



Minutes: June 30, 2023

Toronto Licensing Tribunal Business Meeting No. 37

Meeting Date: Friday June 30, 2023, 9:30 a.m. to 4:00 p.m.

Location: East York Civic Centre, 850 Coxwell Avenue, 2nd Floor, Council Chamber

Electronic via City of Toronto Web Conferencing

Email: tlt@toronto.ca

Chair: Mary Lee

Contact: Pauline Chandarpaul

Phone: 416-392-3072

Toronto Licensing Tribunal (TLT) Panel Members

Mary Lee (Chair) [Present]

Verlyn Francis [Virtual]

Emily Cole [Present]

Joanne Lau [Present]

Peter Harris [Present]

Marc Bhalla [Present]

Edgar Montigny [Absent]

Attendees:

Pauline Chandarpaul – Supervisor, Court Services, Tribunal Operations (Administrator) [In-Person]

Ann Harricharan, Steven Debono, Phillip Cheung – Court Services, Tribunal Staff [In-Person]

Brian Halloran, Acting Manager, Court Services, Court Operations [Present]

Jonathan Batty, Integrity Commissioner – Presenter [Virtual]

Gary Clarke, Acting Manager, Tribunals, Boards, and Council Advisory Bodies – Presenter [Virtual]

Karen E. Jones, Director, Intergovernmental and Agency Relations – City Manager's Office – Presenter [Virtual]

Kevin Lurkhur, Manager, Business Licensing and Regulatory Services, Municipal Licensing and Standards – Presenter [Virtual]

Fiona Chapman, Director, Business Licensing & Regulatory Services Infrastructure and Development Services, Municipal Licensing and Standards – Presenter [Virtual]

Baraniha Lingnathan, Payroll Operations Analyst – Pension, Payroll & Employee Benefits – Presenter [Virtual]

Antoinette Crichlow, Committee Council Administrator – Presenter [Virtual]

Ciarán Buggle, Deputy Ombudsman – Presenter – Present [In-Person]

Business Meeting Opening Remarks

Chair Mary Lee – Confirmed Quorum and welcomed everyone.

LAND ACKNOWLEDGEMENTS

Indigenous Land and African Ancestral Acknowledgements.

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

No declarations of conflict.

Confirmation of Minutes of Meetings – N/A

37.1 – TORONTO LICENSING TRIBUNAL MEMBER ORIENTATION

Summary

An orientation by way of presentations to the newly appointed members of the Toronto Licensing Tribunal.

- a. Chair of TLT Welcome and Introduction:
 - i. Speaker Mary Lee
- b. Court Services Greetings:
 - i. Speaker Brian Halloran
- c. Integrity Commissioners Office:
 - i. Presenter Jonathan Batty
- d. Public Meetings
 - i. Presenter Gary Clarke

11:00 a.m. to 11:15 a.m. – Mid morning Break

- e. Governance Orientation
 - i. Presenter Karen E. Jones
- f. Municipal Licensing and Standards, Chapter 545 – 546
 - i. Presenter Kevin Lurkhur

12:15 p.m. to 1:15 p.m. – Lunch Break

- g. Committee Payroll
 - i. Presenter Baraniha Linganathan

- h. Public Appointments Office
 - i. Presenter Antoinette Crichlow
- i. Office of the Ombudsman
 - i. Presenter Ciarán Buggle

Supporting Documents

Presentations

Afternoon Break – Unscheduled time

- j. Court Services, TLT Administrative Office
 - i. TLT Members Manual
 - Review of Tribunal hearings, Members' Script, Chair Mary Lee

The Chair discussed changes to the Members opening script at hearings. Member Bhalla recommended a revision to the opening script and a draft document was circulated to the Members for review and input. The members will review the script and provide comments for consideration in advance of the next scheduled business meeting for discussion.

The members tabled the following questions:

Motions.

Current process for Motion reviews.

The Chair communicated she reviews and approves motions filed before the TLT.

Percentage of licensees who appear before the Tribunal unrepresented.

The Chair confirmed that a majority of licensees appear unrepresented.

Procedure for interpretation services provided by the Tribunal.

The Supervisor advised in the past they were scheduled in advance through an interpretation vendor. Current process is the use of 911 Interpreters for on-the-spot interpretation. Court Services is reviewing the feasibility of procuring a vendor for advance booking.

The Acting Manager added that Court Services is exploring the option to expand on an existing contract within the City.

Inquiries on interpreters' accreditation.

The Supervisor advised the previous vendor assigned certified interpreters. It is our understanding that 911 Interpreters are required to interpret as requested.

Members followed up with a recommendation to ensure both the interpreter and the applicant fully understand each other before proceeding with the hearing and determine if an interpreter would be of benefit.

The Supervisor advised that MAG interpreters are not an option for Tribunals, it is for the Provincial Courts.

Reasons for Decisions Template Discussion.

Current process for Reasons for Decisions.

The Chair recommends a review of the Template with the Members for feedback and suggestions.

Is the current template the standard template in use?

The Chair advised that it is not. However, there is specific information that must remain, and it can be modified as required.

Member Bhalla drafted a revised template for the members to review.

The Supervisor suggested a review of past decisions regarding complex matters heard by a three Member Panel as good examples for reference.

Legal counsel for Tribunal Members.

The Supervisor advised that TLT has not retained external legal counsel. Members can inquire with the Supervisor of TLT in consultation with Legal Services on procedural matters. However, Legal Services cannot represent Members. Legal Services attends Business Meetings and can provide legal opinions where necessary, and advise independently.

MLS Counsel who works in Legal Services.

Will the same office supply legal opinions?

The Supervisor advised they work independently and oversee different sectors of Legal Services. City Boards and Agencies have independent oversight.

