



Social Justice Tribunals Ontario 2014/15 - 2016/17 Business Plan

Table of Contents

- [Executive Summary](#)
- [Mandate](#)
- [Strategic Directions/Framework](#)
- [Environmental Scan](#)
- [Proposed Budget](#)
- [Staff Numbers](#)
- [Performance Measures](#)
- [Annual Performance Targets](#)

Executive Summary

Social Justice Tribunals Ontario (SJTO) was designated as the second adjudicative tribunal cluster under the *Adjudicative Tribunals Accountability, Governance and Appointments Act*, 2009 (the ATAGAA) in early 2011. SJTO brought together seven tribunals: the Child and Family Services Review Board (CFSRB), the Custody Review Board (CRB), the Human Rights Tribunal of Ontario (HRTO), the Landlord and Tenant Board (LTB), the Ontario Special Education Tribunals (English and French) (OSET), and the Social Benefits Tribunal (SBT). SJTO's mandate is to resolve applications and appeals brought under eight statutes relating to child and family services oversight, youth justice, human rights, residential tenancies, special education, disability support and other social assistance. SJTO provides fair, effective, timely and accessible dispute resolution. Together, SJTO's constituent tribunals receive and resolve over 100,000 new cases each year.

Since its inception, SJTO has achieved a number of successes in the areas of service quality, access to justice and organizational efficiencies. Over the past year, SJTO has accomplished several initiatives, including:

- Development and implementation of a strategy for cross-appointing members to leverage the expertise across the tribunals;
- Delivery of a comprehensive professional development strategy, including specialized new member training, an annual professional development institute, online and in-person course modules;
- Delivery of advanced mediation training to HRTO, LTB, CFSRB and CRB;
- Implementation of a pilot project at the LTB to reduce adjournments and expedite the rescheduling of adjourned cases;
- Introduction of SJTO Common Rules which apply to all tribunals in the SJTO and provide a consistent overarching framework of common procedures;
- Implementation of new government policy requirements, including Payment Card Industry Compliance; and,
- Reduction in the CFSRB panel size, where appropriate, from three members to one.

SJTO continues to focus on its four strategic priorities: external service delivery, dispute resolution, tribunal modernization and internal transformation, which are also consistent with the Ministry of Attorney General's Strategic Plan, as well as broader access to justice goals. In the coming year, SJTO will concentrate on the following initiatives:

- Enhancing access and efficiency through expansion of electronic filing options;
- Developing new Rules for the SBT that will improve the fairness, efficiency and transparency of the SBT's processes;
- Launching a pilot project at the LTB for pre-hearings in tenant applications in order to expedite the hearing process by giving involved parties an opportunity to mediate and resolve any issues in the application quickly;
- Creating a core team of members with expertise in matters related to children, youth and family issues, including children's mental health and special education;
- Implementing new procedures for adjudication of applications from non-profit housing co-operatives and fee waivers following amendments to the Residential Tenancies Act;
- Developing an evaluation framework that will effectively measure SJTO performance and highlight areas of opportunity to improve service to the public;
- Developing a consolidated public-facing website, making information related to SJTO tribunals more easily accessible;
- Working with legal clinics and other legal service providers to ensure parties have greater access to on-line information, legal assistance and representation, as appropriate, and,
- Enhanced stakeholder engagement and consultation policies

More broadly, over the next three years, SJTO will concentrate on the following projects:

- Co-location of all Toronto offices to one central location with the exception of the LTB Toronto East and North offices;
- Further developing the organizational structure to enhance regional service delivery across the cluster;
- Developing options for online dispute resolution to increase access to justice;
- Continuing to implement initiatives related to accessibility, diversity and inclusion;
- Development of a comprehensive mediation training program that will support effective communication and early resolution skills; and,
- Continuing to work with the other clusters, Criminal Injuries Compensation Board (CICB), Justice Technology Services (JTS) and the Ministry to develop a tribunal/cluster strategic IT plan that is driven by business needs and access to justice, and aligns with SJTO's operational plan and the Ministry's strategic plan

Mandate

Our Mandate

SJTO is a cluster of seven adjudicative tribunals with a mandate to resolve applications and appeals brought under eight statutes relating to child and family services oversight, youth justice, human rights, residential tenancies, special education, disability support and other social assistance.

Our Mission

SJTO and its constituent tribunals will:

- Provide fair, effective, timely and accessible dispute resolution;
- Promote consistency in the application of the legislation and its processes while remaining responsive to differing cases, party needs and to an evolving understanding of the law;
- Maintain the highest standards of professionalism, integrity and quality of work; and,
- Be leaders in the administrative justice community.

