



Minutes: October 18, 2022

Toronto Licensing Tribunal Business Meeting No. 35

Meeting Date: Tuesday October 18, 2022

Time: 9:30 AM.

Email: tlt@toronto.ca

Location: Electronic Business Meeting (WebEx)

Chair: Mary Lee

Contact: Pauline Chandarpaul

Phone: 416-392-3072

Toronto Licensing Tribunal Members

Mary Lee (Chair)

Anu Bakshi

Verlyn Francis

Melina Laverty

Edgar Montigny

Daphne Simon

Attendees:

Michele Wright, Practice Lead Legal Service, City Legal

Marcia Stoltz, Manager, Municipal Licensing and Standards

Pauline Chandarpaul - Supervisor, Tribunal Operations, Court Services (Administrator)

Ann Harricharan, Steven Debono, Denize Jalilpour – Tribunal Staff, Support Assistant B, Toronto Licensing Tribunal, Court Services

Brendan Nolan, Corporate Management Policy Consultant, City Manager Services

Antoinette Crichlow, Project Manager, City Clerks Office

Regrets:

Fiona Chapman, Director, Business Licensing & Regulatory Services Infrastructure and Development Services, Municipal Licensing and Standards

Kevin Lurkhur, Manager, Municipal Licensing and Standards

Russ Brownell, Acting Manager, Court Operations, Court Services

Chair Mary Lee - Confirmed Quorum and welcome everyone.

LAND ACKNOWLEDGEMENTS

Indigenous Land and Confronting Anti-Black Racism acknowledgements read.

Introduction of Meeting Participants.

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

No conflicts declared.

Confirmation of Minutes – Adoption of the minutes for TLT Business Meeting held on June 28, 2022.

Member Lee moved that Toronto Licensing Tribunal members adopt the minutes of **Business Meeting No. 34** held on June 28, 2022. Vote to accept Minutes carried unanimously: M. Lee, A. Bakshi, V. Francis, M. Laverty, E. Montigny, D. Simon.

35.2 – UPDATE: ONE MEMBER HEARINGS

Toronto Licensing Tribunal (TLT) 2022 hearing statistics and outcomes from the period August to mid-October 2022 were distributed and reviewed. For this period, the hearing outcomes included matters resolved by proposed resolution or adjournments. Only one matter proceeded to a full hearing. This has been the ongoing trend since January 2022.

TLT Members provided the following feedback about their experience sitting as a one panel member over a 7-week period between August and September 2022:

- Currently four matters are scheduled on a given hearing day. Should a matter require a full hearing, members expressed concern about managing workload when sitting as a one-member panel? The TLT Chair responded by stating that hearing workload will continue to be monitored and adjusted where necessary to ensure timely issuance of decisions.
- Previously, written decisions were reviewed by three members. Members asked who will now review written decisions for accuracy and clarity. The TLT Chair responded that it will be her continued responsibility to review all draft written decisions.
- Members expressed concern about scheduled hearings not starting promptly due to settlement discussions between MLS and the parties prior to the hearing. To address this concern and increase hearing efficiency, members suggested changing the hearing start time by 30 minutes to allow for procedural discussions between MLS and the parties prior to the hearing. For example, matters scheduled in the morning should start at 9:00 a.m. for procedural discussions and the hearing commences at 9:30 a.m. Matters scheduled for the afternoon should commence at 1:00 p.m. for procedural discussions and the hearings commence at 1:30 p.m. In addition, the added 30 minutes prior to the start of the hearing will provide Tribunal staff with an opportunity to

troubleshoot any issues that arise such as the need to call interpreters, confirm attendance of all parties, technical matters etc.

Action: Tribunal staff will confirm the proposed new scheduling process with Legal Services and related impacts on hearing notices.

- Members asked if consideration should be given to reinstating the past practice of procedural conferences occurring on a separate day. Tribunal staff reported that due to low case inventory, sufficient time is available to manage the caseload on a single day without the need to expend additional resources to schedule prehearing/settlement conferences on another day. In time, should case inventory increase to pre-pandemic levels, the option of procedural conferences can be revisited at that time.
- Members raised issues with accessing interpreters which has resulted in delays in hearings.

Action: Court Services staff will investigate the option of working with the previous vendor given their past practice of having interpreters join hearings by video link.

35.3 – UPDATE: MLS SUBMISSIONS

Supporting Documents/Hearing Submissions

At the last business meeting held on June 28, 2022, the TLT requested Municipal Licensing and Standards (MLS) to review their hearing submissions and supporting documents to see if the information could be streamlined and improve accessibility.

MLS reported that discussions with MLS staff resulted in the report layout and submissions to remain the same. MLS does not agree that modifications to the report and submissions are necessary. TLT repeated its request for review and suggested that the most up to date information and ICON Charts be placed at the front of the submission rather than being placed in multiple areas of the report. TLT reiterated their concerns that the MLS reports and submissions are not user friendly for clients accessing the material from their mobile devices during a hearing process. It was also recommended that a table of contents and consolidation of materials from different hearings would help in the separation and avoid an information dump. It was determined that MLS was not aware or properly informed of these TLT concerns coming out of the June 28, 2022 meeting by MLS attendees.

Action: MLS to review this matter with Legal Services and Tribunal staff and report back to the next TLT business meeting.

35.4 – SUPERVISOR'S UPDATE

Summary

Toronto Licensing Tribunal – Court Services Supervisor and Manager provided an update on administrative matters pertaining to the following items:

- Toronto Licensing Tribunal Q1 and Q2 Schedule of hearings for 2023
- The TLT Member appointment and reappointment process

The 2023 Q1 scheduled hearings will continue electronically with one member panels until further notice. There is flexibility to have in person hearings if an Applicant or member requires accommodation. Renovations for AODA compliance are still underway at East York Civic Centre.

City Clerks – Members Appointments

Guest speakers from City Clerks Office were invited to discuss Member Appointments and Re-Appointments - Brendan Nolan and Antoinette Crichlow were in attendance.

Member terms are defined as four years in line with City Council terms. Current term is 2019 to 2023. Regarding partial terms, it is not clearly defined when partial terms end, however the practice is if a member starts mid way through a term, it counts as one term, and if another term starts three years in, it does not count as a term served.

Members can apply to other tribunals and are encouraged to do so once a term is complete, and this will retain knowledge base within the City. No official pause on applying to the same Tribunal, however it is recommended to wait a short period of time before reapplying to the same Tribunal.

Additional information was presented on appointment continuation until new members are appointed. Appointment's office can be contacted with any questions.

35.5 – SCHEDULE OF BUSINESS MEETINGS – 2023

The Toronto Licensing Tribunal will confirm the dates of the next Business Meetings scheduled in 2023. The members unanimously agreed to the proposed date of Tuesday February 28, 2023 for the next meeting.

35.6 – OTHER BUSINESS AND CLOSING REMARKS

Adjournment

Motion to Adjourn Toronto Licensing Tribunal Business Meeting No. 35 (October 18, 2022)

Moved by Member Simon, seconded by Member Montigny.

Meeting concluded at 10:59 am.