

**ATTACHMENT 1 –
City of Toronto Board Governance
Orientation**

City of Toronto Board Governance Orientation

For the
Administrative Penalty Tribunal

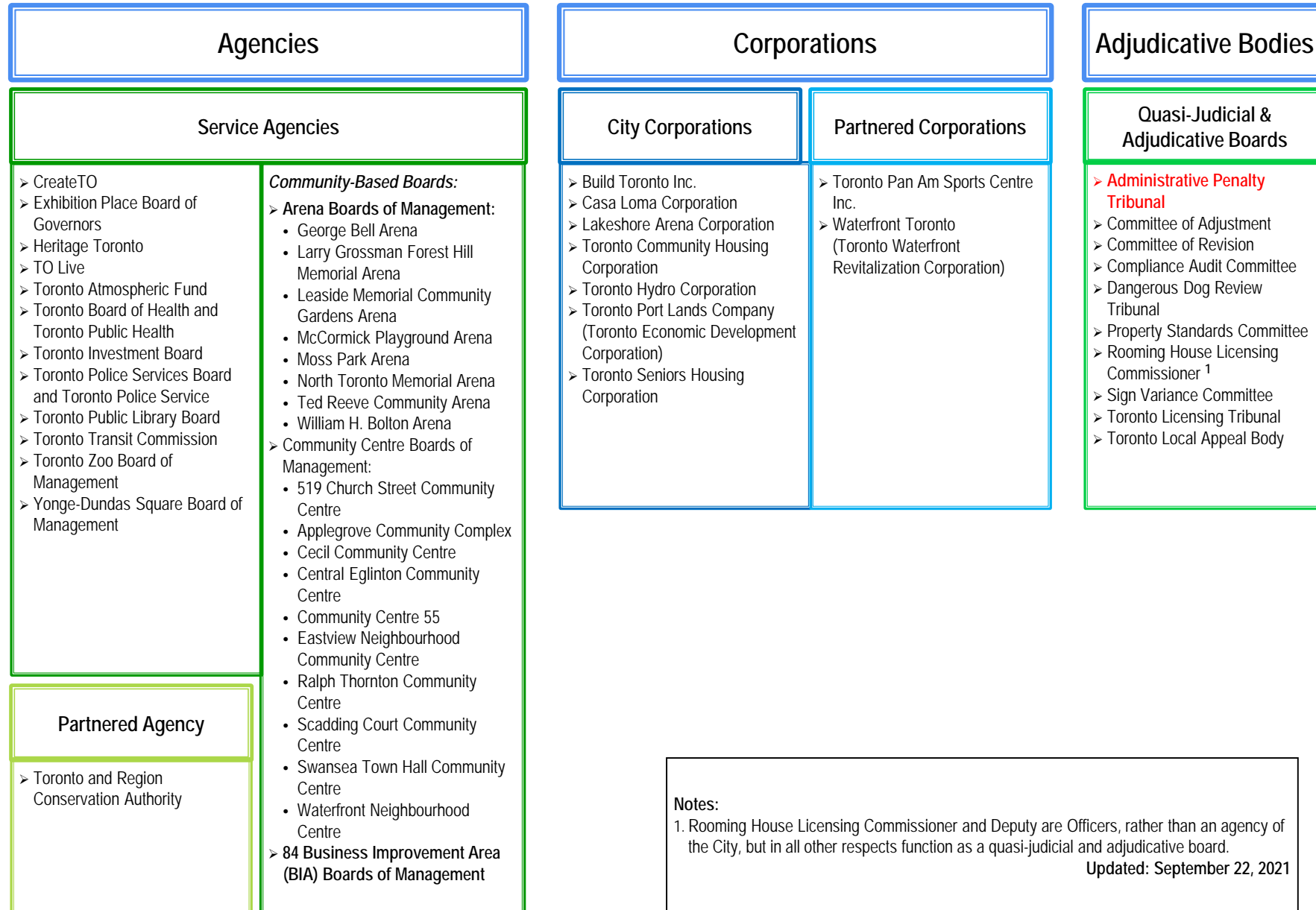
October 19, 2021





Agenda

- ❑ City of Toronto Agencies and Corporations: Overview
- ❑ Administrative Penalty Tribunal Governance Framework: Relationship to the City, Mandate, Roles and Responsibilities
- ❑ Governance Best Practices
- ❑ Key Legislation, City By-laws and Policies applicable to APT
- ❑ Engaging with the City
- ❑ Questions and Discussions





