



Licence Appeal Tribunal

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CHAIR'S MESSAGE

The Licence Appeal Tribunal (LAT) entered its second year of operations with a renewed commitment to provide excellent customer service cost effectively. This was achieved through continuous service improvements.

The framework put in place during the Tribunal's first year of operations yielded significant benefits in 2001-2002. The Tribunal's Vice-Chairs, Members and administrative staff delivered appeal turnaround times for our stakeholders that are among the best in the Tribunal community. This was accomplished by their personal commitment to deliver excellent service to the public, reinforced by the Tribunal's mission to be the best Tribunal in Canada, clear performance goals, efficient case management processes and specialized training in the conduct of hearings,

LAT has jurisdiction to hear disputes under 22 statutes. The issues are varied. Many hearings involve significant monetary consequences. In a number of hearings, the issue is whether an appellant will be permitted registration in a regulated industry (such as a real estate broker, travel agency, or automobile dealership). All parties to these hearings require a just, timely and cost-effective resolution of their disputes.

Our core business operation has four fundamental phases – the request for a hearing, the scheduling of the hearing, the holding of the hearing, and the rendering of the Tribunal's decision. We have analyzed each of these phases to maximize efficiencies in processing appeals, including comparing each stage against critical success goals, developing a reasonable performance standard, and continually measuring progress. For example, in 2001-2002 LAT conducted a larger number of pre-hearings to narrow disputed issues and canvas settlement possibilities. The result was a decrease in the number of hearing days required to complete matters and a 10 per cent increase in early settlements. Also, a greater use of teleconferencing helped reduced travel costs to the parties and the Tribunal, thereby benefiting the taxpayer. As in the previous year, the Tribunal ended the fiscal year with no backlog of unscheduled hearings.

In all of our initiatives to enhance service, I have had the unqualified support of the Tribunal's Vice-Chairs, members and staff. Their dedication to serve the public has been exemplary, and I congratulate them on an excellent job.

This fiscal year is my last as Chair of the Tribunal. I leave the Tribunal in good hands with the certainty that the Licence Appeal Tribunal will continue providing optimum, timely and cost-effective service to the public.

G. Kent McClure, O.C.

G. Kent McClure, Q.C.
Chair

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The Licence Appeal Tribunal ("LAT") is an independent quasi-judicial administrative Tribunal. It was created on April 1, 2000 under the Licence Appeal Tribunal Act, 1999 to carry on the duties of the Commercial Registration Appeal Tribunal, the Licence Suspension Appeal Board, the Private Vocational Schools Review Board, and the licensing role of the Child and Family Services Review Board.

The Tribunal receives appeals, conducts hearings, resolves disputes and renders decisions concerning compensation claims and licensing activities regulated by the Ministry of Consumer and Business Services, the Ministry of Transportation, the Ministry of Community and Social Services, the Ministry of Training, Colleges and Universities, and the Ministry of Municipal Affairs and Housing.

Twenty-two statutes provide for appeals to the Tribunal. These are:

- Bailiffs Act
- Building Code Act
- Business Practices Act
- Cemeteries Act (Revised)
- Child and Family Services Act
- Collection Agencies Act
- Consumer Protection Act
- Consumer Reporting Act
- Day Nurseries Act
- Discriminatory Business Practices Act
- Funeral Directors and Establishments Act
- Highway Traffic Act
- Intercountry Adoption Act
- Loan Brokers Act
- Ministry of Consumer and Business Services Act
- Motor Vehicle Dealers Act
- Ontario New Home Warranties Plan Act
- Paperback and Periodical Distributors Act
- Private Vocational Schools Act
- Real Estate and Business Brokers Act
- Travel Industry Act
- Truck Transportation Act

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Members of Tribunal

CHAIR

G. Kent McClure, Q.C.

VICE-CHAIRS

Douglas C. Mackintosh
Brian K. Marotta
William McIntosh
Joanne N. Morissette
Brian H. Somer
Michael H. Turk
Terrence A. Wardrop, Q.C.
Roland Willis, Q.C.

Irving Andre
Victor L. Drevnig
F. Bruce Fitzpatrick
Alan Garbe
Marjorie Hiley
David Hunt
Derek Israel
Stephen J. Kelly
Jean-Marc Lefebvre, Q.C.
Sheena J. MacAskil

GENERAL MEMBERS

Antoine Albert Aouad, M.D.
Elaine Argue
Ross C. Bennett, M.D.
Dino P. Bottero
John Carmichael, M.D.
Denis L. Constantineau
Stuart S. Cork
John Corsi
Simon Dann
Richard C. Delaney
Robert M. Ehrlich, M.D.
Paul Faris
Malcolm Fealing
Joan Gentle
J. Salma Gillani
Howard J. Goldstein, M.D.
Christopher D.J. Hacio
William Haskett
Joe Hewitt
Alan Holbrook
Raymond Kolynchuk
Kenneth W. Koprowski
Gilles A. Lamarche, D.C.
Jeffrey M. Lee, D.C.

