

# Guiding Principles for the Administrative Penalty Tribunal and the City of Toronto

## 1. Purpose of these Guiding Principles:

### 1.1. The purpose of these Guiding Principles is to:

1.1.1. clarify the roles of the Administrative Penalty Tribunal (APT), City staff and City Council in supporting the mandate of the APT and the hearing process

1.1.2. promote an effective relationship between the City and the APT for the benefit of stakeholders.

## 2. Legislative Framework:

2.1. The APT is a local board of the City established under the *City of Toronto Act, 2006*.

2.2. Hearings of the APT are conducted in accordance with the *Statutory Powers Procedure Act* ("SPPA") and applicable internal policies (e.g. Procedure By-law) of the APT.

## 3. The Structure of APT Activities:

3.1. Toronto Police Service's Parking Enforcement Unit will enforce the City's parking by-laws through the issuance of penalty notices. Enforcement officers will be providing documentary evidence.

3.2. Revenue Services will process payments, mail notices, and oversee the collection of outstanding penalties, including the plate denial process.

3.3. Legal Services will be managing / administering Screening Officers at Screening Offices.

3.4. Court Services will be supporting and administering the Administrative Penalty Tribunal.

3.5. The APT will conduct hearings to review cases where the public is requesting a review of the Screening Officer's decision.

3.6. The members of the Administrative Penalty Tribunal are citizen appointees, appointed by City Council and are not City employees.

## 4. Mandate of the APT:

4.1. The Administrative Penalty Tribunal is an independent quasi-judicial tribunal that reviews the decisions of Screening Officers and has the authority to affirm, vary, or

cancel administrative penalties based on the merits of the case. The APT may also extend the time for payment of any administrative penalty.

- 4.2. The Administrative Penalty Tribunal is established to provide an independent review of administrative penalties assessed to individuals. All information collected by the Administrative Penalty Tribunal, including information submitted by parties attending before the Administrative Penalty Tribunal, in relation to any aspect of the Administrative Penalty program is information collected specifically for the purpose of creating and maintaining a record available to the general public.
- 4.3. Administrative Penalty Tribunal hearings will be conducted in accordance with the Statutory Powers Procedure Act.

## 5. Members Responsibilities:

Administrative Penalty Tribunal members are responsible for:

- 5.1. Adjudication of hearings pursuant to s. 115 of the City of Toronto Act, 2006, in accordance with its mandate and all applicable legislation and internal policies;
- 5.2. Reviewing materials filed with each application they hear;
- 5.3. Conducting mediations, where appropriate;
- 5.4. Presiding over hearings and render a written decision based on the information presented in a timely manner;
- 5.5. Attending business meetings of the Administrative Penalty Tribunal;
- 5.6. Attending training sessions, as required; and
- 5.7. Conducting hearings in an impartial manner and in accordance with the SPPA and Toronto Municipal Code Chapter 610, Penalties, Administration of ("Chapter 610").

## 6. Chair's Responsibilities:

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

- 6.1. Ensuring that hearing practices of the Administrative Penalty Tribunal are fair and effective;
- 6.2. Ensuring quality and consistency of Administrative Penalty Tribunal decisions;
- 6.3. Acting as the lead representative and spokesperson for the Administrative Penalty Tribunal;
- 6.4. Obtaining external legal advice as needed;
- 6.5. Preparing the Annual Report to City Council on the Administrative Penalty Tribunal

activities;

- 6.6. Consulting with the Administrator of the APT to ensure the efficient and effective day-to-day operation of the APT;
- 6.7. Chairing the Business Meetings of the Administrative Penalty Tribunal;
- 6.8. Liaising with City staff on administrative support matters;
- 6.9. Coordinating member training and professional development; and
- 6.10. Responding to information and privacy related matters respecting the Administrative Penalty Tribunal.

## 7. Courtesy and Ethics:

- 7.1. The Municipal Conflict of Interest Act applies to the APT.
- 7.2. APT members will adhere to the City's Code of Conduct for Members of Adjudicative Boards ("Code of Conduct").
- 7.3. Allegations of violations of the Code of Conduct will be immediately reported to the City's Integrity Commissioner.
- 7.4. Members of the APT may seek the advice of the Integrity Commissioner on matters concerning the Code of Conduct.

