



Annual Report

Fiscal Year 2003 - 2004

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This year's Annual Report has changed significantly from previous renditions. It reflects the improvements that took place at the Licence Appeal Tribunal (LAT), in 2002-2003 and in 2003-2004.

As the new Chair, I wanted to know about the Tribunal's procedures as they related to the entire appeal process. When the staff met with me, we quickly came to the realization that there were ways we could improve our efficiency. We then focused our caseload management strategies on achieving agreed to productivity targets within defined time lines, so as to improve our turnaround time.

We observed, for example, that the existing file management protocol was not optimal. Because each specific task was assigned to an individual employee, most files had to be seen by four or five different staff members before a Notice of Hearing was issued. We determined that the process could be greatly expedited by moving toward a more generalized method of managing appeals from start to finish. This new file management strategy has succeeded in making the Tribunal more efficient. It has also made the work of our employees more interesting and diversified, increasing their work satisfaction and boosting morale.

Another new approach was the use of statistical information to manage the organization. I believe that the role of management is to see the organization not only as it is but also as it can become. In order to achieve this, LAT needed to revamp its database to obtain information about "where we were". The information that we obtained is partially summarized further in the Report. LAT can now use this information to ensure we meet our performance goals.

A further improvement relates to the decline in the number of hearing days lost through adjournment requests. Thanks to some changes to our Practice Directions on Adjournments and related internal policies, the number of adjournments granted was reduced from 215 in 2001-2002 to 171 in fiscal 2002-2003. This is an increase in efficiency of 20 per cent.

In that same year, the Tribunal started a review of its complete Rules of Practice and Directions to make them more user friendly and easier to read, especially for applicants without legal representation. Further consultation with stakeholders was undertaken and this project was completed in 2003-2004. Similarly, the Tribunal's Web site needed some changes to improve compliance with the new Ontarians with Disability Act, and to make it a more useful tool for the public. Changes to our site were also needed to make the operations of the Tribunal more transparent. Work on this started in 2002-2003 and was concluded in 2003-2004.

While on-going consultation with Vice-Chairs, Members and staff is important, I am a firm believer that continuing education must also be provided as a forum to learn about and share best practices respecting the conduct of hearings and the writing of decisions.

In 2002-2003, I hosted two one-day long workshops for Vice-Chairs and Members, to which our employees were invited. The Tribunal also initiated customised orientation sessions to all its new Vice-Chairs and Members.

A number of the Tribunal's employees, Vice-Chairs and Members also attended the Conference of Ontario Boards and Agencies (COBA), the Society of Adjudicators and Regulators workshops, and Orientation Programs for newly appointed members sponsored by the Agency Coordination Unit of the Corporate Policy Branch of Management Board of Cabinet (MBC). The latter program was offered at no charge to all agencies

and new LAT Appointees were very impressed. Thank you MBC.

2002-2003 was particularly challenging due to the fact that several appointments expired on March 31, 2003. The Tribunal was able to train new Appointees in a timely manner to ensure that there was no disruption in the Tribunal's operation. All the good work done in 2002-2003 prepared us to meet an even bigger challenge in 2003-2004. With a caseload increase of 30 per cent and a further loss of 25 expert Vice-Chairs and Members whose OIC expired on March 31, 2004, LAT ended the year without a backlog and managed its budget within 1 per cent of its allotment. We also managed to continue our progress in the area of strategic management and performance reporting.

With a rapidly changing environment, further streamlining of our processes and a dedication to customer service delivery will be required in 2004-2005. To that end, LAT will further upgrade its Web site and will implement an interactive voice-mail system. It will also make available to its Vice-Chairs, Members and stakeholders a summary of all the most important cases, in an effort to reduce the participants' preparation time, and increase the clarity and transparency of our decisions. We will also continue putting great emphasis on training our new Appointees and continuing education for our current Members and employees.

Our agency is only as good as its staff, Vice-Chairs and Members. I wish to record my gratitude and appreciation to Vice-Chairs, Members and staff for their efforts in achieving positive outcomes and meeting the challenges identified with commitment and professionalism.

