



Minutes: February 10, 2021

Business Meeting No. 30

Meeting Date: Wednesday, February 10, 2021, 9:30 a.m.

Time: 9:30 a.m.

Email: tlab@toronto.a

Location: Electronic via Webex

Chair: Dino Lombardi

Contact: Angela Beppe

Phone: 416-392-4697

Toronto Local Appeal Body Panel Members

Dino Lombardi (Chair)

Ana Bassios

Sabnavis Gopikrishna

Sean Karmali

Christine Kilby

Justin Leung

Stanley Makuch

Shaheynoor Talukder (Vice Chair)

John Tassiopoulos

Ted Yao

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.

Confirmation of December 2020 Minutes

Motion to adopt December 02, 2020 minutes, moved by Panel Member S. Karmali and seconded by Panel Member S. Gopikrishna (Carried).

Deferred Items:

26.7 – INFORMATION

Toronto Local Appeal Body – Draft Evaluation Status Update

Panel Decision

The TLAB confirmed a Panel Member as the Chairman of the Evaluation Subcommittee.

Decision Advice and Other Information

Chair Lombardi confirmed the members identified as the TLAB Evaluation Subcommittee Team. The members include Panel Members Stanley Makuch, Sean Karmali, Sabnavis Gopikrishna, and Ana Bassios. The current spokesperson, Member Makuch, indicated there were no recent updates and suggested that a Chairperson be appointed. Member Bassios recommended Member Karmali be the subcommittee's Chairperson.

Summary

The Toronto Local Appeal Body may receive an update regarding the establishment of a subcommittee of Members of the TLAB on a purpose and methodology for the evaluation of Hearing events. The TLAB may further defer the item to a future business meeting.

Motions

The Toronto Local Appeal Body recognizes Panel Member Sean Karmali as the Chair of the TLAB Evaluation Subcommittee and further that an update from the subcommittee be deferred to the next business meeting. Moved by Panel Member S. Makuch, Seconded by Panel Member A. Bassios. (Carried)

30.1 – INFORMATION

Toronto Local Appeal Body – New Member Introduction – C. Kilby

Decision advice and other information

Chair Lombardi formally welcomed the Toronto Local Appeal Body's new Panel Member Christine Kilby.

Summary

New Member Christine Kilby was introduced to the other Members of the Toronto Local Appeal Body.

30.2 – INFORMATION

Toronto Local Appeal Body – New Chair's Address to Members

Summary

The new Toronto Local Appeal Body Chair addressed the members for the first time as Chair.

Decision advice and other information

Chair Lombardi addressed the members for the first time as the new Chair of the Toronto Local Appeal Body. He offered Statement of thanks to the members for their continued work and efforts during the COVID-19 pandemic. Member Shaheynoor Talukder was also formally congratulated as the new Vice-Chair of the Toronto Local Appeal Body.

30.3 – INFORMATION

Decision Advice and Other Information

Chair Lombardi suggested a new approach when conducting business meetings. Developing a new strategy came from reviewing previous business meetings and input from several Panel members. The intent is to propose a novel approach to conducting future meetings, premised on the TLAB Procedural By-Law 2017. Members will be required to review the agenda items and inform the TLAB before advising on any issues, changes, and additions. Before the meetings' commencement, the initiative proposes that members be required to submit their interest to speak to an agenda item through TLAB either the day before the meeting or on the morning of the meeting.

Discussions ensued with concerns about the proposed five (5) minute time allotment for each member to speak. Specific agenda items can be more complex and warrant more than five minutes. Chair Lombardi in conversation with the TLAB Supervisor and Legal Counsel determined that the procedural rules allow the Chair

to decide how a meeting is conducted but does not enable the Chair to make decisions without consent from all members unilaterally. The intent of amending the Procedural By-Law is not to restrict participation but streamline and improve the way meetings are conducted. On consent the Chair and Vice-Chair, through TLAB staff, will draft wording amending the procedural by-law, and circulate to members for review and consideration at the next business meeting.

Covid-19 protocol measures are currently still in place. All Hearings will continue to proceed virtually for the foreseeable future. Previous protocols allowed for hybrid Hearings to occur at 40 Orchard View Blvd but is no longer an available option.

