

# Public Meeting Minutes: February 25, 2020

## Business Meeting No. 26

Meeting Date: Tuesday, February 25, 2020 Time: 9:30 a.m.

Email: [tlab@toronto.ca](mailto:tlab@toronto.ca) (mailto:tlab@toronto.ca)

Location: York Civic Centre 2700 Eglinton Ave W, York, ON M6M 1V1

Room: Council Chambers

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

Regrets:

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.

#### **Confirmation of Dec 2019 Minutes**

Motion to adopt December 2019 minutes was moved by Panel Member J. Tassiopoulus and seconded by Panel Member S. Karmali.

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

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

## **New Business**

A request to add four additional items to the Public Agenda during Public Session was announced. The additions were are follows.

- A memo to be set out as to the direction to staff regarding motions received,
- A procedural matter for staff in regards to the four month advanced scheduling of reserved dates and associate hearing appointments,
- Discussion as to whether a circulation of a memo from Sept 1, 2019 regarding Pre-Hearing Conference should go to the Public, and
- Request for Expert Witness Statements be forwarded to TLAB in the most current version of Adobe/Word

#### **Motions**

Motion to add the additional items to the agenda-Moved by Panel Member S. Gopikrishna, seconded by Panel Member D. Lombardi

## **25.10 – ADOPTION**

Deferred to In Camera Session-Motion moved by Panel Member J. Tassiopoulos, seconded by Panel Member D. Lombardi

Toronto Local Appeal Body – Draft Practice Direction 6: 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 defer for further revision to be considered for the next public meeting was moved by Panel Member Karmali, seconded by Panel Member Tassiopoulos. (Carried)

## **Support Documents**

[Draft Practice Direction on Expert Witnesses](#)

[Memo Regarding Expert Witnesses – Member Yao](#)

[Ontario \(Ministry of Municipal Affairs and Housing\) v. Ontario \(Municipal Board\)\(Westlaw\)](#)

## **26.1 – INFORMATION**

Toronto Local Appeal Body – Chair's Update

### **Summary**

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

- Chair and Vice Chair welcomed new Panel Member Ana Bassios.
- Panel Chair received communication regarding T2200; he will be discussing the matters with the Supervisor and will provide an update to the members in the near future. Chair stated he has no updates in regards to remuneration communications nor travel disbursements
- Panel Chair spoke with Court Services how compensation is dealt with outside of formal Hearings. It was concluded that pre hearing conferences with the parties on a day scheduled for another matter, Members will not be compensated; they will only be compensated for the other matter. As well there is no compensation for Verbal/email instruction to staff for the disposition. Compensation for disposition is only for formal dispositions and orders. The Panel Chair will send out a memo regarding this information.
- Previous incident regarding councillor contact communication was not advanced to Commissioner, but rather Panel Chair suggest to identify subject on the regular report. Going forward communication from Councillors will not be sent to the Panel Member but will be posted on the website.
- Requests for review are under the new rule, Rule 31. The reviews have an admin review as well as an adjudicative review which can all issue a notice of dismissal. If either review doesn't involve a dismissal the chair will review the case, and appoint another member to review the file. Currently on average there is one review a month.

### **Motions**

Motion to receive Chair's update was received by Panel Member Karmali, and seconded by Panel Member Lombardi. (Carried)

## 26.2 – INFORMATION

Toronto Local Appeal Body – Supervisor’s Staff Report

### Summary

Court Services Supervisor to provide an update on administrative matters to the Panel, including yearend statistics pertaining to:

- Number of TLAB Appeals received to date
- Number of TLAB Hearings scheduled to date
- Average number of days to dispense of matter

Recently there has been an increase of AIC outages due to scheduled maintenances. Staff will contact the Support Team to be added to the notice list of when the server will be down.

TLAB staff created a TLAB video outlining what the public can expect from TLAB. A second video is now in process, staff is currently finalizing the script and is in contact with Strat Comm. to have the video finalized by the end of the year.

Additional Public Meetings for 2020 were suggested, but due to the budget restraints Public Meetings will only be held four times a year. Administration Supervisor will inquire about additional meetings for 2021 to be increased to 6 meetings throughout the year.