Administrative Penalty Tribunal: Governance Framework, Relationship to the City, Mandate, Roles and Responsibilities

APT's Governance Framework

- Adjudicative Boards are quasi-judicial tribunals, committees and other bodies which operate independently from the City and hold hearings to resolve disputes, regulate activities, adjudicate on matters, and determine legal rights and benefits. These boards make final and binding decisions with some exceptions and conditions.
- The Tribunal was established under the authority of the City of Toronto Act, 2006, and obtains its jurisdiction from Ontario Regulation 611/06, Administrative Penalties, under that Act, which outlines the powers and authority of the Tribunal, and the conditions under which the City may exercise its powers to establish administrative penalties (i.e. through by-laws).
- City Council has set out the mandate of the Tribunal and rules pertaining to Tribunal decisions and administration in Toronto Municipal Code, Chapter 610, Administration of Penalties.
- The Tribunal conducts hearings in accordance with its procedure by-law, and the Statutory Powers Procedure Act.
- The Tribunal consists of 25 public members appointed by City Council through the City's Public Appointments process who serve as the Tribunal's Hearing Officers. City Council appoints the Tribunal's Chair from among its members.

APT's Relationship to the City of Toronto

- The purpose of the system of administrative penalties established by the City shall be to assist the City in regulating the flow of traffic and use of land, including highways, by promoting compliance with its by-laws respecting the parking, standing or stopping of motor vehicles. O. Reg. 611/06, s. 3 (2).
- The APT was established to provide an independent review of administrative penalties (e.g. parking, licensing, and traffic By-laws, etc.) that are assessed to individuals.
- The APT is a local board of the City under the City of Toronto Act, and all members of the Board are appointed by City Council. As such, the APT is subject to applicable Council decisions and by-laws, where they pertain to the Tribunal.
- All Members of the Board are appointed by, and serve at the pleasure of, City Council. The Tribunal's Chair is appointed by City Council.
- The City's [Court Services Division](#) provides meeting management support to the administrative penalty tribunal and a tribunal panel.

APT's Mandate

City Council in creating the Administrative Penalty Tribunal, set out in [Chapter 610, Administration of Penalties, Toronto Municipal Code](#) the Tribunal's

- Composition
- Mandate and Responsibilities
- Terms of Appointment
- Authorities to Review
- Procedures and conditions of decisions;
- Enforcement and administrative penalties; and
- Staff Support by the Court Services Division.

APT's Authorities

APT's Authority to review:

- **Affirm** the screening decision;
- **Cancel** the screening decision, if the recipient establishes innocence;
- **Vary** the screening decision;
- **Cancelling the administrative penalty**, administrative fees, or both on the existence of undue hardship;
- **Varying the administrative penalty or fees** on the existence of undue hardship;
- **Extending the time for payment** of the administrative penalty and/or administrative fees, on the existence of undue hardship; and
- **Extend the time to request a review** of a screening on extenuating circumstances.
- **Any decision by a hearing officer is final.**
- **Neither a screening officer nor a hearing officer has jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law.**

APT's Members' Responsibilities: Chapter 610

The responsibilities of the administrative penalty tribunal include:

- Reviewing materials filed with each application;
- Conducting mediations where appropriate;
- Presiding over hearings and rendering a written decision based on the information presented;
- Attending business meetings of the administrative penalty tribunal;
- Attending training sessions, as required; and
- Conducting hearings in an impartial manner and in accordance with this chapter.

Responsibilities of the Chair of the APT

In addition to the responsibilities of Member, the Chair of the Administrative Penalty Tribunal is responsible for:

- Ensuring that hearing practices of the administrative penalty tribunal are fair and effective;
- Ensuring quality and consistency of administrative penalty tribunal decisions;
- Acting as the lead representative and spokesperson for the administrative penalty tribunal;
- Obtaining external legal advice as needed;
- Preparing the Annual Report to City Council on the administrative penalty tribunal activities;
- Chairing the business meetings of the Administrative Penalty Tribunal;
- Liaising with City staff on administrative support matters; and
- Coordinating member training and professional development.