Chair Lombardi attended the health and safety meeting on December 1, 2020. It's been confirmed that the rate of air circulated in room 253 is now at standard. The H-Vac system connected to the library's system is now working to specifications. There is no new set up changes in the office. TLAB Manager Gary Clarke informed that facilities management has addressed the issue with the back door in 253 and it's now able to lock securely. There is currently a walkthrough video of the current display of the Hearing rooms which can be circulated to the members upon request.

WebEx training is currently available for members who wish to obtain a refresher training session, hosted by TLAB staff and accommodated upon request.

In discussion with the previous Chair, the opportunity arose for TLAB to create a standard virtual background screen for members to use when conducting Hearings. Currently, the Chair and TLAB staff are creating a draft background and will share with members when available.

As part of the virtual recordings, a transcript of the proceedings is also created, assisting members in navigating the file. The Chair has indicated that the transcript is not entirely legible, but has requested that it be sent to members after a Hearing has completed as part of the decision package.

The Chair and Vice-Chair will work to address the practice direction on requesting additional Hearing dates. Member Gopikrishna sought clarification on whether the current practice will still be required. The Chair confirmed that he would deal with the issues with individual members as required. The current protocol will remain until draft wording has been drafted, circulated and considered by the tribunal at the next business meeting.

Summary

The TLAB Chair will provide an update on Business Meeting Protocols and Procedures. He will also provide an update to the Members on TLAB business and changes since the December 2, 2020 virtual Business Meeting.

Motions

Motion to receive TLAB Chair's update. Moved by Panel Member S. Makuch, Seconded by Panel Member J. Tassiopoulos (Carried).

Motion for TLAB staff to create amended wording to procedural bylaw to be brought forward at a future business meeting. Moved by Panel Member D. Lombardi, Seconded by Panel Member A. Bassios. Vetoed by Panel Member S. Makuch (Carried).

Motion for the Chair and Vice-Chair to create a revised Practice Direction that speaks to the extension of additional Hearing days to be provided at the next business meeting. Moved by Panel Member S. Makuch, Seconded by Panel Member S. Talukder. (Carried)

Motion to have the existing draft Practice Direction requesting existing Hearing days be provided to legal counsel to advise and develop into a formal direction. Moved by Panel Member S. Gopikrishna, Seconded by Panel Member S. Makuch. Vetoed by Panel Member A. Bassios, Panel Member S. Talukder, and Panel Member T. Yao. (Carried)

30.4 – INFORMATION

Decisions Advice and Other Information

Acting Supervisor Angela Bepple confirmed that the offices are still closed to the public and staff are currently not in attendance at 40 Orchard View Blvd. At this time the TLAB can support limited hybrid Hearings for persons with accessibility issues, or require the technology. Staff can currently accommodate a maximum of four (4) people on-site to gain access to the TLAB technology for WeBex Hearings. An individual cannot attend the office without an appointment through the TLAB where a screening form will be provided and must be completed before attending the office.

Currently, the combined Hearing room (1 & 2) can hold a maximum of ten people, and Hearing room III has a maximum of three to five people. At the East York Civic Centre can hold a maximum of fifteen people. Acting Manager Gary Clarke informed that all civic centres including East York Civic Centre, are officially on lockdown and are not available for in-person Hearings.

Summary

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

- Status of electronic & in-person Hearings
- Updates on Covid-19 and impact on services
- Scheduling for 2021

The Acting Supervisor will provide updates regarding input from the Toronto Building Department on the practice of including plans and drawings in decisions.

Motions

Motion to receive the Acting Supervisor and Acting Manager updates. Moved by Panel Member T. Yao, Seconded by Panel Member S. Makuch. (Carried)

30.5 – INFORMATION

Member T. Yao brought forward the agenda item during the December 2, 2020 business meeting. Proposed wording was brought forward for discussion among members and legal counsel and adopted with amendments to the revised draft.

Summary

The Toronto Local Appeal Body will consider proposed revisions to Practice Direction 4 to permit the sharing of video evidence via YouTube or other video media links hosted online.