## 8. Accountability:

- 8.1. The APT and its members are accountable for upholding the spirit and intent of Chapter 610 as amended from time to time by City Council.
- 8.2. APT members are accountable for:
  - 8.2.1. acting within their legal jurisdiction;
  - 8.2.2. ensuring decisions, including reasons – if required – are clear and easy to understand;
  - 8.2.3. maintaining regular reporting to City Council through the Annual Report; and
  - 8.2.4. maintaining effective and positive relations with the public.

## 9. Staff Support:

- 9.1. The Court Services Division shall provide meeting management support to the Administrative Penalty Tribunal and a tribunal panel

## 10. Transparency:

- 10.1. Hearings and business meetings of the APT shall be held in public.
- 10.2. Agendas shall be made available to the public in advance of the hearings or business meetings.
- 10.3. The Administrative Penalty Tribunal shall adopt a Procedural By-Law that will govern hearings.
- 10.4. The APT shall conduct hearings on a manner that is easily understandable to stakeholders such as participants and the general public.
- 10.5. The Administrative Penalty Tribunal shall maintain a record of decisions, in a consistent format, and provide written reasons upon request. Where reasons are requested, the APT should provide a clear rationale for the decision and reference to the By-law articles that apply.

## 11. Reporting to the City:

- 11.1. The Annual Report from the APT will be submitted to City Council. The Annual Report will identify:
  - 11.1.1. Activities of the APT during the past year;
  - 11.1.2. Performance statistics for the past year;
  - 11.1.3. Improvements made to the hearing process, including new procedural policies implemented;
  - 11.1.4. Identification of improvements to the hearing process desired for the upcoming year;
  - 11.1.5. Any new training initiatives proposed for members;
  - 11.1.6. Any other matters pertinent to the effective functioning of the APT.
- 11.2. The Annual Report will be submitted to the City Manager for transmittal to Council along with any comments from City staff.
- 11.3. The Annual Report from the Administrative Penalty Tribunal to City Council shall be the primary means of communication with City Council. The Annual Report shall discuss matters such as the:
  - 11.3.1. any new training initiatives proposed for members

## 12. Eligibility and Qualifications for Members

- 12.1. Appointments to the Administrative Penalty Tribunal are contingent on the member

successfully completing a training program on the adjudicative process within 6 months of appointment. This requirement shall be met if the member completed such training prior to being appointed to the Tribunal.

- 12.2. Members shall be at least 18 years old and a resident of the City.
- 12.3. Any person who served as a member of Council in the term of Council immediately preceding the appointment of members to the Administrative Penalty Tribunal is ineligible for appointment.
- 12.4. Should the City register and pay for a member to attend training and such member does not successfully complete the program, the Chair or Administrator of the Tribunal shall notify the nominating panel that recommended the appointment for any action deemed necessary.
- 12.5. The Chair will ensure that all members attend the prescribed training program and seeking training opportunities for members to foster their adjudicative skills on an ongoing basis;
- 12.6. As part of the qualifications for Members and the Chair of the Administrative Penalty Tribunal is a willingness and availability to attend training programs once appointed.
- 12.7. Training of Administrative Penalty Tribunal members in the best available adjudicative practices and skills is considered a key requirement.
- 12.8. At the outset of a new term of the Administrative Penalty Tribunal, the Chair, in conjunction with the Administrator, shall co-ordinate professional learning and professional development opportunities for members to ensure the quality of the hearing process and the decisions rendered by the Tribunal, such training to include:
  - 12.8.1. Skill development in adjudication (including matters such as the principles of adjudication, how to hold a hearing and the writing of decisions) by a recognized professional body such as the Society of Ontario Adjudicators and Regulators or a similar body;
  - 12.8.2. Orientation by the City Solicitor and Court Services Staff on the City's parking administration process and the staff role in it;
  - 12.8.3. Orientation by the City Manager's Office in governance including the terms of this Relationship Framework; and
  - 12.8.4. Other training development opportunities which arise from time to time.
- 12.9. The training of members shall occur as soon as possible after appointment and if members of the Licensing Tribunal do not participate in the training program they may be removed from the Tribunal at the discretion of City Council.

### 13. The Budget:

13.1. The budget for the APT is prepared and submitted for Council approval by Court Services. The Administrator will consult with the Chair of the APT during the preparation of the annual budget.

### 14. Amendments:

11.1 The Guiding Principles may be amended or replaced, as appropriate.