General Roles of City of Toronto Board Members

The role of a board member includes:

- abiding by applicable laws and policies (e.g. Code of Conduct; Conflict of Interest)
- promoting Board transparency and accountability (e.g. appropriately open and closed meetings)
- exercising fiduciary duty (due diligence in decision making; stewardship of assets)
- integrating the interests of the Board, City Council and community.

The role of Board Chair:

- in addition to the role of board member, objective chairing of meetings and keeping the public informed of the status of the business
- representing the Board to the general public, media, stakeholders and Council
- support Board capacity and participation of Board Members
- specific roles set out in the Board's Procedures By-law regarding conduct of meetings.

The role of Vice Chair:

- assuming the duties of the Chair when delegated, or when the Chair is unable to assume their duties.
- The Vice chair of the board is appointed by the Board from among its members.

Board Governance Best Practices

- Every Member in exercising their powers and discharging their duties shall
 - act honestly and in good faith with a view to the best interests of the City of Toronto; and
 - exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.
- Boards are advised to ensure critical procedures and processes are in place to manage the affairs of the board effectively, and to be transparent and accountable in decision-making.
- Appropriate internal controls are in place to protect Board and City assets.
- Boards adopt and adhere to their procedure by-law (for APT, Statutory Powers Procedure Act and its procedures by-law) for conduct of board business (e.g., open meetings, role of Board Members and officers, etc.).
- APT Board Members adhere to the Code of Conduct for Members of Adjudicative Boards and applicable law.



Key Legislation, City By-laws and Policies Applicable to APT

1. Code of Conduct for Members of Adjudicative Boards

- The [Code of Conduct for Members of Adjudicative Boards](#) (including APT), similar to the Code of Conduct for Members of City Council is under the purview of the Integrity Commissioner.
- The Integrity Commissioner provides advice, complaint resolution and education to Members of City Boards regarding this Code.
- See the [Integrity Commissioner's Complaint and Application Procedures](#) for complaints related to the Code of Conduct, and the IC's website: [The Integrity Commissioner's Website](#).

2. Applicable Legislation

Key legislation and policies applicable to the Board include:

- Under the City of Toronto Act, 2006, s. 212 (2) a local board shall adopt policies with respect to the following matters, where applicable:
 - Its sale and other disposition of land
 - Its hiring of employees
 - Its procurement of goods and services
 - A procedure By-law (including Open / Closed meeting requirements)
- Important Acts that apply to Board members and with which you should become acquainted include:
 - [Municipal Conflict of Interest Act, RSO 1990](#)
 - [Municipal Freedom of Information and Protection of Privacy Act, RSO 1990](#)
 - [Municipal Elections Act, SO 1996](#)
 - [Ontario Human Rights Code](#)
- City Council decisions that apply to the APT.
- Note that other applicable legislation, policy and City Council directives are located at [The City's Agencies and Corporations Web Site.](#)

3. Board Open Meeting Requirements

- As a Local Board, APT is governed by the open/closed meeting rules of the City of Toronto Act, 2006, the Municipal Freedom of Information and Protection of Individual Privacy Act (MFIPPA) and the Statutory Powers Procedure Act.
- Under the City of Toronto Act, the public is entitled to attend meetings of the Board, except when the meeting is properly closed for a specific number of subjects provided by legislation (*see next slide*).
- An investigation or court may find an informal gathering of members constitutes a meeting (e.g. a quorum is present; the discussion advances the business of the board).
- A City-appointed Closed Meeting Investigator investigates complaints of improperly closed meetings.

Reasons for Closed Meetings: COTA 2006

Under the City of Toronto Act, 2006, closed meetings are only permitted for specific subject matters, including:

- Security of the property of the City or local board
- Receiving of advice that is subject to solicitor-client privilege
- Proposed or pending acquisition or disposal of land by the City or Board
- Considering personal information about an identifiable individual
- Labour relations or employee negotiations
- Litigation or pending litigation, and matters before tribunals
- Education or training of the members that does not advance decision making or business of the Board
- Information supplied in confidence to the City or Board by the Provincial or Federal Government
- A City or Board trade secret or scientific, technical, commercial, financial or labour relations information provided in confidence to the City or Board, that if disclosed can prejudice the competitive position of a person, group or organization, or information that has, or potentially has, monetary value for the City or Board.
- Any other matter permitted or required by legislation to be closed; e.g.:
 - a request under MFIPPA;
 - an ongoing investigation respecting the City or Board.