Supporting Documents

Draft Revised Practice Direction 4

Motions

Motion to adopt the revised draft Practice Direction 4 with additional revisions. Moved by Panel Member T. Yao, Seconded by J. Tassiopoulos. (Carried)

30.6 – INFORMATION

Decision Advice and Other Information

The tribunal discussed legal counsel's sub-rule regarding tribunal members not communicating with public members outside of Hearings. Legal counsel's draft derives from the assessment review of the tribunal's working draft. Any administrative procedural assistance required by members of the public should be directed to the TLAB staff. Acting Supervisor Angela Bepple informed the tribunal that protocols are in place on how staff communicate with members of the public through advisement of legal counsel. The protocol ensures that TLAB staff do not speak to any contents related to a file. If advice or clarification is required, staff refer the request to the TLAB Chair through email communication seeking direction. The Chair suggested a proposed draft for a new sub-rule 2.6 that all parties participating in a proceeding must be copied on all communication when initiated by the TLAB.

Motion

Motion to draft wording of a new proposed sub-rule 2.6 be prepared by legal counsel Duxbury Law be referred back to Duxbury Law for revised wording, with input from Court Services; and the revised language

be brought forward at the next business meeting. Moved by Panel Member J. Leung, Seconded by Panel Member S. Makuch (Carried)

Summary

The Toronto Local Appeal Body requested external Legal Counsel, Duxbury Law, to provide a report respecting efforts of the public to communicate directly with members in a way that can be perceived as threatening or harassment. The Toronto Local Appeal Body may go into closed session to receive advice that is the subject of attorney-client privilege.

Supporting Documents

Report from Duxbury Law

30.7 – MEMBER ACCOUNTABILITY

Decision Advice and Other Information

In Camera discussions to speak to a matter regarding an identifiable member.

Summary

The Toronto Local Appeal Body will go into closed session to discuss an issue regarding an identified Member.

Motion

Motion to move in-camera to discuss matters related to an identifiable member. Moved by Panel Member S. Makuch, Seconded by Panel Member A. Bassios (Carried)

Motion to return in-session. Moved by Panel Member S. Gopikrishna, Seconded by Panel Member J. Tassiopoulos (Carried)

30.8 – SCHEDULE OF MEETINGS - 2021

Decision Advice and Other Information

The tribunal discussed the possibility of adding a business meeting within the calendar year. However, the Chair was made aware by TLAB staff that the additional day has not been confirmed through the City of Toronto budget. If confirmation is provided, then an extra date will be set and held.

Business Meetings – 2021

- Q2 – Friday, May 7th, 2021
- Q3 – Friday, September 24th, 2021
- Q4 – Friday, December 10th, 2021
- November 16th, 2021 – potential fifth business meeting

Summary

The Toronto Local Appeal Body will set the date for the next Public Business Meeting, and will consider adding an additional meeting date.

Motion

Motion to move item 30.8 after item 26.7 and FONTRA discussions and before closing business remarks. Moved by Panel Member J. Tassiopoulos, Seconded by Panel Member S. Makuch (Carried)

30.9 FONTRA LETTER

Decision Advice and Other Information

Mr. Kettle spoke to specific items outlined in the FONTRA correspondence, primarily dealing with the previous Chair's Annual Report, the TLAB evaluation process and distributing the business meeting minutes. Regarding the evaluation process, Mr. Kettle suggested that there should be a broad perspective where the public, city staff, and subcommittee can comment on any new or amended TLAB processes.

Motion

Motion to receive deputation from members of the public. Moved by Panel Member J. Tassiopoulos, Seconded by Panel Member C. Kilby (Carried)

Motion for TLAB to received letter from FONTRA addressed to the TLAB on February 7th, 2021, and that the correspondence be directed to the TLAB Evaluation Subcommittee for re-evaluation of the TLAB process. Moved by Panel Member S. Makuch, Seconded by Panel Member S. Karmali. Vetoed by Panel Member T. Yao (Carried)

30.10 - CLOSING BUSINESS AND REMARKS

Decision Advice and Other Information

Members congratulated the new Chair and Vice-Chair and once again welcomed the TLAB's newest member Christine Kilby. Member Gopikrishna sought clarification on whether business meetings need to be adjourned or closed upon completion. Acting Supervisor Angela Beppe confirmed business meetings by standard practice are adjourned.

Motion

Motion to adjourn business meeting. Moved by Panel Member J. Tassiopoulos, Seconded by Panel Member S. Makuch (Carried)

Adjournment

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

Nathalie Forde

Support Assistant B

Toronto Local Appeal Body, Court Services

