

THE CITY OF TORONTO

Court Services Minutes of the Toronto Licensing Tribunal Business Meeting No. 30

The Toronto Licensing Tribunal met virtually on November 23, 2020, on Webex at 9:30 a.m.

Attendance:

Chair: Mary Lee

Members: Anu Bakshi
Daphne Simon
Edgar Montigny
Maureen Carter-Whitney
Verlyn Francis
Melina Laverty

City of Toronto Staff:

Angela Beppe, Acting Supervisor, Toronto Licensing Tribunal, Gary Clarke, A/Manager, Tribunal Operations, Michelle Wright, Practice Lead Legal Services, Fiona Chapman, Director, Municipal Licensing and Standards, Marcia Stoltz, Manager, Municipal Licensing and Standards, Ann Harricharan, Support Assistant (Recorder)

The meeting opened with the City of Toronto Traditional Aboriginal Land Acknowledgement.

There were no Declarations of Conflict of Interest under the *Municipal Conflict of Interest Act*.

1. Confirmation of Minutes

- 1.1. On Motion by Mary Lee, the Toronto Licensing Tribunal (TLT) members unanimously confirmed the Minutes of its meeting held on May 22, 2020 as approved.

Review of Action Items

Action Item: Tribunal Members requires more time to review the revised rules, proposed changes package and provide feedback to the Chair of the Tribunal. The Chair will communicate the information back to Michelle Wright, Legal Services.

Action Item: 2019 annual report recommended a comprehensive review of the rules which was accepted and approved by City council.

Action Item: Chair Lee has informed that virtual hearings have been ongoing and doing well and will continue until the end of 2020 and will potentially be continuing contingent upon the COVID-19 situation.

Motion Carried by Chair Lee and members unanimously confirm.

2. Review of the Rules of Procedure, By-Law No. 1 (as amended on October 23, 2019)

2.1. Legal Services – Recommendations and proposed language

Chair Lee introduced the draft of the Rules of Procedure which was circulated to all members. Michelle Wright informed MLS' concerns with the shift from three members to only one for a hearing, procedural changes relating to who is responsible for serving documents, and the summons process in the rules. Member Laverty indicated she would require more time to review the changes. Member Simon agreed with Member Laverty requires more time to review. Michelle Wright indicated the changes in numbering the rules from 23 to 96 was not a change to the procedures themselves, but a renumbering to allow for easier reading. The changes align with those in February's proposed draft. Chair Lee informed that there is no timeline for the approval of the rules. This meeting is to have the members see the document as a tribunal and obtain feedback identifying any further action if needed. Any refinements can be addressed in 2021 and approved at the next business meeting.

Michelle Wright clarified all the headings making them more explanatory. The definition of "Party" was changed to indicate allowing the tribunal to determine who can be a party, as there might be an individual who seeks intervenor status or has a particular role they need to play in the hearing; the changes provide for more flexibility. The remaining definitions are the same as before. Member Montigny wanted clarification on the submission of documents if party status needs to be declared. Member Simon suggested that the change opens up the possibility that if someone wanted status, it would allow the tribunal to declare them. Rules 2 and 3 were clarified as they were a bit duplicative in language, and the sentence structure was slightly unclear, but the basic principle of the rule remains.

Member Laverty wanted clarification on why there was an increase from three to eight rules under "Rules Apply to All Hearings", along with what stakeholders were consulted. Michelle Wright indicated that research was done by reviewing the old rules and looking at the current practice of different tribunals that was relevant when making up a rule related to summonses and the opportunity to review a decision. As such, only internal stakeholders were consulted. Chair Lee remarked that the rules would be streamlined in 2021 to make the document more simplified for the general public. The tribunal can take a few weeks and review the full proposed draft package along with the memos and then share feedback to the Chair.

3. Administrative Law Updates

Angela Bepple, A/Supervisor, Tribunal Operations, will request member availability on Tuesdays and Thursdays for hearings in the first quarter of 2021. Member Simon sought further information on the Tuesday Pilot Project. Angela Bepple A/Supervisor, Tribunal Operations, advised they will work with MLS on scheduling prehearing proposed resolution matters on Tuesdays in 2021. Member Simon also queried on starting hearings at 9:00 a.m. instead of the standard 9:30 a.m. Chair Lee will discuss the impact and feasibility of starting hearings at 9:00 a.m. with the tribunal operations management team. Angela Bepple, A/Supervisor, Tribunal Operations, advised that operation hours are from 8:30 a.m. - 4:30 p.m., and will look into the staffing complement. Discussions with staff on how they can support the change will take place moving forward.

Meeting adjourned 1:10 p.m.

This meeting is open to the public pursuant to the **Statutory Powers Procedure Act, R.S.O. 1990, Chap. S.22, s.9 (1)** and in accordance with The City of Toronto Act, 2006, as amended, **Toronto Municipal Code, Chapter 545, 545-3 and Chapter 546.**