4. City of Toronto Accountability Officers

Auditor General	Lobbyist Registrar	Integrity Commissioner	Ombudsman	Closed Meeting Investigator *
Focus Financial (except attest), compliance and performance audits.	Focus Oversee and enforce the lobbyist registry and lobbyists' code of conduct.	Focus Application of code of conduct and complaints regarding violations. Provides advice on matters under the Municipal Conflict of Interest Act, and may conduct inquiries under that Act.	Focus Resolve public complaints related to the administration of City services & programs.	Focus Investigates complaints of improperly closed meetings. * Appointed by the City when required for investigation of a complaint.
Role Promotes accountability for the stewardship of public funds and value for money.	Role Promotes transparency of lobbying activity.	Role Ensures the Codes of Conduct are applied and adhered to.	Role Ensures that Torontonians are treated fairly.	Role Investigates whether meeting laws and Board procedures for public access are followed.

Engaging with the City

- The City is committed to engaging Boards for input on policies that impact them.
- There are also opportunities for APT's engagement with the City on any concerns regarding City policies, programs and services, including:
 - **Connect** with the City Liaisons for APT provided on the next slide to raise and resolve issues pertaining to governance, programs, policies or services
 - **Consult** with City Staff on major initiatives impacting the community or City programs
 - **Reach out** for corporate support when required
 - **Submit any APT reports** if required, on prior consultation with the appropriate City staff, through the Court Services Division for consideration by Council.

Engaging with the City: City Liaisons and Corporate Supports

Program Liaison

Gary Clarke, Manager Tribunal Operations, Court Services, Gary.Clarke@toronto.ca, 416-392-5546

City Clerk: Board Member Appointments

- appoint@toronto.ca | 416-397-0088

Finance

- Philip Arhinson, Manager Finance & Administration, Court Services, Philip.Arhinson@toronto.ca 416-338-7362

Legal Services Contact

- Lisa Pasternak, Solicitor, Legal Services, Lisa.Pasternak@toronto.ca, 416-392-1204

City Manager's Office: Governance Liaison

- David Lee, Senior Corporate Management and Policy Consultant, David.R.Lee@toronto.ca, 416-397-4517

Integrity Commissioner: Adjudicative Board appointees can seek advice by calling or emailing the IC or IC's Office as follows:

Call or email the Office at 416-392-3826 or integrity@toronto.ca; Call or email the Commissioner directly at 416-397-7770 or Jonathan.Batty@toronto.ca

City's Public Web Resources for Agencies and Corporations:

[Agencies and Corporations Website](#)



Questions & Discussion

**ATTACHMENT 2 –
Roles and Expectations of Public
Members**



SERVE YOUR CITY

Boards • Committees • Tribunals

Administrative Penalty Tribunal Roles and Expectations of Public Members

Matthew Cowley

Public Appointments Secretariat, City Clerk's Office

October 19, 2021

What is Public Appointment?



Your Role as Public Appointees

- Members are selected by an independent nominating panel at arms-length from City Council
- City Council considers the nominated candidates and “appoints” members of the APT
- You are fulfilling both a quasi-judicial function and a public service, with support from staff in Court Services, City Clerk’s Office, City Manager’s Office, etc.

Terms of Appointment

- The APT has staggered terms of office:
 - 13 members are appointed to July 15, 2025
 - 12 members are appointed to June/July 2023
- All members continue to serve until a successor is appointed
- Term limit is two consecutive 4-year terms, total of 8 consecutive years
- Members can only be appointed by Council to serve on one City board, committee, or tribunal at a time.