Our Values

The Core Values inform how SJTO and its constituent tribunals approach their mandate. They set the foundation for rules and policies, how those rules and policies will be applied, and how we deliver service to the public. The Core Values are:

- **Accessibility:**

- We will strive to enhance full and informed participation of parties in the process, whether or not they have legal representation.
- We are committed to diversity and inclusiveness.
- We will provide dispute resolution processes that are proportionate and appropriate to the issues in dispute.
- **Fairness and Independence:**
 - SJTO and its constituent tribunals must be, and be seen to be, impartial and independent in their decision-making functions.
 - Our decisions will be based on the evidence and the applicable law, and will be supported by clear, concise and coherent reasons.
- **Timeliness:**
 - We are committed to providing timely dispute resolution services and issuing decisions within a reasonable timeframe after a hearing.
- **Transparency:**
 - Our processes, procedures and policies will be clear, understandable and consistently applied.
- **Professionalism and Public Service:**
 - Members and staff will exhibit the highest standards of public service, integrity and professionalism.
 - We will be responsive to stakeholder needs by engaging in meaningful outreach and consultation.

Strategic Directions/Framework

Through our planning process, SJTO has identified four strategic priorities that support SJTO's mandate and mission, and its goal of creating a single, integrated administrative justice organization. These strategic priorities are consistent with the Ministry of the Attorney General's strategic plan. This transformation is based on a vision of an accessible, coherent and user-centred administrative justice system, with modern, cost-effective processes, and timely resolution of disputes. Diversity, Inclusion and Accessibility are integral to all four strategic priorities, which are as follows:

1. External Service Delivery

- Enhance service delivery framework to ensure consistent, proportionate and fair access to SJTO services.

SJTO is working on several initiatives to improve service delivery, including the development of an electronic filing system for the LTB. Also, new legislation has expanded the scope of the LTB's jurisdiction to include arrears and eviction matters for Co-op housing, as well as providing for fee waivers for all LTB users with low household incomes. The LTB is developing procedures to meet the new statutory provisions and both initiatives are expected to be implemented in fiscal year 2014/2015.

SJTO continues to focus on Diversity, Inclusion and Accessibility to support and enhance tribunal service delivery. Specifically, SJTO has continued to expand its use of shared hearing space amongst its tribunals and continues to explore the use of video technology for mediations and hearings in appropriate circumstances. SJTO is also developing a common website to increase accessibility and enhance stakeholder engagement.

2. Dispute Resolution

- Focus on SJTO's core business of providing fair, effective, timely and accessible dispute resolution, with transparent and understandable processes.

SJTO continues to expand and evolve its professional development activities as they relate to dispute resolution. The SJTO Professional Development Unit, modelled after the National Judicial Institute, provides a range of courses and programs, targeted at new tribunal members, core competencies, advanced subject specialization, and continuing education. These courses and programs enhance OIC skills and talents in the area of dispute resolution. The Professional Development team organizes an annual institute, as well as in-person seminars, and is currently developing online modules in the areas of decision-writing, evidence and human rights.

In addition to professional development activities, SJTO continues to build adjudicative capacity and expertise across the cluster through strategic recruitment and cross-appointments, which greatly assists SJTO in providing timely and accessible dispute resolution to clients. While each tribunal deals with cases under specific statutes, there are overlaps in the subject areas, the nature of the disputes and the parties that appear before SJTO tribunals. One of the great benefits of clustering is the ability to cross-appoint adjudicators to a number of the cluster's tribunals, enhancing the depth of skills and knowledge, as well as leveraging efficiencies. Over the next fiscal year, SJTO will also develop a comprehensive mediation training program.

After extensive internal and external stakeholder consultation, SJTO developed Common Rules of Procedure that apply to all tribunals effective October 1, 2013. The Common Rules provide a consistent framework of common procedures in a number of key areas, including timeliness, accessibility, as well as providing authority to appoint litigation guardians and control abuse of process.

3. Tribunal Modernization

- Undertake Tribunal-specific modernization initiatives in a coordinated manner, taking all opportunities to align SJTO operations toward the fulfillment of a common vision.

Initiatives are underway to modernize the case management processes within SJTO tribunals. A number of changes have been made regarding the LTB's approach to scheduling certain types of cases, resulting in shorter times to hearings, and more timely resolutions of applications. SJTO also continues to develop and implement changes to scheduling designed to streamline processes.

SJTO will continue to develop more effective processes for cases involving children and youth, which will ensure that the necessary expertise is available in these very special cases. We also are working to ensure cases involving children and youth are dealt with in a more coordinated way.

In response to the recommendations of the Ontario Human Rights Review 2012 (the Pinto Report), HRTO has adjusted some of its processes and is modifying some forms. In addition, HRTO is working with the Human Rights Commission and the Human Rights Legal Support Centre to further improve the effectiveness and efficiency of the human rights system.