In conclusion, Henry Ford once said:

"The best we can do is size up the chances, calculate the risks involved, estimate our ability to deal with them, and then make our plans with confidence"

Please review our accomplishments and future plans. I believe you will have the confidence that our goals can be met.

Carl F. Dombek, B.A. LL.B.
Chair

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The Licence Appeal Tribunal (LAT) is an independent, quasi-judicial administrative tribunal. Its mandate is to receive appeals, conduct hearings, resolve disputes and render decisions on compensation claims and licensing activities regulated by the Ministry of Consumer and Business Services, the Ministry of Transportation, the Ministry of Children and Youth Services (formerly the Ministry of Community and Social Services), the Ministry of Training, Colleges and Universities, and the Ministry of Municipal Affairs.

The Licence Appeal Tribunal Act, 1999 created a single tribunal beginning April 1, 2000 to assume the mandate of four predecessors; the Commercial Registration Appeal Tribunal, the Licence Suspension Appeal Board, the Private Vocational Schools Review Board, and the Child and Family Services Review Board licensing jurisdiction. The Tribunal hears appeals across the province. As a quasi-judicial tribunal, it is subject to the rules of natural justice and the requirements of the Statutory Powers and Procedures Act. Those appointed to the Tribunal work to conduct fair, efficient and impartial hearings in which they consider all the evidence presented and make a decision with written reasons based on that evidence, in a manner that protects the public.

Appeals to the Tribunal can be made under 22 different statutes:

- Bailiffs Act - BA
- Building Code Act - BCA
- Business Practices Act - BPA
- Cemeteries Act - CA
- Child and Family Services Act - C&FSA
- Collection Agencies Act - CAA
- Consumer Protection Act - CPA
- Consumer Reporting Act - CRA
- Day Nurseries Act - DNA
- Discriminatory Business Practices Act - DBPA
- Funeral Directors and Establishments Act - FDEA
- Highway Traffic Act - HTA
 - Section 32(12)(b)(i) - Medical (MED)
 - Section 47(1) - Medical and Commercial Vehicle Operation's Registration-Carrier (MCVOR)
 - Section 17(2),(3) - Commercial Vehicle Operation's Registration (CVOR)
 - Section 48.3(2) - Administrative Driver's Licence Suspension (ADLS)
 - Section 55.1(3) - Motor Vehicle Impoundment (MVIA)
 - Section 82.1 - Commercial Vehicle Impoundment and Suspension (CVIS)
 - Section 95(1) - Motor Vehicle Inspection Licence - Garage (GAR)
- Intercountry Adoption Act - IAA
- Loan Brokers Act - LBA
- Ministry of Consumer and Business Services Act - MCBS
- Motor Vehicle Dealers Act - MVDA
- Ontario New Home Warranties Plan Act - ONHWPA
- Paperback and Periodical Distributors Act - PPDA
- Private Career Colleges Act - PCCA

- Real Estate and Business Brokers Act - REBBA
- Travel Industry Act - TIA
- Truck Transportation Act - TTA

Organization

The Tribunal members are appointed by the Lieutenant Governor in Council. The Chair is full time. The Vice-Chairs and Members are part-time. They come from all areas of Ontario and bring various backgrounds to their work. The Chair is responsible for the overall operation and administration of the Tribunal. He provides guidance and leadership to the Vice-Chairs and Members, and direction to staff.

The Tribunal is supported by staff engaged under the Public Service Act, 1999. They include the Chief Administrative Officer and Registrar, Deputy Registrar, Administrative Assistant and six Hearings Coordinators. The staff answer inquiries from applicants and members of the public, and provide support to the Tribunal appointees. They are responsible for the logistics in receiving appeals, scheduling hearings, preparing case-related materials, arranging hearing rooms, maintaining records and overseeing the release of decisions.

How to Contact Us

Licence Appeal Tribunal
1 St. Clair Avenue West
12th floor
Toronto, Ontario
M4V 1K6

Telephone: (416) 314-4260 or 1-800-255-2214

Fax: (416) 314-4270 or 1-800-720-5292

Web site: www.lat.gov.on.ca

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Members of Tribunal

CHAIR

Carl F. Dombek, B.A., LL.B.

