

# Public Meeting Minutes: May 26, 2020

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## Business Meeting No. 27

Meeting Date: Tuesday, May 26, 2020

Time: 1:00 p.m.

Email: tlab@toronto.ca

Location: Electronic Business Meeting (WebEx)

Chair: Ian Lord

Contact: Angela Bepple

Phone: 416-392-4697

## Toronto Local Appeal Body Panel Members

Ian Lord (Chair)

Ana Bassios

Sabnavis Gopikrishna

Sean Karmali

Justin Leung

Dino Lombardi (Vice Chair)

Shaheynoor Talukder

John Tassiopoulos

Ted Yao

Stanley Makuch

### **Reading of Aboriginal Land Acknowledgement**

We acknowledge the land we are meeting on is the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13 with the Mississaugas of the Credit.

## **Declaration of Interest under the Municipal Conflict of Interest Act**

No declaration of Interest under the Municipal Conflict of Interest Act.

## **27.1 – ADOPTION**

Toronto Local Appeal Body – Amendment to Procedure By-law 1-2017 for electronic hearings

This bylaw covers the business meetings/this type of meetings and only during an emergency

Chair Lord: Council disposition to hold virtual meetings during an emergency. Looking over the by-law

### **Decision Advice and Other Information**

The Toronto Local Appeal Body will consider the adoption of a new Practice Direction regarding the responsibilities of Expert Witnesses to the TLAB.

### **Motions**

Motion to enact bylaw amendment to procedural bylaw, moved by Panel Member T. Yao, seconded by Panel Member S. Gopikrishna (Carried).

### **Support Documents**

TLAB Amendment – By-law 1-2017- Report

COVID electronic meeting bill

### **Confirmation of February 2020 Minutes**

Motion to adopt February 2020 minutes, moved by Panel member D. Lombardi and seconded by Panel Member J. Tassiopoulos (Carried).

## **25.10 – ADOPTION**

Toronto Local Appeal Body – Draft Practice Direction 6: Expert Witnesses

### **Panel Decision**

The TLAB adopted the draft Practice Direction 6: Expert Witnesses.

## **Decision Advice and Other Information**

Expert Witnesses Experts have certain duties when appearing before the TLAB. These are expressed in the TLAB's Rules and clarified within the proposed Practice Direction 6: Expert Witnesses.

Experts are not necessarily accorded "extra" weight simply because they are experts; however, nor is an expert's evidence simply to be discounted, either. Each Member must turn his or her mind to this issue, with respect to every witness – lay or expert.

The TLAB considered the Draft and referred it to legal counsel, it has been reviewed and has come back in a published form. Submissions received are supportive of it, there are some elements being pressed further. TLAB received expert testimony but also formerly recognized lay citizens to give expert testimony as well, the practice direction canvasses a number of expectations, sets the qualification and perimeters out for them.

Mr. Al Kivi made a deputation on the draft practice direction. He identified a dilemma between identifying as a local knowledge expert which would take away the Party's ability to cross examine, vs identifying as a Party who can cross examine.

The TLAB adopted the practice direction. Member Makuch requested that a subcommittee be set up to consider the role of expert and local knowledge expert witnesses.

## **Summary**

The Toronto Local Appeal Body will consider the adoption of a new Practice Direction regarding the responsibilities of Expert Witnesses to the TLAB.

## **Motions**

Motion to adopt the practice direction regarding Expert Witness, Moved by Panel member D. Lombardi, Seconded by S. Talukder (Carried).

Panel member S. Makuch asked to create a Sub-committee to address these issues.

## **Support Documents**

Draft Practice Direction on Expert Witnesses

Ontario (Ministry of Municipal Affairs & Housing) v. Ontario (Municipal Board)

## **27.2 – INFORMATION**

Toronto Local Appeal Body – Chair's Update

## **Decision Advice and Other Information**

The Toronto Local Appeal Body Chair provided an update to the members on the following topics:

- Members Health and Welfare
- Staff Appreciation
- Back to Business Plans
- COVID-19 Opportunity-Outstanding Decisions
- Initiatives and Timing of Urgent Relief Motions, the revisiting of Rule 31, and virtual hearings;
- Compensation advisory memo: written decisions and orders considered on sole purpose dates
- Review Requests assigned to members and the residual discretion of a member to order a new de novo Hearing
- 2019 Annual Report following Court Services review - Committee consideration postponed

### **Motions**

Motion to accept the update from Administration/Chair moved by Panel Member S. Makuch, seconded by Panel Member J. Tassiopoulos (Carried)

## **27.3 – INFORMATION**

Toronto Local Appeal Body – Supervisor's Update

### **Summary**

Court Services Supervisor to provide an update on administrative matters pertaining to the following items:

