



# **Environment and Land Tribunals Ontario**

## **Annual Report 2012-2013**

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ISBN 978-1-4606-2000-7  
ISSN 1925-6876 (print)

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**To the Honourable John Gerretsen, Attorney General**

Minister:

We have the pleasure of submitting, for the approval of the Legislature, the Environment and Land Tribunals Ontario 2012-2013 Annual Report.

Respectfully submitted,



Lynda Tanaka  
Executive Chair  
Environment and Land Tribunals Ontario



Lynn Norris  
Executive Lead  
Environment and Land Tribunals Ontario

**2013**

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## **PART 1: Environment and Land Tribunals Ontario (ELTO)**

### **Chair's Message – 2013**

On behalf of all Members and staff, I am pleased to present the 2012-2013 Environment and Land Tribunals Ontario (ELTO) Annual Report. This report covers the fiscal year ending March 31, 2013.

ELTO brings together five Ontario tribunals and boards which adjudicate matters related to land use planning, environmental and heritage protection, property assessment, land valuation and other matters. ELTO and all who work within it are committed to providing access to justice and to high quality, independent, timely, fair and principled resolutions of the matters brought before them.

ELTO operates under the authority of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* which was enacted to ensure that tribunals are accountable, efficient and transparent in their operations as well as remain independent in the decision-making process. The governance and public accountability framework are laid out in ELTO's: Mandate and Mission Statement, Consultation Policy, Service Standard Policy, Ethics Plan, and Member Accountability Framework, which includes position descriptions and a Code of Conduct. These documents can be viewed on the ELTO website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca). The Business Plan and Memorandum of Understanding are also available for viewing.

During the 2012-2013 fiscal year, ELTO established an Advisory Committee consisting of members of ELTO's stakeholder community to assist its constituent tribunals in the development and implementation of policies, practices, rules and services in keeping with ELTO's mission to deliver modern, fair, accessible, effective and timely dispute resolution. The input from stakeholders and the public whether informally or through formal consultation is important for optimizing our service to the public within our resources and in identifying what works well and what should be changed. This year, ELTO held a number of public consultations which provided a framework for developing Rule changes, Practice Directions, and revisions to case management techniques and procedures.

Reflecting our commitment to public transparency, we continued to post quarterly statistics on the tribunal websites and information on review of decisions on the Ontario Municipal Board (OMB) website.

ELTO consulted with the Assessment Review Board (ARB) stakeholders to develop an Appeals Streaming Strategy for the 2013-2016 Assessment Cycle, as well as rule amendments to simplify the appeal process and Practice Directions to make the process more transparent and accessible. This Streaming Strategy supports the Board's commitment to resolve 90 per cent of its current and new caseload within the next four-year property assessment cycle ending in the 2016 taxation year.

Early in 2013, we began a Growth Plan consultation that involved meetings with a number of stakeholders who had participated to date in Growth Plan hearings before the OMB. These stakeholders provided us input on hearing and pre-hearing processes that the OMB has successfully used and should be highlighted as best practices. The ERT has announced a consultation with stakeholders concerning potential revisions to the procedure for Renewable Energy Approval appeals.

We have begun work on an Alternative Dispute Resolution (ADR) Initiative. The first step underway in this initiative is to internally review and develop recommendations concerning enhancing the availability of alternative dispute resolution mechanisms including settlement hearings and mediations throughout ELTO. ELTO is looking at ways to increase the access to ADR by creating a roster of members throughout the cluster constituent tribunals. We are also looking at building consistent processes for ADR across the cluster, according to the mandates.

The clustering of tribunals in ELTO has eased the logistics of organizing joint training sessions of members on topics of common applicability. ELTO has continued to provide an expanded professional development program, with a training program on the Intranet and in-person, covering a range of substantive and procedural issues. Tribunal specific training has been conducted to enhance substantive area expertise in each tribunal, and where applicable, specialized training offered by third parties has been used to supplement ELTO training, particularly in orientation of new members. We have been fortunate to have the support of speakers from outside ELTO including Environmental Commissioner of Ontario Gord Miller on Biodiversity Issues in Ontario, Ontario Integrity Commissioner Lynn Morrison on Disclosure of Wrongdoing, and the Honourable Mr. Justice Todd Archibald of the Superior Court of Justice on court processes used to address issues of timeliness, cost effectiveness, efficiency and use of resources in trials.

An additional benefit of clustering is the opportunity to recommend cross-appointment of tribunal members whose personal skill, knowledge and expertise will enhance another tribunal's services. In 2012-2013, Marc Denhez was cross-appointed to the OMB and Conservation Review Board (CRB) and Robert Steinberg to the BON and ARB.

As Executive Chair of ELTO, I would like to take this opportunity to thank the members of the public, the ELTO adjudicators, the representatives of stakeholders and staff for their support and willingness to talk to me about ELTO's continued leadership as a centre of excellence in the tribunal justice system. I also want to thank you all for your comments on how services could be improved at the tribunals. We are committed to building our competencies and processes to fulfill the mandates entrusted to us in accordance with our mission statement.

I would also like to acknowledge the important contributions of those Members and staff who have left ELTO. We are grateful for their work on behalf of the people of Ontario. In particular, I want to acknowledge Peter Zakarow. As a former Chair of the CRB as well as the Associate Chair, he was key to integrating the tribunals into the cluster and to successfully transitioning the CRB into ELTO.

I look forward to working with members, staff, stakeholders and the broader community throughout the 2013-2014 fiscal year and beyond to refine and enhance the services provided by ELTO.

Sincerely,



Lynda Tanaka  
Executive Chair - Environment and Land Tribunals Ontario

## **Mandate, Mission and Core Values**

### **Mandate**

ELTO is a group of five tribunals that resolve appeals, applications and other disputes, under some 100 statutes, in relation to land use planning, environmental and heritage protection, property assessment, land valuation and other matters.

### **Mission**

ELTO and its constituent tribunals will strive for excellence and demonstrate the highest standards of public service in:

- Delivering modern, fair, accessible, effective and timely dispute resolution services.
- Demonstrating consistency in procedures and outcomes while remaining responsive to differing cases and party needs, and to an evolving development of the law.
- Responding to the needs of diverse stakeholder communities.
- Resolving disputes, within the applicable legislative framework, to support strong, healthy communities and achieve outcomes that are in the public interest.

### **Core Values**

Core values are the guiding principles of ELTO and the foundation on which its constituent tribunals fulfill their mandates.

#### *Accessibility*

- Publications, communications and facilities, including hearing and mediation rooms, will provide for full and equitable access.
- Diversity will be fully respected and reflected in all that ELTO does.
- Processes will be designed in a way that facilitates informed participation. Proceedings will be conducted in a manner that is welcoming and respectful.
- Practices and procedures will provide for a meaningful, effective opportunity to be heard on the relevant issues to be resolved in a particular case.

#### *Fairness*

- Proceedings will be conducted impartially. Decisions will be principled and based on the facts, the applicable law and policy, and on the merits of the case.

#### *Transparency*

- Tribunal procedures, rules, policies and decisions will be clear and readily available to the public. Reasons for decisions will be concise and will explain how the decision was reached.

#### *Timeliness*

- Proceedings will be conducted in a timely and expeditious manner and will be proportional to the issues that must be determined to resolve the dispute.
- Decisions will be issued as soon as possible after a proceeding.

#### *Integrity, Professionalism and Independence*

- Members and staff will act with honesty, integrity and professionalism, exhibiting the highest standards of public service.
- Members and staff will work together to build public confidence in ELTO, its constituent tribunals and the administration of justice.
- ELTO and its constituent tribunals must be, and be seen to be, neutral, unbiased and independent from improper influence.

