The TLAB will accept public deputations by oral presentation or written submission when it is considering changes to rules, practice directions, or policies of the tribunal provided that requests are received within the timelines in Subsection 17(2) for oral presentations and Subsection 18(2) for written submissions.
- (2) Notice of any proposed changes to rules, practice directions, or policies of the tribunal will be provided according to the processes in Subsection 12(2) for the purpose of eliciting public feedback.
- (3) The TLAB may incorporate resident and stakeholder input through a range of engagement methods including public meetings, workshops, summits, surveys and social media as appropriate. From time to time the Chair may also invite presentations to the TLAB as per Chapter 27-13 of the Toronto Municipal Code Chapter 27, Council Procedures.

17. Public Deputations by Oral Presentation

(1) Any person may address the TLAB

Any member of the public may request to make a public deputation by oral presentation to the TLAB on a Business Meeting agenda item either on his/her own behalf or as a representative of an organization or group.

(2) Register to speak

A notice of intention to make a public deputation by oral presentation on a Business Meeting agenda item must be registered with the Secretary at least one (1) business day prior to the meeting by 12:00pm (noon). Email requests can be submitted to tlab@toronto.ca. The date of the TLAB Business Meeting and the agenda item to be spoken to must be indicated in the subject line of the email.

(3) Registration required in order to speak

The TLAB shall not hear public deputations by oral presentation from members of the public who have not registered prior to the meeting unless otherwise directed by the Chair.

(4) Public deputations (oral) on non-Business Meeting agenda items not accepted

Public deputations by oral presentation on non-Business Meeting agenda items shall not be accepted unless otherwise directed by the Chair.

(5) Time allotted for speaking

(a) A public deputation by oral presentation to the TLAB by a person shall be limited to five (5) minutes unless otherwise directed by the Chair.

(b) A public deputation by oral presentation on behalf of any organization or group may be made by more than a single representative but the entire deputation on behalf of an organization or group shall be limited to five (5) minutes unless otherwise directed by the Chair.

(6) Time for answering Member questions not included in time limit

The time involved in answering questions from the Members shall not be included in the time limit for the deputation.

18. Public Deputation by Written Submission

(1) Any person may submit a written public deputation to the TLAB

Any member of the public may provide a public deputation by written submission to the TLAB on a Business Meeting agenda item either on his/her own behalf or as a representative of an organization or group.

(2) Register a written submission

Public deputations by written submission must be registered with the TLAB at least five (5) days prior to the Business Meeting by 4:30pm. Written submissions can be submitted by email to tlab@toronto.ca. The date of the TLAB Business Meeting and the agenda item to be spoken to must be indicated in the subject line of the email.

(3) Public deputations (written) on non-Business Meeting agenda items not accepted

Public deputations by written submission on non-Business Meeting agenda items shall not be accepted unless otherwise directed by the Chair.

- (4) **Registered written submissions will be posted on the TLAB website.**

All registered public deputations by written submission on Business Meeting agenda items shall be posted on the TLAB website.

F. Minutes of TLAB Business Meetings

19. (1) **Secretary submits minutes to next regular Business Meeting**

The Secretary shall prepare the minutes for every Business Meeting for submission to the TLAB for confirmation or approval as amended, at the next meeting of the TLAB, or as soon as reasonably practicable. After the TLAB adopts the minutes, the Chair signs them.

- (2) **Member may request reading of the minutes**

If any Member requests, the Secretary reads the minutes or any requested portion of the minutes, before the minutes are adopted or amended.

- (2) **Secretary to post minutes on TLAB website**

The Secretary shall post the minutes on the TLAB website within seven (7) calendar days after confirmation by the Members.

G. Rules of Debate

20. (1) **Order of speaking**

For each matter under consideration, the Chair shall maintain a list of TLAB Members who have requested to speak and shall designate Members to speak in accordance with that list.

- (2) **Questioning not to be statements**

Questions must be clear and concise and may not be used to make statements or assertions.

- (3) **Every Member has a chance to speak before a second round**

No TLAB member shall speak more than once until every Member who wishes to speak has done so.

(4) **Member not to ask the same question**

The Chair may rule a question out of order if a Member has already asked substantially the same question in the same form.

(5) **Questions of Members**

Members may question only:

- (a) The Chair;
- (b) City Officials;
- (c) The previous speaker, if that speaker has moved a motion, for clarification of the motion only; and
- (d) Members of the public, for clarification purposes.

21. General Rules on Making Motions

(1) **Motions not requiring written notice or consent of Members**

The following matters may be introduced by TLAB Members without written notice and without consent of the TLAB:

- (a) A point of order or procedure;
- (b) The presentation of petitions;
- (c) A motion to suspend or not follow a rule of procedure;
- (d) A motion to adjourn the meeting;
- (e) A motion that the vote on a matter be taken;
- (f) Any other motion of a purely procedural nature.

(2) **Withdrawing a motion**

After a TLAB Member has made a motion, the Member may only withdraw it with the consent of the TLAB.

(3) **Secunder required**

A motion requires a seconder.

(4) Procedural motions and their order

- (a) A Member may make procedural motions defined in Subsection (b) at any time when the Member has the floor.
- (b) The TLAB shall consider the following procedural motions in the following order:
 - (1) Motion to amend the agenda;
 - (2) Motion to adjourn;
 - (3) Motion to recess;
 - (4) Motion to end debate;
 - (5) Motion to extend debate;
 - (6) Motion to limit debate;
 - (7) Motion to fix a time for a reconvened meeting;
 - (8) Motion to reopen or reconsider;
 - (9) Motion to refer; and
 - (10) Motion to defer.