- Staffing priorities during emergency closure period;
- Report on Electronic Hearings for eligible files;
- Overview of technological capacity for electronic hearings;
- Resumption of service requirements and the impact on in-person hearings;
- Scheduling;
- Hearings Cancelled during COVID-19 Suspension Period
- Files in queue with exchange dates suspended
- New Appeals received during suspension period
- Identification of matters eligible for electronic hearing

### **Motions**

Motion to accept the update from Administration/Chair moved by Panel Member S. Makuch, seconded by Panel Member J. Tassiopoulos (Carried)

## 27.4 – ADOPTION

Toronto Local Appeal Body – Urgent Relief Motion Process

### **Panel Decision**

The TLAB adopted an Urgent Relief Motion process for a limited period of time to address urgent relief requests arising from COVID-19 closures.

### **Decision Advice and Other Information**

TLAB will offer the opportunity for the member of the public to bring a motion on a short notice to be dealt with almost immediately. A roster of members available for sitting on a regular scheduled basis.

From the procedure, relief requested must not be procedural relief for such matters as earlier hearing dates, additional hearing days, refusal and amending order or guarantee that TLAB will adequate to ensure public health and safety.

The Chair clarified the parameters and who and what matters qualify for an early hearing date or urgent motion.

### **Summary:**

The Toronto Local Appeal Body Chair will provide members details regarding the Urgent Relief Motion Process and considerations for member.

Court Services Supervisor will provide the administrative and schedule framework for the Urgent Relief Motion Process

### **Motions**

Motion to limited type of urgent relief for Motion 7A (Draft motion for TLAB to vehicles for consideration of limited type of urgent matters that want the consideration of the panel member in a short notice) Consist of 3 set weekly 2 hour appointments for initial month of 3 months commencing with TLAB suspension period associated with COVID-19 pandemic crisis (3 months post July 3) moved by Panel Member S, Makuch, seconded by Panel Member D. Lombardi (Carried).

## 27.5 – ADOPTION

Toronto Local Appeal Body – Motion Updates

Chair Lord is speaking: Adding to the motion forms, moved, accepted

Adding to forms, advice to the public, and that the rule is going to be enforced, it is not a rule change

### **Summary**

The Toronto Local Appeal Body will discuss the parameters of the Motion and Urgent Relief Motion process pertaining to the following concerns:

- o Requirement for TLAB to have provided a motion date prior to the service of motion documents;
- o Requirement for the election deadline for Party and Participant status to have passed prior to the service of motion documents;
- o Late arising motions or "intentions" to move;
- o TLAB communication of interim Motion decisions to members;

### **Motions**

Motion to add the following notice wording to the motion form 7 and 7(a) was moved by Panel Member S. Makuch, seconded by Panel Member J. Tassiopoulos (Carried).

NOTICE: a Notice of Motion or Notice of Urgent Relief Motion that is prepared and served without a return date that is first authorized and supplied by the TLAB in writing is invalid and of no force and effect, whether for an oral, electronic or written Motion hearing. A Party or Participant served without a return date that has been authorized by the TLAB is not obliged to further consider the matter.

### **Supporting Documents**

Draft Motion:

That Motion Form 7 and Draft Motion Form 7A include the following wording:

## **26.7 – DEFERRED**

Toronto Local Appeal Body – Draft Evaluation

### **Summary**

The Toronto Local Appeal Body will consider creating an evaluation form for hearings.

### **Motions**

Motion to defer (Adjourn the item 26.7) was received by Panel Member A. Bassios, seconded by Panel Member S. Gopikrishna (Carried).

### **Decision Advice and Other Information**

The Toronto Local Appeal Body deferred consideration of this item to the next Business Meeting and Chair Lord advised the members to take a look at the Susan Abbott suggested document.

### **Supporting Documents**

Draft evaluation form

### **Motions**

Motion to adjourn was received by Panel Member T. Yao, seconded by Panel Member S. Makuch (Carried).

### **Staff Attendance:**

#### **Hsing Yi Chao**

Manager

Tribunal Operations, Court Services

#### **Angela Beppe**

Secretary / Supervisor

Toronto Local Appeal Body, Court Services

#### **Tyra Dorsey**

Acting Lead / Support Assistant B

Toronto Local Appeal Body, Court Services

#### **Kevork Chelenkerian**

Support Assistant B

Toronto Local Appeal Body, Court Services

#### **Bonita Charitable**

Support Assistant B

Toronto Local Appeal Body, Court Services

## Meeting Sessions and Attendance

<b>Session Date</b>	<b>Session Type</b>	<b>Start Time</b>	<b>End Time</b>	<b>Public or Closed Session</b>
May 26 , 2020	Afternoon	1:00	3:02	Public
May 26 , 2020	Recess	3:02	3:12	Public
May 26 , 2020	Afternoon	3:12	4:10	Public