Albert Longo
Neil J. MacPhee, Q.C.
Norman E. Mealing
Roy Melvin, M.D.
Peter Menzel
Elmer Merkley
Nives Montano
M. John Oostrom
John Ort
Al Pilutti
Nick Pinto
Kenneth S. Raven
Anthony Saldanha
Charles J. Sandiford
Elizabeth L. Sproule
Joseph Strung
Phillip Warren Sweetnam, P.Eng.
Cecilia J. Taylor
Jerome D. Taylor
Patricia Emily Tyson
Ledwina Vuicic
Clarke Wallace
William J. Warburton
Frank W. Wolman

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Tribunal's Goals and Performance

LAT managed its core business operations on the basis of setting critical success goals, identifying those key business activities that affect those goals, continually measuring the results being achieved, and making improvements where feasible to improving those results. This management approach was implemented using an effective case management system. In 2001-2002, as in 2000-2001, LAT's critical success goals were timeliness, optimum cost, quality and consistency. LAT was able to achieve excellent results, which are reflected in the data set out below, particularly under the heading STATISTICAL SUMMARY FOR PERIOD APRIL 1, 2001 TO MARCH 31, 2002.

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Accomplishments During the Past Year

Review of Business Practices

In June 2001, LAT Vice-Chairs and Members, as well as the Tribunal's stakeholders, were asked to comment on a proposed amendment to the Tribunal's Rules of Practice respecting the award of cost. All comments received were valuable and favourable. Accordingly, [LAT's Rules of Practice](#) were revised to include the new Rule, which became effective October 1, 2001.

On May 5, 2001, Bill 38, the Condominium Act, 1998, was proclaimed. It amended parts of the Ontario New Home Warranties Plan Act, particularly section 14 (right to claim) of the latter Act. The relevant sections of Bill 38 were distributed to LAT Vice-Chairs and Members, reviewed and incorporated into the jurisprudence of subsequent hearings.

The amended regulation under the Travel Industry Act came into force in January 2002. It provides for a broader right for a customer to claim reimbursement. Accordingly, it affects the way LAT may rule on the reimbursement of travel claims under the Act. The amended Regulation was distributed to all Vice-Chairs and Members, reviewed and incorporated into the jurisprudence of subsequent hearings.

LAT policies, procedures and guidelines were amended to reflect a number of regulatory changes affecting the Tribunal's hearing processes.

Administrative Policies and Procedures

The Tribunal's administrative policies and procedures supporting the four phases of the appeal process (i.e. intake of appeals, scheduling of hearings, hearings, and release of decisions) were updated, completed and distributed in a binder format to each employee. Templates of all LAT's hearing materials were updated and made available to Tribunal employees through a commonly shared network system. This contributed to increasing the Tribunal's productivity while ensuring consistency and accuracy of its processes.

Tribunal's Decision-Writing Guide

The Tribunal's Decision-Writing Guide is a manual for Vice-Chairs and Members who are new to the Tribunal. It provides a helpful checklist and promotes consistency in the Tribunal's decision format through the use of common templates. In 2001-2002, the Tribunal revised a number of its templates to reflect statutory amendments or recent court decisions and added to the binder decision templates relating to its jurisdiction under the Highway Traffic Act.

New Brochures Respecting Medical Appeals

The Tribunal developed and published two new brochures to deal with appeals to the Licence Appeal Tribunal of:

- a decision by the Minister of Transportation to change a driver's licence under sub clause 32(12)(b)(i) of the Highway Traffic Act, and
- a decision by the Registrar of Motor Vehicles to suspend or cancel a driver's licence for medical reasons, under section 47.(1)(b) of the Highway Traffic Act.

The brochures are now available on LAT's website: www.lat.gov.on.ca.

LAT Decisions Available on LAT Website

As of January 2002, all LAT decisions from 1997 were made available to the public on the Tribunal's website. All new decisions are posted on our site at the end of each month.

Learning Programs

The Tribunal continued its commitment to provide its new Vice-Chairs and members with learning programs respecting the conduct of hearings and the writing of decisions under LAT's jurisdiction. New Vice-Chairs are provided the opportunity to attend the Adjudicator Training Course sponsored by the Society of Ontario Adjudicators and Regulators (S.O.A.R.). As well, new Vice-Chairs and Members are provided adjudicative training by sitting as a panel side-member for a number of hearings prior to sitting as chair of the panel.

The Chair also provided each new member with a one-on-one orientation session.

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Statistical Summary for Period April 1, 2001 to March 31, 2002

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Number of hearing requests received	606
Number of hearing days scheduled	830
Number of decisions/orders released	574
Average length of time to release decisions	9 days
Average appeal process turnaround time (start to finish)	3 months

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NOTE: not all appeals filed with the Tribunal proceed to hearings due to early settlements or withdrawals of appeal prior to the scheduled hearing dates.

LAT's record respecting appeals or requests for review by the court is excellent. In 2001-2002, LAT released 574 decisions/orders. Thirteen decisions were appealed, of which 10 were abandoned, two were allowed, and one was sent back to the Tribunal for a re-hearing.

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Standard Account

2001-2002 Printed Estimates

Actual Expenditures

Salaries & Wages

\$446,100

\$374,204

Employee Benefits

97,700

60,352

Transport & Communications

94,200

75,025

Services

490,300

406,850

Supplies & Equipment

35, 900

19,248

TOTAL**\$1,164,200****\$ 935,679**
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