## **About Environment and Land Tribunals Ontario (ELTO)**

Environment and Land Tribunals Ontario (ELTO) brings together five Ontario tribunals and boards which adjudicate and provide dispute resolution services on matters related to land use planning, environmental and heritage protection, property assessment, land valuation and other matters.

ELTO was created under the authority of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009 (ATAGAA)*. This act permits the government to designate two or more adjudicative tribunals as a cluster if, in the opinion of the Lieutenant Governor in Council, the matters that the tribunals deal with are such that they can operate more effectively and efficiently as part of a cluster than alone.

The tribunals that comprise ELTO are:

- Assessment Review Board (ARB)
- Board of Negotiation (BON)
- Conservation Review Board (CRB)
- Environmental Review Tribunal (ERT)
- Ontario Municipal Board (OMB)

### **Governance and Accountability**

ATAGAA and related regulations have further strengthened and made transparent the accountability framework for adjudicative tribunals through provisions with respect to:

- Requirements for public accountability documents, including mandate and mission statements, consultation policies, service standard policies, ethics plans and member accountability frameworks (such as job descriptions, necessary skills and qualifications, and codes of conduct).
- Requirements for governance accountability documents, including memoranda of understanding, business plans, and annual reports.
- Requirements for appointments and the need for the selection process to be competitive and merit-based.
- The designation of clusters of two or more adjudicative tribunals to improve the efficiency and efficacy of tribunals.

ELTO publishes its Business Plan, Annual Report, and Memorandum of Understanding on the ELTO website [www.elto.gov.on.ca](http://www.elto.gov.on.ca). In 2012, ELTO also published on the website its public accountability documents: Mandate and Mission Statement; Consultation Policy; Service Standard Policy; Ethics Plan; Code of Conduct; Conflict of Interest Rules and Position Descriptions.

In November, 2012 ELTO initiated an operational review through the Ministry's internal audit team. The first phase of the review includes the ARB and the BON, and will look at a number of areas, including compliance with government policies and directives, efficiency and effectiveness in case management processes, and financial management and reporting systems. The second phase of the review includes the OMB, ERT and CRB. ELTO will develop an action plan to respond to recommendations from the review.



The government has ongoing initiatives that are intended to enhance the accountability, transparency and functioning of Agencies, Boards and Commissions, as well as to modernize the OPS and to support the Government in meeting its objectives.

### **ELTO Business Plan Strategic Directions**

The 2012-2015 Business Plan set out a number of strategic directions for ELTO. Significant progress has been made in many areas including:

- Developing a new case management process for intake and scheduling in response to the new property assessment cycle.
- Developing new hearing management strategies including Rule amendments to improve the quality, timeliness and overall effectiveness of hearings.
- Implementing a decision review and approval process.
- Implementation of OPS initiatives on diversity and inclusion including compliance with new requirements under the *Accessibility for Ontarians with Disabilities Act, 2005*.
- Retaining and enhancing of adjudicative and mediations skills and knowledge through a variety of mechanisms such as a cross-appointments strategy.
- Enhancing ELTO training activities.

### **Performance Results**

ELTO strives to ensure timeliness in the scheduling of proceedings and delivery of decisions. This commitment is reflected in ELTO's performance target to release decisions and reports within 60 days of the end of a hearing event in 85 per cent of all cases. Over the past three years, ELTO has met or exceeded this performance target and is continuously looking at ways to further improve these results.

<b>Performance Measure</b>	<b>2010-11 Achieved</b>	<b>2011-12 Achieved</b>	<b>2012-13 Achieved</b>
% of cases in which ELTO issues a decision within 60 days	86%	91%	92%

We remain focused on improving the quality of our decisions without sacrificing timeliness. Performance results for the constituent tribunals can be found in the Overview of the Tribunals section of this report.

### **Stakeholder Consultations**

In 2012, ELTO established the ELTO Advisory Committee (EAC) consisting of members of ELTO's stakeholder community to assist its constituent tribunals in the development and implementation of policies, practices, rules and services. The inaugural meeting took place on October 24, 2012. The Committee has been meeting on a quarterly basis. The EAC provides feedback on ways to enhance hearing processes to make hearings more accessible, efficient and effective.

At the beginning of 2013, the EAC identified the need to enhance access to administrative tribunals for self-represented parties and participants as a priority. A significant portion of the OMB's workload is related to Growth Plan. The Growth Plan is a policy established by the Ontario Government which sets out a framework for managing growth and revitalizing existing urban communities in the Greater Golden Horseshoe. Matters related to conformity with the Growth Plan are determined by the Ontario Municipal Board. Given the complexity of Growth Plan cases and the length of related hearings, the Executive Chair initiated a dialogue with some of our

stakeholders to identify best practices in hearing process to ensure fair, timely and efficient hearings. In addition, ELTO began examining the information available and necessary to facilitate effective participation of parties and the public in Growth Plan hearings.

ELTO also conducted extensive consultations with ARB stakeholders in order to identify ways of addressing the caseload backlog and moving cases through to hearing more quickly. This feedback included seeking input from ARB stakeholders about the ARB's Appeals Streaming Strategy for the 2013-2016 Assessment Cycle. The goal of this strategy is to resolve 90 per cent of the current and new caseload within the next four-year cycle ending in the 2016 taxation year. Stakeholders were also consulted on amendments to the ARB's Rules of Practice and Procedure and Practice Directions that support the Streaming Strategy. Revised procedures will be consistent with the principles of natural justice and procedural fairness, proportionality principles reflected in the Rules of Civil Procedure and best practices of other Ontario tribunals. ELTO will continue to consult with stakeholders and the public in accordance with the consultation policy regarding changes to the rules, practice directions or policies of the constituent tribunals.

## Financial Summary

### *ELTO Expenditures 2010-2011 to 2012-2013*

<b>ACCOUNT ITEMS</b>	<b>2010-2011 (\$)</b>	<b>2011-2012 (\$)</b>	<b>2012-2013 (\$)</b>
<b>Salary and Wages</b>	11,663,886	12,181,381	12,325,830
<b>*Employee Benefits</b>	1,484,615	1,490,524	1,620,511
<b>Transportation and Communications</b>	1,116,862	1,017,816	1,075,097
<b>Services</b>	3,992,221	2,854,779	3,074,358
<b>Supplies &amp; Equipment</b>	195,623	229,702	182,543
<b>TOTAL</b>	<b>18,453,207</b>	<b>17,774,202</b>	<b>18,278,339</b>

### *Fees Collected*

The chart below shows the combined revenues for ELTO, including filing fees collected by the ARB and OMB. The fees collected are remitted to the Ministry of Finance.

### *ELTO Revenues 2010-2011 to 2012-2013*

<b>FISCAL YEAR</b>	<b>FEES COLLECTED (\$)</b>
<b>2010-2011</b>	<b>1,034,600</b>
<b>2011-2012</b>	<b>770,801</b>
<b>*2012-2013</b>	<b>1,619,606</b>

*\*Please note the above amount is based on IFIS reports for 2012-13.*

## **Part 2: Overview of the Tribunals**

### **SECTION 1: ASSESSMENT REVIEW BOARD (ARB)**

#### **About the ARB**

The Assessment Review Board (ARB) is an independent adjudicative tribunal established under the *Assessment Act*, with a mandate to hear appeals about property assessment and classification. The ARB hears these appeals and renders a decision based on the applicable law and the evidence presented at the hearing.

The ARB, which operates under a variety of legislation, also deals with appeals on property tax under the *Municipal Act*, the *City of Toronto Act* and the *Provincial Land Tax Act*.

#### **The Property Assessment System**

The provincial government, through the Ministry of Finance, sets the laws regarding property assessment. Municipalities are responsible for setting tax rates and collecting property taxes. The Municipal Property Assessment Corporation (MPAC) assesses and classifies all properties in Ontario. If there is a dispute between a property owner and MPAC, the property owner can file an appeal with the ARB.

