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**ANIMAL CARE REVIEW BOARD:
ORDER-IN-COUNCIL APPOINTMENT OF EDGAR-ANDRE MONTIGNY ***

Prepared for:

Standing Committee on Government Agencies

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INTRODUCTION

This document has been prepared for Members participating in the Committee's review of the Order-in-Council appointment of Edgar-Andre Montigny as a part-time member of the Animal Care Review Board. It describes the mandate and operations of the Board, presents information about the appointee, and identifies possible lines of questioning.

ANIMAL CARE REVIEW BOARD

Enabling Statute	Responsible Ministry	
<i>Provincial Animal Welfare Services Act, 2019</i> ; <i>Statutory Powers Procedure Act</i>	Attorney General	
Agency Type	Most Recent Annual Report	
Adjudicative Tribunal	2020-2021	
Agency Activities		
The Animal Care Review Board is an independent, quasi-judicial agency whose main function is to resolve disputes and conduct hearings related to animal welfare, including hearing appeals of orders and decisions of the Chief Animal Welfare Inspector and other animal welfare inspectors.		
Board Membership		
Statutory No. of Members: Not fewer than three persons, all appointed by Cabinet. ¹	Position	Remuneration²
	Chair	\$174,184 annual
	Vice-Chair	\$136,545 annual
	Member (part-time)	\$472 per diem
Term of Office: There is no limit in legislation.	(Above rates indicate the first two years of appointment.)	
Position Requirements		
Members are appointed in accordance with a competitive, merit-based process that assesses a candidate's (1) experience, knowledge, or training on the subject matter and legal issues dealt with by the tribunal; (2) aptitude for impartial adjudication; and (3) aptitude for applying alternative adjudicative practices and procedures. ³		

¹ *Provincial Animal Welfare Services Act, 2019*, s. 37(2).

² Appointees are remunerated according to [Schedule B of the Agencies and Appointments Directive](#).

³ [Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009](#), s. 14(1).

Mandate and Operations

The Animal Care Review Board (the Board) is one of the adjudicative tribunals grouped under [Tribunals Ontario](#), an umbrella organization comprising 14 adjudicative tribunals with a mandate to resolve matters relating to safety, licensing, land, and social justice.⁴

The Board resolves disputes and conducts hearings regarding animal welfare, including hearing appeals of orders and decisions of the Chief Animal Welfare Inspector and other animal welfare inspectors.⁵

Under the authority of the *Provincial Animal Welfare Services Act, 2019*, the Board can

- confirm, revoke, or modify a compliance order issued by an animal welfare inspector;
- order that an animal removed by an animal welfare inspector be returned to the owner or custodian;
- confirm, revoke, or vary a statement of account served by the Chief Animal Welfare Inspector;
- order that any part of the cost of complying with an order be paid by the Minister to the owner or custodian of an animal; and
- order that any part of the cost to the Chief Animal Welfare Inspector of providing for an animal in distress that has been removed from its owner by an animal welfare inspector be paid by the owner to the Minister of Finance.⁶

Types of Appeals and Applications

An owner or custodian of an animal may appeal to the Board regarding

- compliance orders;
- removal orders;
- orders to keep an animal in the Chief Animal Welfare Inspector's care; and
- statements of account served by the Chief Animal Welfare Inspector.

An owner or custodian of an animal may apply to the Board for

- revocation of an order on the basis that the animal is no longer in distress; or
- return of an animal on the basis that the conditions that caused the animal to be kept in the Chief Animal Welfare Inspector's care no longer exist.⁷

⁴ Effective January 1, 2019, Tribunals Ontario was established, merging 19 adjudicative tribunals previously grouped under three independent clusters: Environment and Land Tribunals Ontario; Social Justice Tribunals Ontario; and Safety, Licensing Appeals and Standards Tribunals Ontario. Tribunals Ontario, [2021/22 – 2023/24 Business Plan](#).

⁵ Tribunals Ontario, [2020/21 – 2022/23 Business Plan](#).

⁶ *Provincial Animal Welfare Services Act, 2019*, s. [38\(9\)](#).

⁷ Tribunals Ontario, Animal Care Review Board, [Appeals and Applications](#).

Decisions of the Board are publically available on the Canadian Legal Information Institute (CanLII) website.⁸

Caseload and Performance

Figure 1 shows the Board's caseload over the past four fiscal years. Figure 2 summarizes the Board's performance targets and actuals in the same period.

Figure 1: Animal Care Review Board Caseload Overview

Caseload	2020-2021	2019-2020	2018-2019	2017-2018
Appeals opened	41	14	39	13
Appeals closed	36	14	40	10
Active appeals at fiscal year end	7	2	2	3
Hearings held	24	2	4	0
Decisions rendered	14*	1	0	0

* An increase in complex files resulted in fewer decisions issued within performance targets.

Source: Tribunals Ontario, [2020-2021 Annual Report](#).

Figure 2: Animal Care Review Board Performance Measures

Performance Measures	Target	2020-2021 Actual	2019-2020 Actual	2018-2019 Actual	2017-2018 Actual
Hearing date will be scheduled within 5 business days of receipt of a completed appeal (statutory obligation)	100%	93%	100%	100%	100%
First hearing event will take place no later than 10 business days after receipt of a completed appeal (statutory obligation)	100%	100%	100%	100%	100%
Decisions of the Board will be released within 30 days of the hearing	80%	64%*	100%	n/a	n/a

* An increase in complex files resulted in fewer decisions issued within performance targets.

Source: Tribunals Ontario, [2020-2021 Annual Report](#).

⁸ Tribunals Ontario, Animal Care Review Board, [Frequently Asked Questions](#).

Financial Information

Tribunals Ontario does not report agency-specific financial data.

RECENT DEVELOPMENTS

In early 2020, amendments to the *Provincial Animal Welfare Services Act, 2019* expanded the jurisdiction of inspectors and increased the number of animal welfare inspectors. Accordingly, the Board has seen an increase in the number of appeals received and those that proceeded to a hearing in 2020-2021, as seen in Figure 1. To manage the increase in caseload, the Board implemented a new case processing tool, in addition to the case management system that assists with organizing files and updating case notes. The Board also provided training to adjudicators to help them conduct an increased number of case conferences and hearings.⁹

The Board first started using video technology in 2019-2020 to allow witnesses to testify via videoconference. The Board continued to schedule digital hearings in 2020-2021, which was in alignment with Tribunals Ontario's digital-first approach to providing services.¹⁰

THE WITNESS

The witness Edgar-Andre Montigny, is seeking appointment as a part-time member.

According to the Office of the Premier, the witness, of Toronto, is a Sole Practitioner with Montigny Law, an adjudicator with the City of Toronto Municipal Licencing Tribunal, an Adjunct Professor with the Pacific Coast University for Workplace Health Sciences, and a Sessional Lecturer with various Ontario universities. He is a former Staff Lawyer with ARCH Disability Law Centre, and his community involvement includes serving as an Executive Member with the Canadian and Ontario Bar Association.

POSSIBLE QUESTIONS

1. *What has motivated the witness to seek this appointment?*
2. *What particular contribution does the witness hope to make to the Board?*
3. *Does the witness have any experience, knowledge, or training in the subject matter and legal issues dealt with by the Board?*
4. *How does the witness expect his previous experience, knowledge, or training in adjudication will contribute to the workings of the Board?*
5. *In the witness' view, what are the main challenges facing the Animal Care Review Board in the near future?*

⁹ Tribunals Ontario, [2020-2021 Annual Report](#).

¹⁰ Ibid.