TLAB Administration will have a new Manager between the dates August 2020 until February 2021 to fill the temporary Manager position.

### Motions

The Motion for Staff to seek additional Public Meeting dates to 6 meetings was received by Panel Member Bassios, and seconded by Panel Member Lombardi. (Carried)

Motion to receive updates received by Panel Member Tassiopoulos and seconded by Panel Member Leung. (Carried)

Motion to receive the TLAB video # 1 to post on the TLAB website, moved by Panel Member Karmali, seconded by Panel Member Tassiopoulos. (Carried)

### Supporting Documents

Supervisor’s Staff Report

## 26.3 – INFORMATION

### Summary

The Toronto Local Appeal Body directed staff to update TLAB's Notice of Hearing to include wording regarding mediation. Additional wording will be considered reminding Parties and Participants of their responsibility to repeatedly check the TLAB website for filings.

### **Motions**

Motion that draft proposed changes to Notice of Hearing be deferred to In Camera session to receive Legal Advice moved by Panel Member Tassiopoulos, seconded by Panel Member Lombardi. (Carried)

Motion to receive additions to the wording regarding mediate moved by Panel Member Bassios, seconded by Panel Member Karmali. (Carried)

Motion to capitalize "Mediation" adopted by Panel Member Karmali, seconded by Panel Member Lombardi. (Carried)

## **26.4 – INFORMATION**

Toronto Local Appeal Body – Revisions to Public Guide

### **Summary**

The Toronto Local Appeal Body considered additions to the Public Guide to include wording on Site Visits, at the request of the Ombudsman's office.

Members agreed to the additions to the Public Guide in regards to Site Visits. All members established final wording that will then be added to the Public guide. It was established that it is up to the Panel Member as to how they'd like to present this information during their hearing.

### **Motions**

Motion to adopt the wording of the Public Guide regarding Site Visits moved by Panel Member Lombardi, seconded by Panel Member Karmali. (Carried)

## **26.5 – INFORMATION**

Toronto Local Appeal Body – LPAT Remuneration

## **Summary**

The Toronto Local Appeal Body to receive information on LPAT reimbursement, including for decision writing.

The chair is still in communication/debate with Court Services in regards to reimbursement. An overview was provided for Schedule B of the Agencies and Appointments Directive of the LPAT reimbursement breakdown. There has not yet been a response from City Clerk's in regards to this matter.

## **Motions**

Motion to receive LPAT information moved by Panel Member Karmali, seconded by Panel Member Tassiopoulos. (Carried)

Motion to adjourn discussion moved by Panel Member Talukder, seconded by Panel Member Leung. (Carried)

## **Supporting Documents**

[Schedule B of the Agencies and Appointments Directive](#)

## **26.6 – ADOPTION**

Toronto Local Appeal Body – Technical revisions to Rule 31.22 of TLAB's Rules of Practice and Procedure

## **Summary**

A period of practice has identified an issue with the timeline for service of Replies to Response to Notice of Review under Rule 31.22 in the Rules of Practice and Procedure adopted May 6, 2019.

## **Motions**

Motion to amend the addition to Rule 31.22 was received by Panel Member Tassiopoulos, seconded by Panel Member Talukder. (Carried)

## **Supporting Documents**

### [Draft Technical Revision to Rule 31.22 – Reply to Notice of Response to Review](#)

Revision to correct timeline for service of Replies to Response to notice of Review. The timeline to reply to the response is now changed to 5 days to allow adequate time accommodating the weekend and holidays.

## **26.7 – ADOPTION**

Toronto Local Appeal Body – Draft Evaluation

### **Summary**

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

Some Panel Members were not at the Public Meeting to speak to this.