#### **Purpose of the ARB**

The ARB receives appeals on property assessments and property taxes. Hearings are scheduled across the province, usually in the municipality where the property is located. At the hearing, all parties have the opportunity to present evidence and make arguments. The ARB hears these appeals and makes decisions based on the applicable law and the evidence presented at the hearing.

#### **History and Jurisdiction**

Property assessments have been conducted in what is now Ontario since 1793. In 1970, the province assumed the role of assessing property from municipalities and replaced the Courts of Revision with the Assessment Review Court (ARC). ARC was renamed the Assessment Review Board in 1983.

With the enactment of the *Fair Municipal Finance Act, 1997*, the ARB became the province's sole adjudicative tribunal for property assessment appeals. The legislation reduced duplication and ensured that the ARB was the final tribunal of appeal for such appeals. Prior to 1998, ARB decisions could be appealed to the Ontario Municipal Board (OMB).

Decisions by the ARB are final and binding, subject only to appeal to Divisional Court on questions of law when the Court grants leave to appeal. The ARB also exercises the power to review its own decisions.

Beginning with the 2009 tax year, changes to the *Assessment Act* require owners of residential, farm and conservation lands, and managed forests to file a request for reconsideration with MPAC, and/or the Program Administrator (for farm, managed forest or conservation land), before they may file an appeal with the ARB. As a result of this change, the profile of the ARB caseload has changed with a greater component of non-residential cases.

The ARB's jurisdiction and its authority are determined by the *Assessment Review Board Act*, the *Assessment Act*, the *Municipal Act*, the *City of Toronto Act*, the *Provincial Land Tax Act*, the *Education Act* and the *Statutory Powers Procedure Act*.

## Changes to Legislation

(Note: the following changes in legislation are a selected list of key provisions affecting the ARB.)

### **Assessment Act**

On June 20, 2012, the *Strong Action for Ontario Act (Budget Measures) 2012* (Bill 55) received Royal Assent. Subsection 3(1) of the *Assessment Act* was amended by adding a paragraph concerning the exemption for land ancillary to the operation of a cemetery. This paragraph was deemed to have come into force on January 1, 2010. Sections 31 and 35 of the *Assessment Act* were amended to permit the Minister to make regulations to allow notices of assessment and notices of corrections to be given to persons specified in the regulation rather than all or any of the persons requiring notice under subsections 31(1) and 35(1). Both of these amendments came into force on June 20, 2012.

## Summary of 2013 Amendments to ARB Rules of Practice and Procedure

### *Introduction of Costs Rules*

On July 2, 2012, following consultation with stakeholders and the public, new costs rules came into effect under the ARB's Rules of Practice and Procedure. If someone believes that a party involved in an ARB matter acted unreasonably, frivolously, vexatiously, or in bad faith, they may ask the Board to order that the party pay some or all of the hearing costs. The Board may also decide, even when no party asks for it, to award costs when it believes that costs should be awarded. Any requested costs must be reasonable, properly documented and necessarily incurred in relation to the proceeding. The Rules limit the amount of costs that may be awarded to \$1500 per day, or up to \$750 per half-day or less.

### *2013 Streaming Strategy*

2013 marks the beginning of the next four year provincial assessment cycle. A more extensive update of the ARB's Rules of Practice and Procedure became effective April 2, 2013. The goal of these revisions is to move cases through to hearing and decision more quickly in a manner that is consistent with natural justice and procedural fairness; that is, procedures should be proportional to the issues raised in the cases. The intent of ARB with these Rule changes is to assist parties in resolving disputes early and if possible without going to full hearing; and where a full hearing is required, to ensure that it happens in a manner that is efficient and effective. Many of the new procedures reflect practices undertaken at the courts and other adjudicative tribunals.

With these revised Rules, the ARB introduces a two-stream system for all proceedings. The Direct Hearing Stream is generally for residential matters and less complex non-residential appeals and allows parties to proceed quickly to hearing. The Standard Stream is for matters that are generally non-residential and have more complex issues and often multiple parties.

The Direct Hearing Stream will continue to operate in largely the same manner as previous years. Many revisions to the Rules supplement procedures available to proceedings in the Standard Stream. Appeals in the Standard Stream will now be supported by Procedural Orders with terms agreed to by the parties for the completion of stages up to hearing. Requirements for early disclosure, a new process to admit non-disputed evidence, and potential sanctions for non-compliance with Board Orders and timeframes should streamline pre-hearing steps.

### **Caseload**

At the beginning of the 2012-2013 fiscal year, the ARB had a total of 90,000 appeals on file. During the 2012-2013 fiscal year, the ARB received approximately 48,000 appeals. By the end of the fiscal year, over 58,000 appeals were resolved. The bulk of the outstanding caseload at the end of the fiscal year consisted mostly of complex, non-residential properties from previous years.

In complex cases, more time may be required by the parties to gather evidence and prepare for hearings.

### ARB Caseload 2010-2011 to 2012-2013

YEAR		2010-2011	2011-2012	2012-2013
Opening Caseload Balance		89,000	90,000	90,000
Caseload Received*	+	40,000	43,000	48,000
Total Caseload for Year	=	129,000	133,000	138,000
Resolved Caseload	-	39,000	43,000	58,000
Balance at the End of the Fiscal Period	=	90,000	90,000	80,000

**Note:** The deadline for assessment appeals to the ARB was April 2, 2013 or 90 days from the date of MPAC's request for reconsideration decision.

\* **Caseload Received** includes all types of appeals dealt with by the ARB, including annual assessment appeals, supplementary and omitted assessment appeals, Municipal Act appeals and City of Toronto Act appeals.

### Performance Results

The ARB hears all assessment appeals in Ontario. Generally, residential appeals can be streamed directly to a full hearing and are consequently resolved faster than many non-residential appeals, which may require multiple hearing events.

The ARB works to resolve residential appeals within one year of filing. In the 2012-2013 fiscal year, 97 per cent of residential appeals were resolved within 365 days of filing.

The ARB strives to issue its decisions in a timely manner. In the 2012-2013 fiscal year, 93 per cent of all ARB decisions were issued within 60 days of the hearing.

### Process of the ARB

#### *Pre-hearings*

Many appeals concerning complex, non-residential properties require extensive hearing time and may be presided over by a panel of Members. These appeals are screened based on established criteria such as property classification, size and assessed value, and may be directed into pre-hearings.

During the pre-hearing process, the ARB works with the parties to establish a schedule for proceeding and may issue procedural orders to direct exchanges of information and pre-filings. Pre-hearings have the potential to expedite the hearing process and allow parties to reach a settlement before a hearing begins.

#### *Hearings*

Hearings give an appellant the chance to explain why he or she thinks the property assessment from MPAC is wrong. During the hearing, the parties present evidence and question each other on that evidence. At the end of the hearing, the Member who is overseeing the hearing makes a decision or may reserve the decision for a later date.

#### *Teleconferences*

It can sometimes be difficult and time consuming to coordinate a hearing when parties need to travel across the province. For these cases, the ARB conducts telephone conferencing, or electronic hearings. In 2012-2013, the ARB conducted more than 1,300 teleconferences. Teleconferencing is a practical way to provide status updates and determine next steps toward

issuing procedural or consent orders, resolving contentious matters and, in some instances, settling appeals. This service saves time and money by reducing travel for all parties involved in ARB hearings.

### *Decisions*

After the Member has received all submissions from the parties, the Member considers the submissions. The Member may give an oral decision at that time or may reserve the decision for a later date. If the decision is reserved, a decision with written reasons will be mailed to the parties.

