



Minutes: February 28, 2023

Toronto Licensing Tribunal Business Meeting No. 36

Meeting Date: Tuesday February 28, 2023

Time: 9:00 A.M.

Email: lt@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

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

Ann Harricharan, Steven Debono, Nicole Marshall, Phillip Cheung - Tribunal Toronto Licensing Tribunal Staff, Court Services

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 - current

Brian Halloran, Acting Manager, Court Operations, Court Services - new

Chair Mary Lee - Confirmed Quorum and welcome everyone.

LAND ACKNOWLEDGEMENTS

Indigenous Land and Confronting Anti-Black Racism acknowledgements read.

Introduction of Meeting Participants.

All

Introduction of Acting Manager – Brian Halloran and farewell to Russ Brownell

Russ Brownell introduced Brian Halloran as the incoming Acting Manager, taking over for Tribunal Operations.

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

No conflicts declared.

Minutes of Meeting – February 28, 2023

[DRAFT - MINUTES TO BE ADOPTED BY THE MEMBERS FOR THE FEBRUARY 28, 2023, BUSINESS MEETING](#) at the next scheduled Business Meeting.

Confirmation of Minutes – Adoption of the minutes for TLT Business Meeting held on October 18, 2022.

TLT Chair moved that Toronto Licensing Tribunal members adopt the minutes of **Business Meeting No. 35** held on October 18, 2022. Vote to accept Minutes carried unanimously: M. Lee, A. Bakshi, V. Francis, M. Lavery, E. Montigny, D. Simon.

36.1 – CHAIR’S UPDATE

TLT Chair advised that the Chair’s Annual Report will be composed shortly and requested the members input on topics or content they would like to include. The Tribunal has operated for a full year under the new Rules of Procedure.

Action: TLT Chair to draft the 2022 Chair’s Annual Report. The TLT Supervisor will provide the 2022 Statistical information. TLT Statistics have been provided to the Chair which will form part of the annual report.

36.2 – UPDATE: ONE MEMBER HEARINGS

TLT Members continue to provide feedback on the change of the Tribunal rule permitting members to sit as a one-member panel:

- At the October 18, 2022, Business Meeting;

- Members discussed the process related to full hearings and the requirements for a one-member panel.
- Members discussed managing workload when sitting as a one-member panel.
- Members discussed the process related compensation and to the length of time needed to write the Reasons for Decisions.
- Members discussed the process for reviewing final decisions.

In addition, Members commented on scheduled hearings not starting promptly at 9:30 a.m. due to settlement discussions that occur between MLS and the parties. 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, to support Procedural Settlement discussions, matters scheduled in the morning will start at 9:00 a.m. and the hearing commences at 9:30 a.m. promptly. Matters scheduled for the afternoon should commence at 12:30 p.m. and the hearings commence at 1:00 p.m.

Action: Court Services staff will inquire further regarding MLS and Legal Services to participate in settlement discussions at 9:00 a.m. prior to a scheduled hearing and for TLT to provide hearing information to the parties informing them of a 9:00 a.m. start time.

Update:

The above action item was presented by the Supervisor of TLT to MLS and Legal Services, which was agreed to in principle, to conduct settlement discussions starting at 9:00 a.m. with the parties on a trial basis.

TLT Staff subsequently amended the Notice of Hearing to include language requesting parties to connect and join the hearing at 9:00 a.m. instead of 9:30 a.m. for hearings. This change took effect in January 2023 and staff continued to assess whether the parties joined the settlement discussions at 9:00 a.m. The process is still in pilot mode and Court Services staff will continue to provide updates to the Chair.

The Chair provided updates on matters appearing before the Tribunal that demonstrate complexities and require further case file management, may be scheduled for a future hearing date and appear before a three-panel member as deemed necessary.

- The Chair will review the Written decisions before issuance.
- All matters will be scheduled for a full hearing, however, in the event a joint resolution is achieved, this results in a positive outcome for the parties involved.