SJTO is also working on an Evaluation Framework Project, the focus of which will be on assessing and measuring qualitative aspects of tribunal performance. The evaluation framework will provide a mechanism for SJTO to conduct evidence-based strategic and operational planning.

4. Internal Transformation

- Undertake strategic internal reforms to ensure SJTO is structured and its business processes are aligned to support the vision of transformation.

In order to optimize the allocation of human resources and physical infrastructure, SJTO will continue working on its co-location project. A review of business processes will be completed to identify areas for further integration to support improved service quality and efficiency. In addition, SJTO is in the process of implementing a new management structure for the cluster to support SJTO in delivering on its mandate.

To ensure organization and business processes are aligned to support the vision of transformation, and to enhance staff understanding of the various tribunals, SJTO held three Virtual Staff Training sessions via video conference during the fiscal year 2012/13. SJTO also held its second annual Business and Financial Administration training forum for management and financial/administrative staff to ensure they have the tools and skills needed to provide expert support. SJTO will continue to develop its employee engagement strategy to ensure employees understand the organizational design and potential opportunities and that they are familiar with the work of all SJTO tribunals, not just their own, as well as SJTO's Diversity and Inclusion Plan and Multi-Year Accessibility Plan. The engagement strategy will also promote SJTO's culture of professionalism, integrity and public service.

Environmental Scan

There are several **external** and **internal** factors driving the need for change in SJTO:

External Factors

There are increasing public expectations regarding electronic service delivery. New technologies are changing the way people interact, communicate and conduct business. Managing these expectations and taking advantage of the efficiencies technology offers is crucial to ensuring responsive public service. SJTO continually needs to apply new approaches and solutions to its work, while remaining aware that many of its users, due to poverty, disability or other factors, may not have access to technology.

As the Deputy Attorney General noted in his 2014-19 Strategic Plan, Ontario is also experiencing slow economic growth and a marked shift in the demographics of the province's population. The population of Ontario is becoming older, more urbanized and more diverse, placing increased pressure on justice services in urban centres, while at the same time placing pressures on meeting the unique needs of rural users. There has also been a growing demand for the services that SJTO provides. Since fiscal year 2011/12, SJTO's caseload has increased overall by 2%, which has been mainly attributed to a significant increase in social assistance appeals. At the same time, the current economic climate means that government resources are constrained. Any increases in caseload must be addressed within current or constrained resource levels.

When SJTO caseload increases, the resulting increased workload creates challenges in maintaining performance standards and quality outcomes. SJTO monitors each tribunal's workload closely and will continue to take appropriate action as required. Efforts will continue to manage increases where necessary to ensure, to the extent possible, a backlog of applications does not accumulate. SJTO will also identify potential process changes which may provide more efficient case resolution and improve quality of and access to justice services.

In addition, there continues to be a heightened emphasis in the justice sector to enhance access, fairness, efficiency (in terms of timeliness and cost) and improved quality of decision-making. Government and the broader public legitimately demand that public agencies are accountable, and use public resources prudently and effectively. SJTO needs to ensure that it is in the position to support these priorities in an environment of potentially rising demand for its services and tightened resources.

In response to legislation and government policy directives, several administrative and operational initiatives have been introduced to enhance governance standards and accountability. Ontario is working towards full implementation of the *Accessibility for Ontarians with Disabilities Act*. SJTO will comply with new and existing legislated requirements as well as fulfilling its core value of accessibility. As such, SJTO has developed a consolidated accessibility policy which is supplemented by a Multi-Year Accessibility and Accommodation Plan, both of which are posted on SJTO's internal and public-facing websites. SJTO continues to ensure its compliance with other provincial legislation and directives, including the *Public Service of Ontario Act*, the *ATAGAA*, the *French Language Services Act* and the *Agency Establishment and Accountability Directive*. SJTO will continue to be responsive to requests made under the *Freedom of Information and Protection of Privacy Act* and inquiries from the Office of the Ombudsman.

Internal Factors

A significant internal factor is ongoing budget constraints across the ministry and wider provincial government. Budgets are becoming tighter while government offices are expected to maintain or improve services to the public. The complexity of implementing change across the justice system is an important consideration as several SJTO initiatives will have far-reaching impacts. Program and agency reviews and new policy initiatives have the potential to result in legislative changes that may impact the volume and complexity of SJTO's workload, as does evolving court jurisprudence. Specifically, with the passing of Bill 14, the *Non-profit Housing Co-operatives Statute Law Amendment Act*, the implementation of a fee waiver process and co-op eviction for LTB clients will create increased workload for LTB staff, as will the implementation of Bill 140, the *Strong Communities through Affordable Housing Act, 2011*. In addition, recommendations from the Pinto Report and from other ministries (e.g. Social Assistance Review, appeals from the Disability Adjudicative Unit) have impacted

SJTO's operations and workload.