Conditions of your appointment

- Resident of the City of Toronto;
- Not an employee of the City of Toronto or any of its agencies or corporations;
- Not a spouse, partner, child, or parent of a Member of City Council;
- Cannot be former Members of Council who served in the immediately preceding term of City Council;

Conditions of your appointment

- Cannot act as agents for applicants before the Administrative Penalty Tribunal and other City administrative tribunals and would be required to resign from the tribunal before doing so; and/or
- Cannot act as agents for applicants or individuals appearing in Provincial Offences Court.

Hearings and Meetings

- Office is at 40 Orchard View Boulevard; hearings are still remote at this time
- Hearings begin at 8:30 a.m. and finish at 4:30 p.m., approximately 8 hearings per day
- Members can expect to be scheduled 1-3 times a week
- Regular attendance is expected

Leave of Absence

- Submit a request to the Tribunal to take a leave for a period of time, for any reason
 - A leave is required if you run, or seek appointment to any elected office
- Depending on the duration of the leave and the Tribunal's requirements, City Council may fill the vacancy while you are absent
- Members do not receive any remuneration while on leave
- Contact the City Clerk's Office with any questions

Remuneration

- The APT's public members receive the following remuneration:
 - a full-day per diem of \$460 and half-day remuneration (3.5 hours or less) of \$275 for hearings, business meetings or training sessions
- In addition, public members receive an annual stipend of \$1,500 and the Chair receives an annual stipend of \$25,000.
- No remuneration to members on leave of absence

City of Toronto Board Behaviours

Serve the
public well

Foster equity,
diversity and
inclusion

Act with
integrity and
impartiality

Champion the
standards of
public service

When to Contact us

- Notify City Clerk and Tribunal in writing if:
 - ✓ Contact information changes
 - ✓ Eligibility changes
 - ✓ Requesting a leave of absence for any reason, with effective dates
 - ✓ Resigning, with effective dates

Questions

If you have any questions about your appointment or your term of office please contact our office:

appoint@toronto.ca

416-397-0088

www.toronto.ca/serveyourcity

ATTACHMENT 3 – Administrative Support

Court Services Administrative Support for Administrative Penalty Tribunal

Orientation Session
October 19th, 2021

Administrative Support

- Payroll & Remuneration
- Facility Access Requests
- IT Access Requests (computer/phone)
- Public Access to Proceeding Information
- Online Services
- Schedule Hearings and administer case files.

Payroll & Remuneration

- Timesheets will be maintained and submitted by court services staff to payroll
- Deposits will be made on the 1st of each month for the previous month's attendances
- Remuneration
 - Full Day Hearing - \$460.00
 - Half Day Hearing - \$275.00

Building Access

40 Orchard View Blvd



Suite 253

- Building Access via Corporate Security
- Access to touch down stations
- Printers and meeting spaces

Information & Technology Access

- I & T access will include:
 - City of Toronto Network
 - Outlook Email account
 - Phone line assigned to shared touchdowns
 - Digital Audio Recordings of APT Proceedings
 - Secure personalized working folders
- Access City of Toronto Network governed by:
 - Acceptable Use Policy
 - Telephone Policy
 - Email Policy

Acceptable Use Policy

- Unacceptable Uses
- Personal Use
- Protection
- Storage / Back Up
- Privacy
- User Responsibilities

http://insideto.toronto.ca/itweb/policy/pdf/acceptable_use.pdf

Telephone Policy

- Long distance Use
- User Responsibilities

http://insideto.toronto.ca/itweb/policy/pdf/telephone_policy.pdf

Email Policy

- Prohibited Uses
- Confidentiality
- User Responsibilities

<http://insideto.toronto.ca/itweb/policy/pdf/emailpolicy.pdf>

Website overview

www.toronto.ca/apt

The APT website provides public access to information on:

- » Hearing Agendas
- » Online Forms
- » Governing Legislation
- » Business Meetings: Agendas & Minutes
- » Written Decisions
- » Member Biographies
- » Location and Contact Information

Case Management

- Scheduling of APT appeals according to APT Rules & Procedures
- Maintain hearing roster
- Ensure proper maintenance of records
- Endeavour to provide prompt and timely access to assigned case file materials to Panel Members

Confidentiality

- Hearing assignments are not publicized nor released prior to the hearing.
- Annotated Notes made by Panel Members on Digital Audio Recording System is protected and not subject to public release.
- Pursuant to APT Written Directive / Order (s)

Questions?