## **SECTION 2: BOARD OF NEGOTIATION (BON)**

### **About the BON**

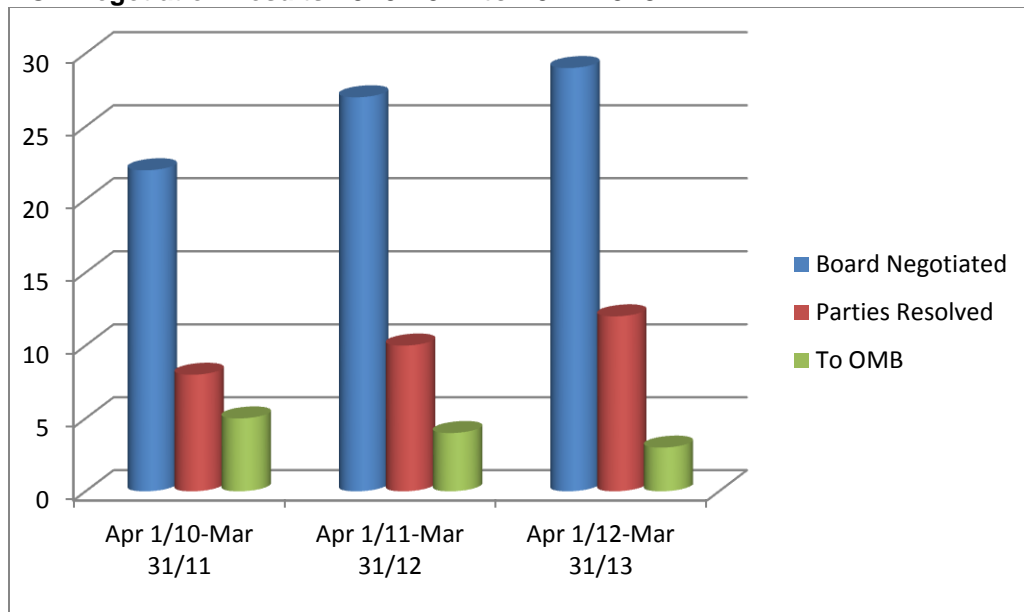
The Board of Negotiation (BON) provides mediation services to parties involved in disputes over the value of expropriated land – the landowner on the one hand, and the expropriating authority on the other (typically the Crown or a municipality). The BON becomes involved only after alternative avenues for settlement have not succeeded. Meetings with the parties are held throughout Ontario at no cost to either party. The BON views the property, reviews all written documentation and considers the submissions from the parties.

### **Purpose of the BON**

Through mediation, the BON tries to help parties reach a resolution. While it has no power to impose a settlement, the BON will, where sufficient information has been submitted, provide a recommendation to the parties on what would be fair compensation.

Using its expert mediators, the BON has been able to achieve a high rate of success with the cases brought before it.

### **BON Negotiation Results 2010-2011 to 2012-2013**



### **History and Jurisdiction**

The BON was formed under the authority of the *Expropriations Procedures Act 1962/63*. The Act, which came into force on January 1, 1964, represented one of the recommendations of the report by the Select Committee on Land Expropriation. As a result of subsequent studies on compensation and procedures, including reports for the Ontario Law Reform Commission, the *Expropriations Act* came into force on January 1, 1970.

### **Caseload**

The number of files received and meetings held for the last three years is summarized in the following table.

*BON Files Received, Meetings Held and Open Files 2010-2011 to 2012-2013*

<b>Year</b>	<b>2010-2011</b>	<b>2011-2012</b>	<b>2012-2013</b>
<b>Files Received</b>	<b>34</b>	<b>74</b>	<b>51</b>
<b>Meetings Held</b>	<b>28</b>	<b>38</b>	<b>39</b>
<b>Open Files (as of March 31)</b>	<b>17</b>	<b>45</b>	<b>54</b>

### **Process of the BON**

The BON holds negotiation meetings at the request of a party. There is no cost to the party to apply or have a matter proceed before the BON. When a request is received, an acknowledgement letter is sent to the requesting party asking for their availability. When a date is determined, the BON sends a notice to the parties informing them of the date of the meeting.

BON mediation is confidential. If a settlement cannot be reached at the BON, the parties may take the matter to the Ontario Municipal Board (OMB). However, because of the confidentiality of the mediation process, the BON and OMB employ strict measures to ensure that any information received by the BON is not provided to the OMB. OMB Members and staff do not have access to any information or discussions that were part of the BON process.

## **SECTION 3: CONSERVATION REVIEW BOARD (CRB)**

### **About the CRB**

The Conservation Review Board (CRB) is an independent adjudicative tribunal that provides recommendations to municipal councils or the Minister of Tourism, Culture and Sport about decisions related to the designation or alteration of properties with cultural heritage value or decisions related to the granting of archaeological licences and resources.

The CRB's mandate and responsibilities are established under the *Ontario Heritage Act*. Its Members are appointed by Order-in-Council and may also be cross-appointed to other ELTO tribunals.

### **Purpose of the CRB**

Where a municipal council or the Minister has made a decision under the *Ontario Heritage Act*, the CRB may receive and hear objections and appeals from members of the public to those decisions. The CRB encourages open dialogue and information exchange between parties, and attempts to mediate and settle matters where possible. Where a settlement is not reached, the CRB will hold an open hearing and provide a report to the local council or Minister.

The CRB is not an advocacy or enforcement organization for the protection of cultural heritage property outside its mandate. It provides objective recommendations based on information and evidence presented by parties to a proceeding. Parties to proceedings typically include objectors, property owners, municipalities and/or the Minister. CRB hearings are subject to the principles of

natural justice and procedural fairness, as well as provisions of the *Statutory Powers Procedure Act*.

## History and Jurisdiction

The CRB was established in 1975 under Part III of the *Ontario Heritage Act*.

The CRB holds pre-hearing conferences to explore the potential of settlement, and formal hearings to hear evidence and arguments where necessary. The CRB has responsibilities under both Part IV and Part VI of the Act.

In 2005, changes to the Act gave the CRB additional responsibilities. The CRB now hears objections concerning properties deemed provincially significant by the Minister of Tourism, Culture and Sport under Part IV of the Act.

## Caseload

During the 2012-2013 fiscal year, 11 referrals were received from municipalities, all of which were related to objections under section 29 of the Act. The CRB also received a referral from the Minister of Tourism, Culture and Sport under section 39(4) of the Act requesting a hearing under Part VI related to the extension of an archaeological licence. The CRB's intake represents a slight increase over the previous fiscal year.

The CRB hearing event activity increased over the last fiscal year. The CRB held more pre-hearings this year as compared to last year. The number of hearings and by extension Report recommendations also increased.

The CRB caseload at March 31, 2013 was 12 cases.

### *CRB Caseload 2010-2011 to 2012-2013*

	Fiscal Year		
	2010-2011	2011-2012	2012-2013
<b>Cases Received</b>	<b>8</b>	<b>8</b>	<b>12</b>
<b>Pre-hearing Conferences</b>	<b>27</b>	<b>10</b>	<b>25</b>
<b>Hearings Held</b>	<b>0</b>	<b>1</b>	<b>5</b>
<b>Reports Issued</b>	<b>3</b>	<b>1</b>	<b>3</b>
<b>Withdrawals</b>	<b>17</b>	<b>5</b>	<b>7</b>
<b>Open Cases (as of March 31)</b>	<b>9</b>	<b>11</b>	<b>12</b>

## Process of the CRB

### *Process Overview*

All cases before the CRB proceed through a pre-hearing process. The pre-hearing conference (PHC) provides an opportunity for all parties, objector(s), the municipality or Minister of Tourism, Culture and Sport, the property owner, and other recognized parties to discuss the issues with each other and with the CRB. The two fundamental interests in conducting the PHC are to facilitate possible settlement of the dispute and to prepare all parties for the formal hearing process where settlement does not occur.

If a full settlement is reached at the PHC, each objector and the property owner (if applicable) must submit a letter of Withdrawal of Objection to the CRB, or the municipality must submit a letter of Withdrawal of the Notice of Intention to Designate and the case is closed. If a settlement is not reached, the PHC proceeds to the phase of preparing all parties for the formal hearing.



## *Hearings*

While CRB hearings are less formal than many other tribunal hearings, they are governed by rules of practice and procedure. Many parties are represented by legal counsel however self-represented parties also appear before the CRB.

Hearings are open to the public. It is the practice of the CRB to hold the hearing within the municipality of the subject property and to conduct a site visit of the property.

## *Recommendations*

After the hearing, the CRB issues a report to the municipal council, or the Minister of Tourism, Culture and Sport, whichever has jurisdiction over the matter, making recommendations based on the evidence presented and arguments made at the hearing. The CRB attempts to release the report within 30 days of the end of the hearing. Once the CRB releases its report, the file is closed. The municipal council or the Minister makes the final decision on the matter, and will consider the report of the CRB as part of the decision making process.

## **SECTION 4: ENVIRONMENTAL REVIEW TRIBUNAL (ERT)**

### **About the ERT**

The ERT is an independent adjudicative tribunal that conducts hearings and makes decisions on matters that have been appealed to the ERT under specific provincial legislation.

### **Purpose of the ERT**

The ERT resolves applications and appeals under the following statutes: *Clean Water Act*, *Consolidated Hearings Act*, *Environmental Assessment Act*, *Environmental Bill of Rights*, *Environmental Protection Act*, *Niagara Escarpment Planning and Development Act (NEPDA)*, *Nutrient Management Act*, *Ontario Water Resources Act*, *Pesticides Act*, *Safe Drinking Water Act* and the *Toxics Reduction Act*. The ERT also hears matters under the *Oak Ridges Moraine Conservation Act* and the *Greenbelt Act*.

Under the *Niagara Escarpment Planning and Development Act*, Members of the ERT are appointed by the Minister of Natural Resources as Hearing Officers to conduct hearings. The Hearing Officers issue reports or make recommendations concerning appeals of decisions of the Niagara Escarpment Commission regarding development permit applications. Members are also appointed to conduct public hearings for the purpose of making recommendations regarding proposed Niagara Escarpment Plan (NEP) amendments. Every 10 years, Members conduct hearings to review the NEP.

Pursuant to a designation as the Office of Consolidated Hearings, the ERT administers hearings as requested, under the *Consolidated Hearings Act*. Under the authority of the *Consolidated Hearings Act*, a Joint Board is established in order to combine into one hearing a multiplicity of matters that would ordinarily be heard by different tribunals under various acts on matters relating to the same undertaking. A Joint Board usually consists of Members of the ERT and the OMB, and is empowered to hold a hearing to consider all of the matters under all of the prescribed acts that govern the undertaking and for which hearings are required.

### **History and Jurisdiction**

When the *Ontario Water Resources Act* passed in 1970, the Environmental Hearing Board (EHB) was created. The EHB heard some of the matters of the Ontario Water Resources Commission, established in 1956. The EHB then became the Environmental Assessment Board in 1975. It held

hearings about waste or sewage disposal sites as well as environmental assessments. It also had a role in appeals from decisions of the Niagara Escarpment Commission and in Joint Board hearings under the *Consolidated Hearings Act*. These areas were assumed by the ERT.

The Environmental Appeal Board, established under the *Environmental Protection Act* (EPA), held hearings on appeals about decisions made by Directors of the Ministry of the Environment. In 1978, this Board also took on the hearings role of the Pesticides Appeal Board, which was established in 1973. The ERT was established under the *Environmental Review Tribunal Act, 2000* with the merging of the Environmental Assessment Board and the Environmental Appeal Board. All the roles of those two Boards were taken on by the ERT at that time.

A significant aspect of the ERT's current work relates to Renewable Energy Approval (REA) appeals. The EPA provides for streamlined approvals of renewable energy projects. With limited exceptions, the ERT is required to make a decision on appeals of REAs within six months after the notice of appeal is served.

The short timeframes within which these matters must be determined has led to the development of expedited hearings processes which are set out in the Tribunal's Rules of Practice. In order to assist with the allocation of the ERT's resources, additional mitigation strategies include monitoring of the Ministry of the Environment's Environmental Registry to identify the status of approvals that could be appealed. Due to their complexity, REA appeals form a large proportion of the ERT's work. If most currently planned renewable energy projects are approved, the ERT caseload will increase significantly.

### Changes to Legislation and Rules

There have been no changes to the legislation or the ERT Rules of Practice and Practice Directions during 2012-2013.

### Caseload

The ERT's caseload at April 1, 2012 was 63. During the 2012-2013 fiscal year, the ERT received 81 cases representing 176 appeals/applications and requests for hearing. The ERT's caseload intake remained at a comparable level to 2011-2012. The ERT resolved 75 cases during the fiscal year. The table below provides a breakdown of intake by legislation.

### ERT Caseload 2010-2011 to 2012-2013

Case Type	2010-2011			2011-2012			2012-2013	
	No. of Appeals	No. of Cases	% of Caseload	No. of Appeals	No. of Cases	% of Caseload	No. of Appeals	
Environmental Bill of Rights, 1993	14	5	6 %	12	7	9 %	16	
Environmental Protection Act (EPA)	53	24	28 %	77	15	18 %	31	
EPA - Renewable Energy Appeals	*	5	6 %	7	11	13 %	47	
Nutrient Management Act, 2002	1	0	0 %	0	3	4 %	5	
Ontario Water Resources Act	7	6	7 %	8	2	2 %	2	

Case Type	2010-2011		2011-2012		2012-2013		
	No. of Appeals	No. of Cases	% of Caseload	No. of Appeals	No. of Cases	% of Caseload	No. of Appeals
Safe Drinking Water Act, 2002	1	1	1 %	1	4	5 %	4
NEPDA – Development Permits	103	44	51 %	146	38	47 %	69
NEPDA – Plan Amendments	0	1	1 %	1	0	0 %	0
Consolidated Hearings Act	1	0	0 %	0	1	1 %	2
<b>TOTAL</b>	<b>180</b>	<b>86</b>	<b>100 %</b>	<b>252</b>	<b>81</b>	<b>100%</b>	<b>176</b>

### *Consolidated Hearings*

The ERT has administrative responsibility for the *Consolidated Hearings Act* (CHA). This administrative responsibility is conducted under the designation of the Office of Consolidated Hearings. During 2012-2013, the Office of Consolidated Hearings received one new request for a consolidated hearing. Four Consolidated Hearing matters were carried forward from the previous fiscal year.

### *Hearing Activity*

The ERT conducts its proceedings in person, by teleconference and in writing. In 2012-2013, the ERT held events on 323 calendar days. This represents a decrease over the previous fiscal year where the Tribunal held proceedings on 433 calendar days. The breakdown for type of proceeding for 2012-2013 is noted below:

Type of Proceeding	Days where an event was scheduled
Hearing	89
Mediation	24
Motion	20
Pre-hearing Conference*	61
Preliminary Hearing	51
Teleconference	78
	<b>No. of Events</b>
Written	8
Stay	7

\*Pre-hearings are generally held by teleconference

The ERT holds pre-hearing conferences or preliminary hearings on most matters. In the case of appeals related to development permits under the *Niagara Escarpment Planning and Development Act* pre-hearing conferences provide an opportunity to clarify, refine or settle the issues. For other matters, a preliminary hearing assists in facilitating preparation for the hearing. The Member issues a written order after a preliminary hearing noting what was decided and any directions given by the panel.

While appeals filed under the *Environment Protection Act* relating to approvals of renewable energy projects by the Director, Ministry of the Environment represented 13 per cent of our intake of cases this fiscal year, they comprised a large proportion of the ERT's hearing time during the year.

## **Performance Results**

The ERT issues decisions in compliance with all legislated deadlines. For those decisions without legislated requirements, excluding decisions under the *Consolidated Hearings Act*, the ERT endeavours to render 85 per cent of these decisions within 60 days following the conclusion of the hearing or filing of final written submissions (if ordered by the hearing panel). For the 2012-2013 fiscal year, 73 per cent of these decisions were issued within 60 days. The presence of several complex matters during the fiscal year negatively affected the ERT's ability to reach its 85 per cent target.

## **Process of the ERT**

The ERT Members are responsible for conducting pre-hearings, hearings and the issuance of written decisions. The processing of appeals/applications, which is performed by staff, includes all administrative steps necessary to schedule and resolve an appeal/application from the date of filing to the closing of the file.

When an appeal/application is received, it is dealt with through an administrative process that includes:

- Reviewing the appeal/application to assess its validity.
- Acknowledging the appeal/application and requesting further information, if required.
- Scheduling the hearing.
- Monitoring and managing the case throughout the process.
- Posting orders and the final written decision on the website.

### *Mediation*

The use of mediation encourages the parties to discuss the issues in dispute in an attempt to narrow or settle differences. The successful results achieved during mediation often eliminates the need for a hearing or reduces the number of scheduled hearing days.

The Members who conduct ERT mediations have received certified training. Mediation is offered in all appeal and application hearings (except in matters under the *NEPDA*, *Oak Ridges Moraine Conservation Act* and the *Greenbelt Act*). Mediation is conducted after a preliminary hearing and, generally, 30 days prior to the commencement of the main hearing. However, should the parties choose not to participate at that time, mediation services are available any time throughout the hearing process upon request.

### *Case Management*

The ERT's case management department supports the adjudication of matters by managing the processing, scheduling and facilities coordination of all appeals/applications received by the ERT from intake through to resolution, with the exception of the adjudication of matters by members of the Tribunal.

## **SECTION 5: ONTARIO MUNICIPAL BOARD (OMB)**

### **About the OMB**

The Ontario Municipal Board (OMB) is an independent adjudicative tribunal that conducts hearings and makes decisions on matters that have been appealed to the OMB under specific provincial legislation. The majority of appeals arise from applications filed with municipalities

under the *Planning Act*, such as official plans, zoning by-laws, subdivision plans, consents and minor variances, or claims for land compensation filed under the *Expropriations Act*, development charges, ward boundaries and aggregate resources.

### **Purpose of the OMB**

The OMB processes are designed to resolve disputes in an informal, less costly and more timely manner than in the courts. OMB Members make independent decisions based on the applicable law and policies, and the evidence presented at the hearing.

The Ontario government plays an active role in provincial land use planning, by the enactment of legislation, policy statements or Provincial Plans, authorized under the *Planning Act*. Municipalities develop land use planning instruments and local rules, which are to conform with provincial policy. When a dispute arises, certain appeals can be filed with the OMB under the *Planning Act* and other land related legislation.

### **History and Jurisdiction**

The OMB is one of the province's longest-standing adjudicative tribunals. In 1906, the OMB assumed its initial responsibilities, including those previously carried out by the Office of the Provincial Municipal Auditor. Originally named the Ontario Railway and Municipal Board, it was created to oversee municipalities' accounts and to supervise the rapidly growing rail transportation system between and within municipalities. It was renamed the Ontario Municipal Board in 1932.

Over the years, the role and mandate of the OMB has changed. In a large number and variety of statutes, the OMB continues to be named as the tribunal where applications or appeals can be brought for resolution. The OMB's main areas of work are in the areas of land use planning, development charges, and compensation matters under the *Expropriations Act*.

In 2003, the Province embarked upon a wide range of planning reforms that have had a significant impact on the OMB. These reforms have re-defined the role of the Province and the OMB in land use planning and have increased the role of local municipal decision-making.

The first of these reforms came with the introduction of the *Greenbelt Protection Act* in 2004. This Act designated a Greenbelt study area within the GTA Regions, the City of Toronto, the Oak Ridges Moraine, the Niagara Escarpment Plan and certain lands within Niagara Region. The *Greenbelt Act, 2005* and the Greenbelt Plan followed.

*The Strong Communities (Planning Amendment) Act, 2004* and in June 2005 the *Places to Grow Act* were additional reforms that had an impact on the OMB. Appeals of these municipal plan amendments (to bring Official Plans into conformity with the Growth Plan) are conducted under the *Planning Act* and are therefore heard by the OMB, unless otherwise determined by the Minister of Municipal Affairs and Housing and the Minister of Infrastructure.

In October 2006, the Province introduced comprehensive amendments to the *Planning Act*, known as Bill 51. Bill 51 made a number of changes in relation to procedural and substantive matters at Board hearings. Some of these changes necessitate the hearing of new motions, while other changes involve the admission of evidentiary matters.

The OMB's mandate under the *Planning Act* has evolved to that of an appeal board that is required to make decisions that conform to provincial plans and are consistent with provincial policy statements.

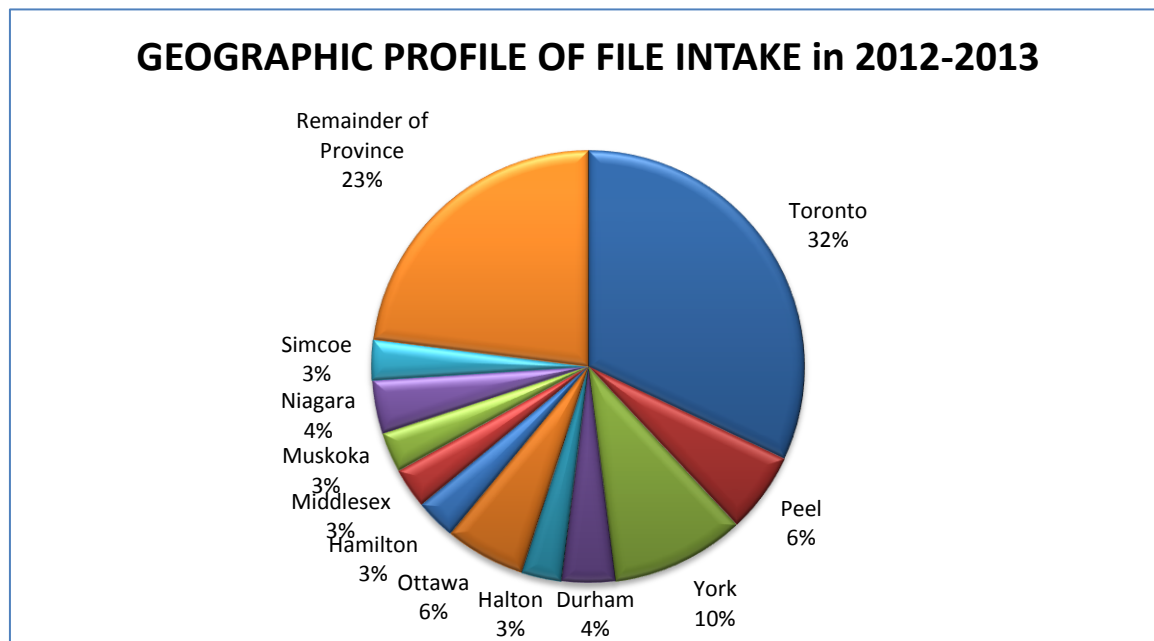
### **Changes to Legislation and Rules**

There were no significant legislative changes or changes to the OMB's Rules of Practice and Procedure during the fiscal year.

## Caseload

### Files Received

File intake remained relatively constant in the 2012-2013 fiscal year showing a very slight decrease over the previous year. Patterns of intake from a geographic perspective continue to follow those found in previous years with the largest number of files, just over 30 per cent, involving the City of Toronto.



The Greater Toronto Area (Toronto, Peel, York, Durham and Halton) accounted for 55 per cent of the OMB's intake in the 2012-2013 fiscal year. Ottawa generated six per cent of the OMB's intake for the year. Each of the other areas of the province accounted for less than six per cent of the OMB's intake during the fiscal year.

The requirement in the *Planning Act* for municipalities to bring their official plans into conformity with provincial plans and policy statements led to a large number of appeals to the OMB from the decisions or lack of decisions of approval authorities. In addition, a number of municipalities updated their major by-laws resulting in many appeals to the OMB. See the table that follows for the types of files received by the OMB and the number of appeals those files contained.

Minor variance matters represent the highest percentage of the intake at 39 per cent of the files received during the fiscal year. They are followed by consents at 15 per cent, zoning by-laws at 11 per cent and zoning refusal or inactions at 10 per cent of intake. Each remaining file type represented less than 10 per cent of the OMB's file intake during the fiscal year.

### OMB File Types Received (Appeals and Applications) 2010-2011 to 2012-2013

File Types Received (Appeals and Applications)	2010-2011	2011-2012 (No. of Files)	2011-2012 (No. of Appeals)	2012-2013 (No. of Files)	2012-2013 (No. of Appeals)
Minor Variances	495	581	607	562	581
Consents	229	305	321	222	231
Zoning By-laws	197	159	285	156	250

<b>Official Plans and Official Plan Amendments</b>	172	120	382	136	256
<b>Zoning Refusal or Inaction</b>	160	125	125	146	146
<b>Plans of Subdivision/Condominium</b>	98	68	76	59	62
<b>Municipal and Miscellaneous (incl. site plans)</b>	90	115	117	87	87
<b>Development Charges</b>	9	18	48	17	27
<b>Land Compensation</b>	34	31	31	55	55
<b>Municipal Finance</b>	9	5	5	8	9
<b>Joint Board</b>	1	0	0	1	1
<b>TOTAL</b>	<b>1,494</b>	<b>1,527</b>	<b>1,997</b>	<b>1,449</b>	<b>1,705</b>

### *Hearing Activity*

The OMB scheduled 1,938 hearing events in 2012-2013, a slight decrease in the number of hearings from the previous year. Of the 1,938 hearing events scheduled, 1,226 resulted in a hearing before the OMB; a slight decrease from the previous year. The OMB continues to use the pre-hearing process on complex cases to refine or settle issues so that hearings, if still needed, are focused and more efficient.

The majority of OMB hearing events lasted one day or less. The following chart provides a breakdown of the duration of hearing events as well as the percentage of total hearing days for the OMB.

<b>Duration</b>	<b>Percentage of Total Hearing Events</b>	<b>Percentage of Total Hearing Days</b>
One Day or less	85%	54%
One to Three Days	10%	16%
Four to Five Days	2%	7%
Six to Ten Days	1.5%	7%
Eleven to Twenty Days	1%	10%
More than Twenty Days	>1%	6%

### *Mediation*

The OMB's mediation program continues to provide enhanced service to OMB clients. Many matters have been settled as the result of OMB mediation. Mediations have been shown to shorten the time for resolution and to be less costly for the parties. Mediation activities may not always result in full resolution of a matter but partial resolution will often shorten the time that would have been required for a full hearing. The OMB may hold multiple mediation sessions on a case over a span of time to work towards resolution of some or all of the issues in a case. The OMB endeavours to undertake a mediation assessment on most major cases to explore whether parties wish to enter into the mediation process. For the 2012-2013 fiscal year, there were 85 mediation events held as well as 16 mediation assessments; in line with the previous year where the OMB held 89 mediation events and 12 mediation assessments.

## **Performance Results**

The scheduling of hearing dates at the OMB depends on many factors including: the correct filing of documents, the number of witnesses expected, the availability of hearing rooms and the readiness of parties to proceed.

- For stand-alone minor variance appeals, 83 per cent of the cases had a first hearing event within 120 days of filing (target is 85 per cent ) This year's results represent an improvement of 10 per cent over the previous fiscal year.
- For all types of applications and appeals, 83 per cent of the cases had a first hearing event within 180 days of filing of the last application that formed part of the case (target is 85 per cent). This year's results represent an improvement of two percent over the previous fiscal year.
- The OMB strives to issue its decisions in a timely manner. In the 2012-2013 fiscal year, 82 per cent of decisions were issued within 60 days of the hearing (target is 85 per cent ). The Board's performance showed a decrease of one percent over the previous fiscal year.

## **Process of the OMB**

Disputes are brought to the OMB by filing an appeal. Depending on the type of dispute, there are different processes and timelines for filing an appeal. The OMB reviews the appeal and decides with input from the parties, to stream the case into mediation, motion, pre-hearing or hearing. Most appeals are resolved by a full hearing.

The OMB holds hearings across the province, most often in the municipality where the property is located. The OMB holds hearing events by teleconference when it is appropriate. Teleconference proceedings are often used for such events as pre-hearings and settlement hearings. The use of teleconferences allows the OMB to respond quickly and is time and cost efficient for the parties. In 2012-2013, teleconferences represented 19 per cent of hearing events.

OMB Members hear the appeal and make independent decisions based on the evidence presented at the hearing, applicable law, the provincial planning policy statement, provincial plans, municipal planning documents, previous OMB decisions (if applicable) and the principles of good planning.

### *Case Management*

The OMB's case management department supports the adjudication of matters by managing the processing, scheduling and facilities coordination of all appeals/applications received by the OMB from intake through to resolution, with the exception of the adjudication of matters by members of the Board.

Cases are managed on a geographic basis with a case coordinator(s) assigned to each case. This provides clients with a consistent point of contact with staff. Assigning caseload responsibility along regional lines also allows managers and staff to build regional expertise, monitor local issues and anticipate matters that could be brought to the OMB for adjudication.



## Appendix One

### ENVIRONMENT AND LAND TRIBUNALS ONTARIO *Appointees as at March 31, 2013*

<u>ELTO APPOINTEES</u>	<u>ORIGINAL APPOINTMENT DATE</u>	<u>APPOINTMENT END DATE</u>
<b>Executive Chair</b>		
Tanaka, Lynda C.E	May 16, 2011	May 15, 2014
<b>Alternate Executive Chair</b>		
DeMarco, Jerry V.	September 1, 2010	August 31, 2013
<u>ASSESSMENT REVIEW BOARD</u>	<u>ORIGINAL APPOINTMENT DATE</u>	<u>APPOINTMENT END DATE</u>
<b>Executive Chair</b>		
Tanaka, Lynda C.E	May 16, 2011	May 15, 2014
<b>Alternate Executive Chair</b>		
DeMarco, Jerry V.	September 1, 2010	August 31, 2013
<b>Associate Chair</b>		
Stephenson, Richard F.	April 7, 1993	December 31, 2013
<b>Full-Time Vice-Chairs</b>		
Andrews, Peter	November 14, 2012	November 13, 2013
Bourassa, Marcelle	April 11, 2006	February 20, 2017
Butterworth, Robert	November 19, 1997	April 14, 2014
*Mather, Susan	November 19, 1997	March 9, 2013
<b>Part-Time Vice-Chair</b>		
Mather, Susan	March 10, 2013	March 9, 2015
<b>Full-Time Members</b>		
Cowan, Bernard A.	December 19, 1997	September 3, 2017
Walker, Janet Lea	September 4, 2007	September 3, 2017
Whitehurst, Donald	May 18, 2005	September 3, 2017
Wyger, Joseph M.	May 27, 1998	September 3, 2017
<b>Part-Time Members</b>		
*Andrews, Peter	May 18, 2005	November 13, 2012
Birnie, Ian	May 6, 1999	May 5, 2013
Castel, André	November 19, 1997	March 9, 2014
*Corcelli, Richard J.	January 15, 2007	January 14, 2012
Denison, William T.	November 14, 2012	November 13, 2013
Diesel, Sandra	March 16, 2000	April 23, 2014
Duan, Yucheng Josie	September 29, 2010	September 28, 2015
Fenus, Andrew	May 30, 2007	May 29, 2017
Griffith, Jennifer	September 17, 2004	September 16, 2014
Kowarsky, Barbara	May 18, 2005	May 17, 2013
Laflamme, Jacques	August 25, 2004	August 24, 2014
LaRegina, Anthony	January 15, 2007	January 14, 2017
Laws, Joanne	February 10, 2006	February 9, 2014
Levasseur, Romeo	May 18, 2005	May 17, 2013
Limoges, Rick	January 15, 2007	January 14, 2017
*Mackay, Ann	August 25, 2004	August 24, 2012
Marques, Ana Cristina	May 18, 2005	May 17, 2013
Minnie, Garry	March 1, 2006	February 28, 2014
*Morin, Gilles	September 30, 2004	September 29, 2012
Morris, Warren	October 31, 2012	October 30, 2013
Nalezinski, Les	March 1, 2006	February 28, 2014
Oliveira, Evangelista (Ivan)	May 17, 1999	May 16, 2013
Plumstead, Nicoll	May 18, 2005	May 17, 2013
Rade, Bernice M.	August 25, 2004	August 24, 2012
Roberts, Catherine E.	September 29, 2010	September 28, 2015
*Romas, George	August 25, 2004	August 24, 2012
Saponara, Fausto	May 18, 2005	May 17, 2013
Sharma, Marilyn	January 15, 2007	January 14, 2017

*Shirtliff-Hinds, Carol	September 29, 2010	September 28, 2012
Skanes, Tyrone	September 29, 2010	September 28, 2015
Sloan, Charlotte	September 29, 2010	September 28, 2015
Stabile, Vincent	September 29, 2010	September 28, 2015
+++Steinberg, Robert	November 14, 2012	November 13, 2013
*Sutton, William (Bill)	September 17, 2004	September 16, 2012
Tchegus, Robert	February 10, 2006	February 9, 2014
Tersigni, Joe	May 30, 2001	June 8, 2013
Walker, Tanya	September 29, 2010	September 28, 2015
Weagant, Dan	September 29, 2010	September 28, 2015

**BOARD OF NEGOTIATION**

**Executive Chair**

Tanaka, Lynda C.E.

**Alternate Executive Chair**

DeMarco, Jerry V.

**Part-Time Members**

Egan, Terry

Rusin, Peter

Simmons, Lawrence John

+++Steinberg, Robert

Taylor, Ian

Yuen, Jane

**ORIGINAL APPOINTMENT DATE**

May 16, 2011

September 1, 2010

June 17, 2009

May 4, 2011

March 23, 2005

May 4, 2011

June 20, 2007

December 19, 2008

**APPOINTMENT END DATE**

May 15, 2014

August 31, 2013

June 16, 2014

May 3, 2013

March 22, 2015

May 3, 2016

June 19, 2017

December 18, 2013

**CONSERVATION REVIEW BOARD**

**Executive Chair**

Tanaka, Lynda C.E.

**Alternate Executive Chair**

DeMarco, Jerry V.

**Part-Time Associate Chair**

\*Zakarow, Peter. A. P.

**Part-Time Vice-Chair**

Murdoch, Su

**Part-Time Members**

++++Denhez, Marc

\*Haslam, Karen

Henderson, Stuart

Kidd, Stuart W.

**ORIGINAL APPOINTMENT DATE**

May 16, 2011

September 1, 2010

March 30, 2002

February 16, 2005

April 18, 2012

December 1, 2004

June 28, 2006

February 3, 2006

**APPOINTMENT END DATE**

May 15, 2014

May 15, 2014

March 29, 2013

May 8, 2017

April 17, 2014

June 6, 2012

June 27, 2014

February 2, 2014

**ENVIRONMENTAL REVIEW TRIBUNAL**

**Executive Chair**

Tanaka, Lynda C.E.

**Alternate Executive Chair**

DeMarco, Jerry V.

**Associate Chair**

DeMarco, Jerry V.

**Full-Time Vice-Chairs**

Gibbs, Heather

Muldoon, Paul

VanderBent, Dirk

Wright, Robert V.

**Full-Time Member**

++Jackson, Helen

**Part-Time Members**

++Carter-Whitney, Maureen

Lang, John B.

Levy, Alan D.

McLeod-Kilmurray, Heather

Milbourn, Paul

**ORIGINAL APPOINTMENT DATE**

May 16, 2011

September 1, 2010

June 27, 2005

September 20, 2006

April 4, 2006

September 18, 2006

August 27, 2007

May 24, 2011

May 4, 2011

January 23, 2013

May 9, 2007

May 4, 2011

December 5, 2012

**APPOINTMENT END DATE**

May 15, 2014

August 31, 2013

August 31, 2013

February 21, 2018

April 3, 2014

September 17, 2016

August 26, 2017

May 23, 2013

May 3, 2013

January 22, 2014

May 8, 2017

May 3, 2016

December 4, 2013

Pardy, Bruce	June 22, 2005	June 21, 2016
Valiante, Marcia	May 9, 2007	May 8, 2014
<b><u>ONTARIO MUNICIPAL BOARD</u></b>	<b><u>ORIGINAL APPOINTMENT DATE</u></b>	<b><u>APPOINTMENT END DATE</u></b>
<b>Executive Chair</b>		
Tanaka, Lynda C.E	May 16, 2011	May 15, 2014
<b>Alternate Executive Chair</b>		
DeMarco, Jerry V.	September 1, 2010	August 31, 2013
<b>Associate Chair</b>		
Lee, Wilson S.	July 1, 1988	May 1, 2015
<b>Full-Time Vice-Chairs</b>		
*Campbell, Susan B.	April 28, 2004	April 27, 2012
Hussey, Karlene	April 20, 2005	January 3, 2016
*Jackson, Norman C.	October 6, 1997	January 3, 2015
McKenzie, James	July 3, 2007	July 2, 2017
Schiller, Susan	September 6, 2005	January 3, 2016
Seaborn, Jan de Pencier	May 31, 2000	March 22, 2014
Stefanko, Steven	April 20, 2005	January 3, 2016
Zuidema, Jyoti	August 20, 2007	August 19, 2017
<b>Full-Time Members</b>		
Atcheson, J. Peter	July 5, 2004	July 4, 2015
++Carter-Whitney, Maureen	August 15, 2012	August 14, 2014
Chee-Hing, Jason	September 1, 2004	August 31, 2014
Christou, Aristotle	April 16, 2008	April 15, 2013
Conti, Chris	July 3, 2007	July 2, 2017
++++Denhez, Marc	May 31, 2004	May 30, 2016
*Goldkind, Harold	February 7, 2007	June 6, 2012
Hefferon, Colin	September 20, 2006	September 19, 2016
++Jackson, Helen	May 24, 2011	May 23, 2013
Makuch, Richard G.M.	June 13, 2012	June 12, 2014
Rossi, Reid	May 31, 2004	May 30, 2014
Sills, Mary-Anne	July 3, 2007	July 2, 2017
Sniezek, Joseph E.	June 23, 2004	June 22, 2014
Sutherland, Sylvia	March 21, 2007	March 20, 2017
Taylor, Blair S.	October 17, 2012	October 16, 2014
Wong, Joe. G.	April 16, 2008	April 15, 2013

\*Indicates Appointees who were no longer with ELTO or in a different position within ELTO as at March 31, 2013.

++OMB and ERT Cross Appointed Member

+++ARB and BON Cross Appointed Member

++++OMB and CRB Cross Appointed Member