TLT Members provided additional feedback related to working as a one-member panel;

- It can be challenging working alone, but there were no apparent issues over the past few months
- Most matters have been resolved or adjourned
- It would be good to have a second ear

- It is still early in the stage to provide a full report on the process as the TLT is not back to full operations. There are complexities that arise at hearings, and it may be too soon to make a decision on the effectiveness of the one-member panel
- Members are grateful to have Court Services staff to support the virtual hearings and the technical components

36.3 – UPDATE: MLS SUBMISSIONS

Supporting Documents/Hearing Submissions

At the business meeting held on October 18, 2022, the TLT requested Municipal Licensing and Standards (MLS) to review their hearing submissions and supporting documents to create a more streamlined process for the information and improve accessibility.

MLS reported that discussions with MLS staff resulted in a decision to keep the layout and submissions in the same format. MLS reported that Marcia Stoltz attended the October 18, 2022, Business Meeting and is currently unavailable to speak further on this matter to provide updates. Fiona Chapman advised that Marcia started the preliminary review requested and that the Tribunal provide a request in writing setting out the specific requirements with regards to the MLS Reports, with examples of reports, members' issues, and any supporting data for consideration.

The Chair provided additional information on the benefits of modifying the structure of the reports, keeping in mind the users experience when connecting from a mobile device such as cell phone or tablet.

Members provided additional input that included;

- Evidence in the report and updating materials are often duplicated information and only new information should be submitted as an update
- Appellants are self represented; how can they best identify what information will be relied upon at the hearing
- Modifications to the report layout in a PDF version with bookmarks and page breaks that includes a table of contents, and other reference points will assist with deliberation discussions
- Documents need to be presented in plain language, easily accessible on Smart Devices-tablets, cell phones and laptops and structural changes will support this with chart layouts and reference material separated from the ICON Screen prints for ease of reference

Action: MLS requested a written report outlining the specific details that the Members would like to see modified, such as changing the order of MLS submissions, which will make the reports more user friendly and provide this detail to MLS for review. MLS will discuss the request with Legal Services and Tribunal staff and report back at the next TLT Business Meeting.

MLS Update on Recent Changes to Reports filed with the Tribunal

MLS provided an update that the Division (MLS) has taken a more streamlined licensing approach for processing renewals and filing of documents. MLS will no longer review all applications and will only audit random applications and documents. This new approach is in part due to political

recommendations from Council in support of Business Licences being issued in a timely manner and hardships endured by Licence holders and applicants applying for a Business Licence. Additionally, reviewing all applications in a timely manner requires sufficient resources to effectively manage the workload. This new processing applications approach by MLS has resulted in a reduction of reports filed with TLT.

36.4 – SUPERVISOR'S UPDATE

Summary

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

- 2022 Statistics – Overview of the number of reports received, and matters scheduled
- 2022 Statistics for hearings where the Licensee failed to attend
- The TLT Member appointment and reappointment process
- Renovations for AODA compliance are still underway at East York Civic Centre
- Introduction of new Court Services staff: Phillip Cheung

The 2023 Q1 scheduled hearings will continue electronically with one member panels until further notice. The Tribunal administration can support requests for accommodation and in person hearings for any of the parties to a hearing, upon request.

Interpreters Update:

In relation to improved service delivery with certified Interpreters available to applicants at hearings, Court Services will continue to work with Senior Management to procure a solution in support of scheduling registered interpreters in advance of a hearing. 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 and to eliminate the issue of dropped calls.

This may require a new business case and contract requirements. The City currently has a standing contract with 911 Interpreters.

City Clerks – Members Appointments

Members will continue to serve until the new members' appointments have been confirmed. Current Members will provide support to incoming members and will complete the scheduled hearings up to the end of April as required.

36.5 – SCHEDULE OF BUSINESS MEETINGS – 2023

The Toronto Licensing Tribunal will confirm the dates of the next Business Meetings scheduled in 2023.

36.6 – OTHER BUSINESS AND CLOSING REMARKS

Adjournment

Motion to Adjourn Toronto Licensing Tribunal Business Meeting No. 36 (February 28, 2023)

Moved by Member Lee, Chair, seconded by Member Laverty.

Meeting concluded at 10:14 a.m.