VICE-CHAIRS

Irving Andre

Victor L. Drevnig

F. Bruce Fitzpatrick

Alan E. Garbe

Marjorie Hiley

David Hunt

Derek Israel

Stephen J. Kelly

Jean-Mark Lefebvre, Q.C.

Sheena J. MacAskill

Douglas C. Mackintosh

John H. Macintosh

Brian K. Marotta

William McKay McIntosh

Joanne N. Morissette

Maxwell L. Rotstein

Brian H. Somer

Irvin H. Sherman, Q.C.

Michael H. Turk

Terence A. Wardrop, Q.C.

Roland Willis, Q.C.

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

The critical success goals of the Licence Appeal Tribunal are timeliness, optimum cost, quality and consistency. At the Tribunal the key business activities that affect these goals are monitored, the results measured and improvements made as identified.

There are four phases to the operations of the Tribunal - the processing of appeals, the scheduling of hearings, the holding of hearings, and the rendering of decisions. Each phase has specific time lines. The time lines vary according to the type of appeal.

The Tribunal tracks its performance monthly. Statistical charts and graphs are distributed to the Minister and Deputy Minister of those ministries that administer the statutes that come under the Tribunal's jurisdiction.

Intake of Appeals

Employees have from one to three weeks to:

- Review the appeal to ensure the Applicant has grounds to appeal;
- Verify that the required fee and supporting documents have been filed with the Tribunal within the prescribed period;
- Send copies of the appeal to the related program area or ministry;
- Consult the program area on the number of hearing days and any witnesses required;
- Forward the completed appeal file to the Hearings Scheduler.

Scheduling of Hearings

The Hearings Scheduler has a maximum of five days to schedule matters. There are specific legal or administrative time lines to guide the timing of hearings as follows:

- | | |
|---|-----------------|
| • Administrative Driver's License Suspension | 15-20 days |
| • Commercial Vehicle Operator's Registration | 60-90 days |
| • Commercial Vehicle Inspection Suspension | 30 days |
| • Order under the Day Nurseries Act | 60 days |
| • Order under the International Adoption Act | 60 days |
| • Medical suspension | 30 days |
| • Motor Vehicle Impoundment Orders | 18-20 days |
| • Motor Vehicle Inspection Licence (Garage) | 30-60 days |
| • Proposals / Decisions under various statutes administered by the Ministry of Consumer and Business Services, self-managed industries, and the Ontario New Home Warranty Program | within 120 days |

Holding of the Hearing

The length of the hearing depends on how much time the parties require to present evidence and make their

arguments. Hearings can range from one half of a day to 15 days.

Rendering of Decisions

The Tribunal's goal is to release its decisions to the parties to a proceeding within a maximum of 30 days after the hearing. The Vice-Chairs and Members are required to submit their draft decisions for review within 23 days following the completion of a hearing. For some of the Tribunal programs there are shorter deadlines:

- Administrative Driver's License Suspension 1 day
- Commercial Vehicle Inspection Suspension 14-28 days
- Medical Suspension 7 days
- Motor Vehicle Impoundment Orders 1-3 days
- Motor Vehicle Inspection Licence (Garage) 14-28 days

Professional Development

A high priority is placed on professional development and training for Tribunal Vice-Chairs, Members and staff. The Tribunal conducts its own orientation sessions for newly appointed Vice-Chairs and Members on the hearing and administrative process, and on writing decisions. New appointees sit as side panel members on three hearings. Working under the panel Chair they learn how to conduct hearings and to write decisions for the Licence Appeal Tribunal. New Vice-Chairs are offered an opportunity to attend the Adjudicator Training Course sponsored by the Society of Ontario Adjudicators and Regulators. Management Board of Cabinet also has an orientation session for new appointees.

The Tribunal Chair attempts to hold at least two continuing education meetings a year with presentations from representatives from other tribunals, law firms and the Ministry of the Attorney General. Topics covered include the effective conduct of hearings and the writing of decisions. Representatives from areas that bring appeals to the Tribunal have been invited to provide background on their industry.

Tribunal staff are encouraged to take up learning opportunities as part of their individual Performance Development and Learning Plans. Employees have attended workshops at the annual conference of the Society of Ontario Adjudicators and Regulators.