### **Motions**

Motion to defer this matter to the next Business Meeting, Quarter 2 was adopted by Panel Member Tassiopoulos, seconded by Panel Member Karmali. (Carried)

## **Support Documents**

### [Draft evaluation form](#)

## **26.8 – Information**

Toronto Local Appeal Body – Legal Advice from Counsel

### **Summary**

The Toronto Local Appeal Body went into closed session to receive legal advice from Counsel regarding the following topics:

The use of transcripts in other hearings;  
Expert Witness qualifications;  
The scope of the Review power to order a new Hearing

(The Toronto Local Appeal Body will go in closed session to discuss this item as the City of Toronto Act, 2006 permits closing a meeting to receive advice that is subject to solicitor-client privilege.)

### **Motions**

Motion to move in camera for the purpose of receiving legal advice on the topics identified in item numbers 25.10, 25.3, and 26.8 moved by Panel Member D. Lombardi, Seconded by Panel Member S. Karmali. (Carried)

Motion to come out of closed session after discussing items 25.10, 25.3, and 26.8 moved by Panel Member J. Tassiopoulos, seconded by Panel Member D. Lombardi. (Carried)

Motion to adopt the revisions to the Notice of Hearing wording regarding mediation received by Panel Member D. Lombardi, seconded by Panel Member S. Karmali. (Carried)

Motion that TLAB defer further discussion on Tule 31.24 C respecting Chair to direct and oral hearing, moved by Panel Member S. Karmali, seconded by Panel Member J. Tassiopoulos. (Carried)

Motion that Q2 agenda be confined to presentations by Urban Forestry subject to exceptional circumstances, moved by Panel Member D. Lombardi, seconded by Panel Member S. Karmali. (Carried) **Motions**

Motion to amend the addition to Rule 31.22 was received by Panel Member Tassiopoulos, seconded by Panel Member Talukder. (Carried)

## **26.9 – INFORMATION – 9:30 a.m.**

Toronto Local Appeal Body – Confirmation of Revised final wording of Practice Direction # 1 – Standard Consent Conditions

### **Summary**

The Toronto Local Appeal Body will review final revisions to Practice Direction # 1, adopted December 10, 2019 subject to Counsel review and feedback.

### **Motions**



Motion to replace Practice Direction #1 was moved by Panel Member Karmali, seconded by Panel Member Lombardi

## New Business

### 26.10

#### **Summary**

A memorandum is to be sent to staff directing that requests for motions be sent to the Tribunal at the earliest possible time. Within a month any properly filed Notice of Motion is filed, members will be advised of the motion.

#### **Motions**

Motion that staff be requested by memorandum by the supervisor to review procedures on a Notice of Motion filing. Anything that is to be moved within a month of the hearing, the intended motion is to be communicated to the member at the earliest opportunity; moved by Panel Member Gopikrishna, seconded by Panel Member Karmali. (Carried)

### 26.11

#### **Summary**

A procedural matter for staff in regards to the four month advanced scheduling of reserved dates and associate hearing appointments.

Scheduling practices were reviewed. Panel Member requested that cancellations be sent out with discretion to a Panel Members time. Panel Members requested that staff only book members for Hearings that will undoubtedly proceed.

### 26.12

#### **Summary**

Discussion as to whether a circulation of a memo from Sept 1, 2019 regarding Pre-Hearing Conference should go to the Public.

Panel Member Gopikrishna requested that the memo that was sent on Sept 1, 2019 be sent to the public. The memo directed that minor variances greater than 3 days and combined hearings greater than 5 days be scheduled for a pre-hearing. The Practice Direction will be reviewed by Counsel.

**Motions**

Motion for the review of the Public Direction by Counsel moved by Panel Member Gopikrishna, seconded by Panel Member Talukder

26.13

**Summary**

Request for Expert Witness Statements be forwarded to TLAB in the most current version of Adobe/Word.

Tribunal requested that Expert Witness Statements be submitted to the in the latest versions of Adobe/Word. Tribunal requested clarification on the use of technical formatting of portable documents.

**Motions**

Motion to amend the Expert Witness Statement form requesting expert witnesses to submit their Expert Witness Statements in the latest version of PDF that allows copy and paste functions moved by Panel Member Gopikrishna, seconded by Panel Member Tassiopoulos. (Carried)

Motion to Adjourn moved by Panel Member S. Talukder. (Carried)