

Agenda: August 31, 2020

Business Meeting No. 28

Meeting Date: Monday, August 31, 2020 , 10:00 a.m.

Location: Electronic via Webex

Link To Join:

<https://toronto.webex.com/toronto/j.php?MTID=mcefa8a2944cb51d1b06d88db4c06040b>

Meeting number: 133 238 0938

Password: ANupppK3P93

Join by video system

Dial 1332380938@toronto.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-416-915-6530 Canada Toll

+1-613-714-9906 Canada Toll (Ottawa)

Access code: 133 238 0938

Chair: Ian Lord

Contact: Angela Beppe

Secretary

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)

Stanley Makuch

Shaheynoor Talukder

John Tassiopoulos

Ted Yao

Public Attendance

T. Chen
J. Gibson (Long Branch)
C. Mercado
G. Kettel
M. Schlaepfer
TD. Marshall
A. Kivi
Tyler

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 Minutes – Adopted by Member Makuch, seconded by Member Yao

Declaration of Interest under the Municipal Conflict of Interest Act

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25.10 – ADOPTION – Previous Meeting

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

Summary

The Toronto Local Appeal Body reconsidered the prior adoption of a new Practice Direction regarding the responsibilities of Expert Witnesses to the TLAB. A sub-committee was established to review the expert witness practice direction.

The Panel Members involved in the sub-committee include, Member Gopikrishna, Member Yao, and Member Makuch.

Motions

Motion to review expert witness practice direction by a sub-committee. Moved by Member Makuch, seconded by Member Gopikrishna (Carried)

26.7 – ADOPTION

Toronto Local Appeal Body – Draft Evaluation

Summary

The Toronto Local Appeal Body considered creating an evaluation form for hearings. Significant debate was had regarding the value and purpose of a draft evaluation form, and the process for creating it. The TLAB decided to strike a committee to report back on a purpose and methodology for the evaluation of hearing events. The members who agreed to be part of the committee were Members Karmali, Makuch, Gopikrishna and Bassios. The item will be reported on at the next meeting, or deferred to 2021.

Supporting Documents

Draft evaluation form

Draft Motion: That the TLAB defer item 26.7 to a later Business Meeting.

Panel members discussed the possibility of a task force to create an evaluation form for hearings. The manager of TLAB, Gary Clarke, suggested the new Court Services approach to evaluation with the results based accountability model.

Proposed Revision- that subject to city guidelines, including result based accountability as such member Makuch chair a task force comprised for not more than 10 persons to include the public, Ontario Bar Association, board (TLAB) members, and representative of the city, to report on an evaluation form, of hearing events, including forms, notices, and an agenda set at the discretion of the task force. The task force is to report back on the purpose and nature of evaluation of matters proposed. Moved by Member Makuch, seconded by Member Lombardi

Proposed Revision 2: That a subcommittee of member of the TLAB report back on a purpose and methodology for the evaluation of hearing events. Moved by Member Makuch, seconded by Member Karmali

The Committee members will be Member Karmali, Member Makuch, Member Gopikrishna, Member Bassios

This item was deferred to the next business meeting

Motions

Motion to defer item 26.7 to the next Business Meeting. Moved by Member Lombardi, seconded by Member Yao (Carried)

28.1 – INFORMATION

Toronto Local Appeal Body – Chair's Update

Summary

The Toronto Local Appeal Body Chair provided an update to the members on TLAB business and changes since the May 2020 Business Meeting.

It was decided, the Chair of each hearing will have control, making rulings on attendance and conduct of people based on Minister of Health's recommendation. Each member will undergo a seminar for the requirements.

Emergency Suspension Period ended August 14th, aiming to have in-person hearings start Sept 8th

The annual report went before committee and got moved on to council. The report was accepted, and will require the city managers to report on it in 2021

The Chair suggested that appeals received after September 8th, 2020 are dealt with the 90 day rule. When the parties and participants are identified the member will determine whether the hearing should go forward or be put in queue. Previously canvassed matters, with held dates, members will have discretion whether it will be electronic or in-person in the New Year.

Three motions are proposed but later withdrawn:

Motion to schedule a special meeting on the purpose to deal with backlog and scheduling. Moved by Member Yao, seconded by Member Karmali.

Motion to direct staff to review scheduled matters during the suspension period. Moved by Member Yao, seconded by Member Karmali.

Motion to set September 8th, 2020 as the break point for new matters to move forward with regular in-person hearings. Moved by Member Yao, seconded by Member Karmali.

Motions

Motion to accept Chairs update, moved by Member Lombardi, seconded by Member Makuch (Carried)

28.2 – INFORMATION

Toronto Local Appeal Body – Supervisor's Update

Summary

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

- Resumption of service requirements;
- Resumption of services scheduling process and priorities;

TLAB welcomed new Manager Gary Clarke.

Scheduling Priority will be in the order of seized matters with all deadlines passed, postponed matters with some deadlines outstanding, and lastly new appeal filed.

Additional ventilation within hearing rooms is in progress to ensure Health and Safety.

Motions

Motion to receive updates moved by Member Karmali, seconded by Member Makuch (Carried)

28.3 – INFORMATION

Toronto Local Appeal Body – In Camera Session – Rule 31

The Toronto Local Appeal Body went into closed session to receive legal advice regarding Rule 31 from the Rules of Practice and Procedure.

A subcommittee to review Rule 31 and provide recommendations was formed by members Lombardi, Talukder, Yao and any other member with an interest with the goal of reporting at the Q4 business meeting.

Motions

Motion to move in-camera moved by Member Gopikrishna, seconded by Member Lombardi (Carried)

Motion to come out of closed session moved by Member Makuch, seconded by Member Yao (Carried)

Motion that counsel be instructed to revise and present an amended Rule 31 focused on a simpler and more efficient process, in consultation with TLAB members Lombardi, Talukder, Yao and any other member with an interest with the goal of reporting at the Q4 business meeting. Moved by Member Karmali, seconded by Member Yao (Carried)

28.4 – INFORMATION

Toronto Local Appeal Body – Health and Safety Orientation for Resumption of Services

Summary

The Toronto Local Appeal Body Chair was to provide members a Health and Safety Orientation on resumption of services.

Motions

Motion to close item 28.4; moved by Member Lombardi, seconded by Member Makuch (Carried)

28.5 – INFORMATION

Toronto Local Appeal Body – Correspondences

Summary

The Toronto Local Appeal Body will receive and may consider letters submitted by FONTRA and Ms. S. Abbott regarding outstanding agenda items and the Virtual Business Meeting

Supporting Documents

Letter –RE: TLAB Business Meeting May 26, 2020: Item 26.7 Evaluation Form for Hearings - May 25, 2020
Letter - RE: TLAB considering implementing a survey to measure the experience of TLAB users. Agenda item 26.7 – Draft Evaluation (Evaluation form for Hearings) – May 24, 2020
Letter – RE: TLAB Virtual Business Meeting, May 26, 2020 – June 10, 2020

This item was deferred to the next business meeting.

Motions

Motion to defer item 28.5 to Q4 moved by Member Lombardi, seconded by Member Makuch (Carried)

Adjourned

Staff Attendance:

Gary Clarke

Acting Manager

Tribunal Operations, Court Services

Angela Beppe

Acting 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