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The Tribunal succeeded in further streamlining its administrative procedures to achieve greater efficiency. The combination of a 30 per cent increase in caseload, a reduced workforce, and limited financial resources, meant that the Tribunal had to review procedures to see what to keep, what to modify and what to eliminate. With the input of Tribunal staff a number of reports were re-designed and routine letters combined, eliminating duplication of effort. The revised administrative procedures are available electronically to facilitate staff access and timely updates.

Revised Rules of Practice

The project to review the Tribunal's complete Rules of Practice and Directions was completed. The result was a product that was user friendly and written in plain language. The revised Rules came into effect January 2004.

Attention to Scheduling to Address Budget Constraints

The Tribunal was able to operate within less than one per cent of its budget allocation despite a 30 percent increase in the caseload. Particular attention was paid to hearing administration. Using the telephone for more pre-hearings and hearings has improved efficiency and helped save costs in travel, accommodation and court reporting. Pre-hearings were used to encourage settlements or to narrow down the issues and thus reduce the total number of hearing days. There was an increased emphasis on scheduling two to three hearings a day with the same Vice-Chair or Member, where feasible. In addition very few adjournments were granted to optimize use of resources.

Web site Re-design

The Tribunal Web site was re-designed to expand the information available and make it easier to find out about specific decisions. New web pages were added to help unrepresented applicants prepare for a hearing. Material was written in plain language to reduce the size of documents and save costs in questions to staff. The Tribunal took the initiative to make most of its site pages comply with the Ontarians with Disabilities Act, even though agencies, board and commissions are not bound by the legislation.

Links with Other Tribunals

The Licence Appeal Tribunal is part of a larger community of adjudicative organizations. The Chair has been an active member of the Society of Ontario Adjudicators and Regulators, and the Circle of Chairs, an organization that brings together all the provincially appointed Chairs of Agencies, Boards and Commissions. The Chair is currently the Vice-Chair for Eastern Canada of the Council of Canadian Adjudicative Tribunals, and the co-host of the June 2004 International Conference titled "Bringing Administrative Justice to the People of the World", to be held in Toronto.

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Number of hearing requests received	740
Number of hearing days scheduled	916 days
Number of hearing days heard	373 days
Number of decisions/orders released	610
Number of pre-hearings held	97
Average length of hearing	.79 days
Average length of time to release decisions	14 days
Average appeal process turnaround time (start to finish)	3.34 months

The percentage of appeals by statute is as follows:

Highway Traffic Act	53%
Ontario New Home Warranties Plan Act	34%
Motor Vehicle Dealers Act	19%
Travel Industry Act	5%
Bailiffs Act	1%
Collection Agencies Act	1%

[Chart](#): Total number of appeals by year for each statute. ([Click here](#) for the full name of the statutes.)

[Chart](#): Average turnaround time from start to finish of an appeal to the Tribunal.

The steady increase in the number of appeals from the largest single source of appeals, the Highway Traffic Act, is shown in the following two tables.

Type of Appeal	2002-2003	2003-2004	% increase (decrease)
Administrative Driver's Licence Suspension (ADLS)	48	56	17
Commercial Vehicle Impoundment Suspension (CVIS)	3	6	100
Commercial Vehicle Operator's Registration (CVOR)	28	29	4
Medical (Med)	69	161	133
Motor Vehicle Impoundment (MVIA)	95	126	133

Motor Vehicle Inspection Licence - Garage (GAR)

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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.

A further measure of the quality of work of the Tribunal can be drawn from the record of appeals to its decision. In 2002-2003, 23 decisions were appealed, of which 16 were dismissed, three were abandoned, three were allowed, and only one was sent back to the Tribunal for a re-hearing.

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Standard Account	2003-2004 Printed Estimates	Actual Expenditures
Salaries & Wages	\$633,800	\$591,753
Employee Benefits	113,600	69,856
Transport & Communications	94,200	80,731
Services	282,000	358,119
Supplies & Equipment	35,900	44,499
TOTAL	\$1,159,500	\$1,144,957
Revenue		\$ 70,733

Note: Beginning in 2003-2004, the financial information was prepared on the accrual basis of accounting.

The actual expenditures for 2003-2004 are interim year-end actuals. The final year-end figures will be tabled in the Legislature in September.

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