Typical questions that members would contact Legal Services about.

The Supervisor provided examples, such as how to handle Media attending Hearings and what to do if they ask questions. Legal Services have also advised with responding to FOI requests from the public. The Chair added Legal Services have also supported the drafting of language for the Tribunal Rules of Procedure.

Timeline for the scheduling of Hearings after the Request is filed.

The Supervisor advised it is a quick turnaround and scheduled within a few days. The materials are sent within 30 days in advance of the Hearing.

Freedom of Information requests by MLS may impact the timeline for the filing of the Report.

Webex Platform – Virtual Background.

The Chair inquired about City of Toronto Backgrounds for use during Hearings. Is there a universal Background that can be used for TLT? What Background does APT use? Can we create a Background that has the wording for TLT?

Member Francis confirmed she has been using a generic Background from Webex. Members agree a universal Background would be ideal.

The Supervisor advised members that Webex has generic Backgrounds that anyone can utilize. Custom Backgrounds will need to be created and vetted through Corporate Identity for Members or Boards, but it cannot contain the City of Toronto Logo.

Action: The Supervisor will investigate with Corporate Identity if a custom TLT Background can be created for Members to use and report back at the next TLT business meeting. In the meantime, generic Backgrounds in Webex that do not contain the City of Toronto Logo can be used.

Chair's Report Discussion – Operation Updates.

Tow Truck industry uploading to the Province and how that will affect case load.

The Chair advised MLS has not confirmed why Tow Trucks are being uploaded, perhaps the Province wants to regulate them across the province.

The Supervisor advised this question has been brought forward by Tow Truck Drivers, who have obtained licences in other regions, and cannot understand why they cannot obtain a City of Toronto Licence.

Canvassing Members Discussion.

Remuneration, Half Day vs Full Day.

Will In Person Hearings resume, as other courts have been returning to In Person.

The Chair advised In Person can be utilized for complex matters. TLT has not received any complaints about Virtual Hearings.

The Supervisor further advised the Council Chamber is reserved once a month for matters requiring In Person or accommodation requests. In Person hearings must be requested by the Members or by either party, and no requests have been made to date.

Member Harris acknowledged the process, and commented that the Province is going back to In Person, and Virtual Hearings was only supposed to be a stop gap measure during the COVID-19 Pandemic. There is a need to ensure transparency for the public.

The Acting Manager advised that the POA courts have not fully resumed In Person. The Judiciary is In Person, and the participants are still Hybrid.

Member Francis advised this is a low volume tribunal, and there are certain logistics to it.

The Chair advised there are differences between tribunals and courts.

Member Harris commented on his observations with TLT thus far, there is not much adjudication. The facts are often already settled, so it is only a matter of what the resolution will be, be it adjournment or Proposed Resolution.

The Acting Manager presumed that if MLS is no longer monitoring Tow Trucks, it allows them to allocate those resources to monitor other licences.

Member Harris expressed concerns that the licensing process is expensive, which may further reduce the case load.

Statistics Discussion.

TLT Statistics that are tracked annually was presented to the Members.

Remote Tokens Process.

Member Bhalla inquired about the confidentiality of files.

The Supervisor discussed City Email confidentiality and security. City Email is not to be used for anything other than Tribunal Business.

Member Lau inquired if non-case related materials are copied to other emails as well, or just sent to the City email.

The Supervisor advised only in extenuating circumstances, such as if there are difficulties accessing the City Network/Email, will emails be sent to their 'personal' email. Members are to call IT first to troubleshoot.

Member Francis advised that once signed into the City network, do not click on Outlook, click on the Microsoft 365 button.

Member Cole inquired about a Caseline System used by the courts and other tribunals as a way to access case files.

The Supervisor advised we do not have a case system for TLT currently, but discussions are underway.

Member Harris inquired about streamlining material distribution to receive only what the members need. The Chair advised one of the recommendations in the Chair's Report is asking MLS to streamline their submissions.

The Acting Manager advised that Court Services cannot determine what materials the Tribunal does and does not need. There are ongoing discussions with MLS regarding how the materials are organized.

TLT Administration and Hearing Process Discussion.

Member Bhalla inquired about addressing gender expression.

After discussion, it was determined the Panel will ask attendees their preferred pronouns.

Member Lau inquired about SOAR Training/Certification.

The Supervisor confirmed that New Members requiring Certification will be registered by the City.

The Chair acknowledged everyone's participation today and will canvass and schedule a follow-up Business Meeting in September.

37.2 – CHAIR'S UPDATE

The Chair advised the Sitting Chair's Script review is a top priority.

The Supervisor circulated the TLT Plain Language Draft Hearing Script.

Summary

Toronto Licensing Tribunal – Chair's Update and Chairs Annual Report.
One Member Panel Hearings

Supporting Documents

Chairs Annual Report-2022 and Recommendations for 2023.

37.3 – SUPERVISOR'S UPDATE

Summary

Toronto Licensing Tribunal – Court Services Supervisor and Manager updates on administrative matters.

The Supervisor advised the TLT office will be closing in July for renovations. TLT Staff will alternate in a hybrid work model at 40 Orchard View Blvd.

Question and Discussion on Judicial Reviews.

The Supervisor advised these are rare. In the past eight years, two requests have been filed.

37.4 – OTHER BUSINESS AND CLOSING REMARKS

The Chair advised the next Business meeting will be considered for the 2nd or 3rd week of September and confirm the date.

Adjournment

Motion to Adjourn Toronto Licensing Tribunal Business Meeting No. 37 (June 30, 2023).

Moved by Member Bhalla, seconded by Member Francis.

Meeting concluded at 4:15 p.m.