At the time that SJTO was established, co-location of the downtown Toronto offices was highlighted as a priority for the tribunals to achieve the full potential of improving access to justice, and achieving increased effectiveness and efficiency associated with merging as a cluster. While this remains a key priority, the scope of co-location has been broadened to include other clusters of adjudicative tribunals and the CICB. The associated increase in the complexity and magnitude of this project will result in a deferral of the planned co-location date of 2015.

To mitigate these risks, SJTO will prioritize initiatives to ensure that business continuity is maintained. In addition, strategic resource allocation practices are essential to guaranteeing that SJTO has the best-skilled people in the right roles to meet its goals.

In Fall 2013, the executives of the clusters/tribunals that report through the Ministry of the Attorney General came together to identify common goals that could anchor future planning for technology and facilities. These common goals remain an important internal factor that complements SJTO's service delivery framework and strategic priorities:

1. **Appropriate Resolution** - Problems are resolved fairly, inclusively and efficiently, utilizing a variety of techniques and connecting with service providers throughout the system to meet the needs of the client.
2. **Public Confidence** - Services are accessible, outcomes are consistent and predictable and decision making is seen to be independent from outside influence.
3. **Organizational Agility** - Tribunals are responsive to changes in the internal and external environment through flexible rules, processes and tools.
4. **Learning Organization** - Tribunals are continuously improving as leaders in administrative justice that reflect best practices throughout the sector.

Proposed Budget

SJTO has the following budget allocations:

Fiscal Year	Budget Allocation (\$)
2014-15	46,828,600
2015-16	46,466,200
2016-17	46,466,200

Fees Collected

The LTB collects approximately \$12 million per year in revenue, primarily from application filing fees. A small amount of revenue is generated through sales of photocopies, copies of hearing recordings, etc. There are no filing fees for the other tribunals in SJTO. Revenue received by SJTO is transferred to the Consolidated Revenue Fund.

Staff Numbers

SJTO is led by an Executive Chair and has a complement of 317.15 staff, 91 full-time adjudicators and 79 part-time adjudicators.

Category Total	Number of FTEs
Order-in-Council	91
SMG/MCP Management	33

MCP (Non- Management)	1
Excluded (Non-Management)	2
ALOC	10.6
AMAPCEO	55
OPSEU	215.55
Total	408.15

Performance Measures

Tribunal	Performance Measure
Child and Family Services Review Board	• 80% of applications challenging Emergency Secure Treatment admissions will be scheduled for a hearing within four calendar days. • 80% of Section 68 applications will be scheduled for a pre-hearing within 14 calendar days. • 80% of Section 61 and 144 applications will be scheduled within 20 calendar days after the application has been deemed eligible. • 80% of all other applications will be scheduled for a hearing within 20 calendar days after receipt of the application. • 80% of decisions for Emergency Secure Treatment applications will be issued at the conclusion of the hearing. Reasons for the decision will be issued within 10 calendar days. • 80% of decisions or Orders for all other applications will be issued within 10 calendar days after the hearing has been completed.
Custody Review Board	• 80% of reviews will begin by a telephone call within 24 hours of the receipt of the application. • 80% of recommendations for all applications will be issued within 30 calendar days.
Human Rights Tribunal of Ontario	• 80% of first hearing dates offered to parties will be scheduled to take place within 180 calendar days from the dates the applications are ready to proceed to hearing. • 80% of first mediation dates offered to parties will be scheduled to take place within 150 calendar days from the date the parties agree to mediation. • 80% of decisions for hearings that take three days or less will be issued within 90 calendar days. • 80% of decisions for hearings which take longer than three days will be issued within 180 calendar days.
Landlord and Tenant Board	• 80% of all applications, except those dealing with an above guideline increase and an application to vary the amount of the reduction (A4s), will have a hearing scheduled within 30 calendar days.

	80% of orders for all applications, except those dealing with an above guideline increase and an application to vary the amount of the reduction (A4s), will be issued within seven calendar days.
Ontario Special Education Tribunals (English and French)	80% of all applications will be scheduled for mediation or a hearing within 120 calendar days. 80% of decisions will be issued within 90 calendar days.
Social Benefits Tribunal	80% of appeals will be scheduled with a notice of hearing sent out no later than 30 calendar days after receipt of the appeal that sets a hearing date 180 calendar days after the notice of hearing. 80% of decisions will be issued within 30 calendar days.

Annual Performance Targets

SJTO will promote consistency in the application of processes while remaining responsive to differing cases and party needs. A party before one of SJTO's tribunals, whose application has been accepted for processing, can expect that the time standards outlined in the Performance Measures section (see above) will be met, 80% of the time. These service standards were effective April 1, 2012 and are used to monitor performance in key areas over the next two years to establish a baseline before additional measures are added.