(5) Procedural motions voted on first

A procedural motion takes precedence over any other motion and shall be put immediately to a vote following its debate.

H. Voting

22. General Rules on Voting

(1) Chair ensures that all Members who wish to speak have spoken

The Chair shall ensure that all Members who wish to speak on a matter have spoken and that the Members are ready to vote and shall then put the matter to a vote.

(2) Members present must vote

Every Member present at a meeting must vote on every matter put to a vote, except any Member who declares a conflict of interest at the start of the meeting and removes themselves from the vote.

(3) **Not voting is a negative vote**

The Secretary records as voting in the negative any Member present at a meeting who does not vote, except a Member who has declared a conflict of interest.

(4) **Secretary records the vote when requested by a Member**

When a vote is taken, and a Member requests that the vote be recorded, the Secretary shall record each Member's vote.

(5) **Matter put to a vote shall be in the form of a motion**

The matter put to a vote shall be in the form of a motion addressing the matter then under consideration.

(6) **Members may propose motions on items to be voted upon**

Any Member may propose a motion on the matter under consideration which the Secretary shall record in the minutes. The Member may restate the motion to ensure that the wording is recorded properly and the TLAB Members present understand the intent.

(7) **Multiple motions**

If there is more than one motion with respect to a matter, the Secretary shall record all motions in writing and read the various motions to the Members prior to the vote being taken.

(8) **Order of the vote**

When a vote is taken, the order of the vote shall be as follows:

- (a) Motion to refer;
- (b) Motion to defer;
- (c) Motion to receive;
- (d) Any amendments to a motion; and

- (e) Motion to adopt or Motion to adopt as amended, if any amendments have carried.

I. Points of Order and Procedure

23. General Rules on Points of Order and Procedure

- (1) **Member may present**

If the Chair agrees, a Member may present a point of order or privilege at any time and must relinquish the floor after doing so.

- (2) **No debate or amendment**

The TLAB Members cannot debate or amend a point of order or privilege.

- (3) **Chair to immediately rule**

The Chair immediately rules on the point of order or privilege and gives reasons for the ruling.

- (4) **When a Member may appeal the Chair's ruling**

Immediately following a Chair's ruling, a Member may make a motion to appeal that ruling, despite another Member having the floor.

- (5) **No debate or amendment on motion to appeal**

Members cannot debate or amend a motion to appeal.

- (6) **Steps taken after motion to appeal**

When a Member makes a motion to appeal, the Chair:

- (a) Asks the Members, "Is the ruling of the Chair upheld?" and
- (b) Immediately puts the motion to appeal to a vote.

- (7) **Chair's Statement of Authoritative Rules is Final**

If the Chair states or reads a rule from the procedures by-law or legislation, the Chair has not made a ruling and no Member shall make a motion to appeal.

J. Order and Decorum and Conduct of Members

24. Chair to maintain order

The Chair:

- (1) Maintains order and preserve the decorum of the meeting;
- (2) Rules upon points of order and points of privilege without debate or comment;
- (3) Rules upon all other procedural matters;
- (4) If considered necessary because of grave disorder, adjourning or recessing the meeting for a specified time;
- (5) Determines which Member has the right to speak;
- (6) Determines when all Members who wish to speak on a motion have spoken and that the Members are ready to vote, and then puts the vote;
- (7) Rules whether a motion or proposed amendment is in order; and
- (8) May call a Member to order.

25. Members' responsibilities during a Business Meeting

Members are responsible for:

- (1) Attending scheduled meetings;
- (2) Carefully considering and making decisions about meeting business;
- (3) Voting on motions put to a vote;
- (4) Respecting the rules of the procedure by-law;
- (5) Declaring conflicts of interest on agenda items at the start of each Business Meeting;
- (6) Speaking respectfully at all times;
- (7) Listening attentively, participating in a meeting, and not interrupting the proceedings;

- (8) Refraining from using any offensive, disrespectful or unparliamentary language about any Member, any City officials or other City employee, or the TLAB as a whole;
- (9) Speaking only on the matter under debate or related motions during debate;
- (10) Respecting the confidentiality of matters discussed in closed meetings and not disclosing the subject or substance of these discussions, unless authorized to do so; and
- (11) In the event of non-attendance, advising the Chair of the reason for absence at least seven (7) calendar days before the meeting.

26. Removing and reinstating a disciplined Member

- (1) If a Member fails to adhere to these standards of conduct after being called to order by the Chair, the Chair may immediately move a motion, which shall not be subject to debate, amendment or adjournment, to expel the Member for the duration of the meeting.
- (2) If the Members vote to expel the Member, the Chair orders the Member to leave for the rest of the Business Meeting.
- (3) A Member who has been ordered expelled may remain at the meeting if the Member apologizes and, by a vote of the TLAB Members, is permitted to remain at the meeting.

K. Amendments to By-law

27. Voting Requirements and Notice

- (1) To pass a motion to amend or repeal this by-law requires approval from the majority of TLAB Members.
- (2) The TLAB will only consider amendments or repeal of the procedures by-law at a Business Meeting if a previous regular Business Meeting received notice of the proposed amendment or repeal.

L. Effective Date

- (1) This by-law shall come into force on XXXX.

Approved by:

Date: