

Environment and Land Tribunals Ontario 2015/2016 Annual Report



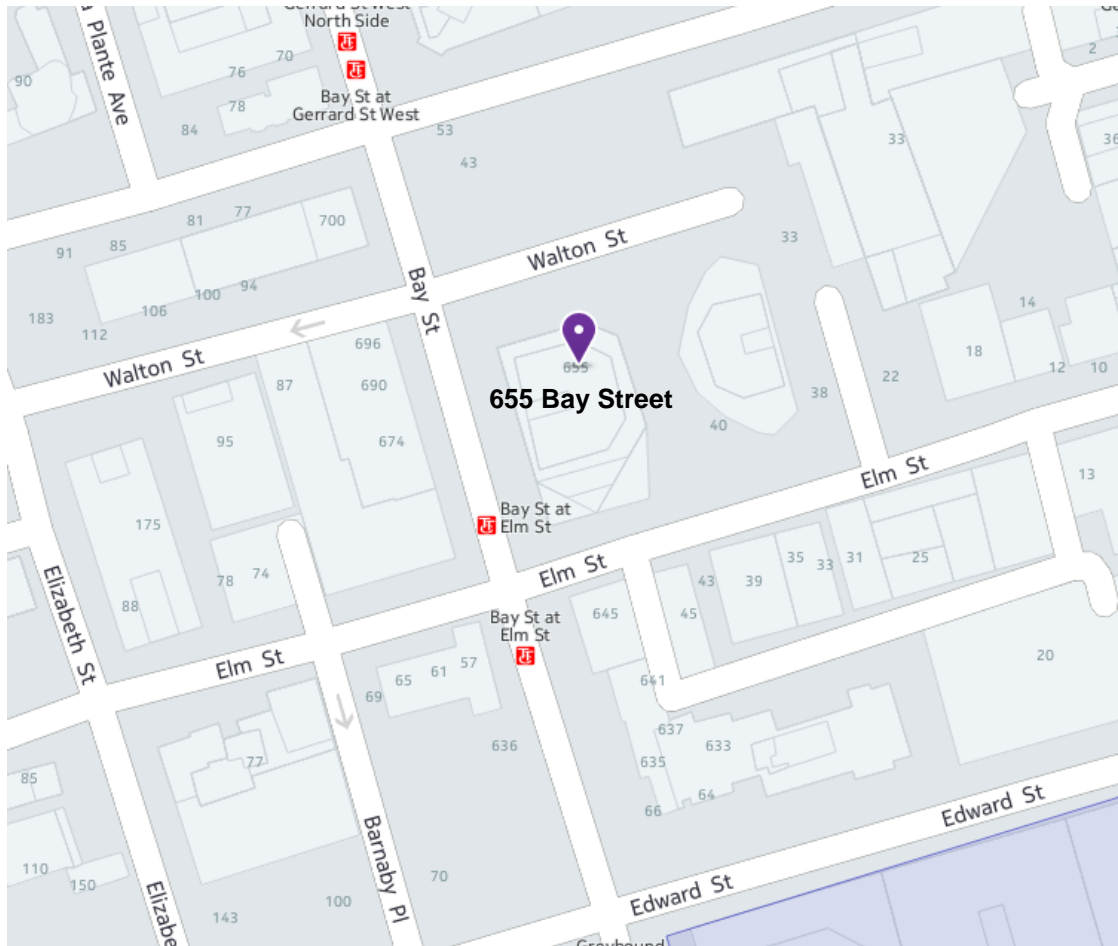


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The Honourable Yasir Naqvi
Attorney General of Ontario
Ministry of the Attorney General
11th Floor, 720 Bay Street
Toronto, Ontario
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June 30, 2016

Dear Attorney General Naqvi:

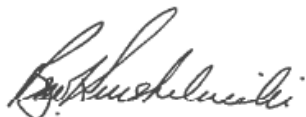
Re: Environment and Land Tribunals Ontario 2015-2016 Annual Report

On behalf of Environment and Land Tribunals Ontario, it is our pleasure to submit to you our 2015-2016 Annual Report. This report reflects the cluster's activities for the fiscal year ending March 31, 2016.

Environment and Land Tribunals Ontario is committed to delivering the initiatives outlined in this report, implementing our strategic framework as outlined in our 2015-2016 to 2017-2018 Business Plan, and providing high quality services to the people we serve.

We look forward to working with your Ministry in the upcoming year.

Yours Sincerely,



Dr. Bruce Krushelnicki
Executive Chair
Environment and Land Tribunals Ontario



Ellen Wexler
Executive Lead
Environment and Land Tribunals Ontario

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PART 1:

Environment and Land Tribunals Ontario

Environment and Land Tribunals Ontario (ELTO) is comprised of the Assessment Review Board (ARB), Board of Negotiation (BON), Conservation Review Board (CRB), Environmental Review Tribunal (ERT) and Ontario Municipal Board (OMB).

Chair's Message

As the recently appointed Executive Chair of Environment and Land Tribunals Ontario (ELTO), I am pleased to present this Report for the 2015/2016 fiscal year on behalf of our members and staff.

My appointment began on November 25, 2015 and therefore, most of the accomplishments identified in this report were actually achieved by my predecessor and Acting Executive Chair, Jerry V. DeMarco. His steady hand steered this ship for 18 months starting in 2014, during which time Jerry continued to perform his other duties as Associate Chair of the Environmental Review Tribunal and the Conservation Review Board. I am very pleased to acknowledge his hard work and to extend gratitude to Jerry for his leadership during this period.

I am also grateful to the leaders of the other Boards, Wilson Lee, Associate Chair of the Ontario Municipal Board and Paul Muldoon, Associate Chair of the Assessment Review Board for their support and assistance with my transition to ELTO.

ELTO's boards and tribunals are co-located at 655 Bay Street and include:

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

The ELTO cluster was the first of the administrative justice clusters to form in 2010, under the authority of the Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009 (ATAGAA).

The purpose of ATAGAA is to provide the governance framework for the tribunal clusters to ensure that adjudicative tribunals are accountable, transparent and efficient in their operations while remaining independent in their decision-making. A key feature of ATAGAA is the requirement for adjudicative tribunals to document their accountability measures.

This feature takes the form of ELTO public accountability documents, which include the following *governance* accountability documents:

- Memorandum of Understanding
- Business Plan
- Annual Report

And the following *public* accountability documents:

- Mandate and Mission Statement
- Consultation Policy
- Service Standard Policy
- Ethics Plan
- Member Accountability Framework, which includes position descriptions and a Code of Conduct

In line with the ATAGAA requirements, these documents were posted on ELTO's website in 2012. A three year review of these documents is required by ATAGAA. The review has been completed and the revised documents are currently with the Attorney General for review.

In addition, the ELTO Conflict of Interest (COI) Rules and the Ethics Plan have both been reviewed. The Ethics Plan was approved in 2015 and the Conflict of Interest Rules were approved by the Conflict of Interest Commissioner on July 7, 2015. All of ELTO's governance and public accountability documents are posted on the ELTO website at elto.gov.on.ca.

A key feature of ELTO's accountability is public engagement and consultation. This engagement includes professional organizations representing lawyers, planners, environmental specialists and land evaluation experts, to name a few. Very importantly, our contacts extend to the leadership of citizen groups and residents associations that have experience with ELTO's boards and tribunals.

As Executive Chair, I have initiated a round table comprising leaders of many of Toronto's residents' associations, including those that are commonly engaged in planning and development issues in Toronto's neighbourhoods. Further meetings have been set with leaders of environmental groups and other associations throughout Ontario. The purpose of this evolving conversation is to establish and grow respectful relationships with stakeholders and service recipients that can lead to improved communication in relation to ELTO's adjudicative and mediation services.

I invite any groups or persons who have had experience with one or more of the ELTO tribunals to write to me (ELTO.Executive.Chair@ontario.ca) or contact the ELTO Citizen Liaison Coordinator (ELTO.clo@ontario.ca) who is working with me to establish further consultation relationships with groups and associations throughout the province.

At the ERT, public consultations resulted in improvements to procedures for renewable energy approval appeals, based on five years of experience dealing with green energy proceedings. Other procedural improvements were introduced that resulted in the timelier issuance of decisions and orders. As a result, the ERT has met its target this year of issuing 85 per cent of its decisions within 60 days.

The CRB has also made changes to its Rules of Practice and Procedure by introducing a new pre-hearing settlement conference that encourages negotiated settlements prior to a hearing.

The OMB continues to develop its capacity for mediation in proceedings where alternative dispute resolution can be effective. The Board offers a “parallel track process” that encourages mediation and adjudication to proceed together resulting in timely settlements and strategic adjudications as needed. The process has been especially effective in reducing the complexity and timing of the Growth Plan compliance hearings for upper tier municipalities.

The conversation regarding OMB reform continues. In the coming year, the ministries of Municipal Affairs and the Attorney General will be undertaking a mandate review into the “scope and effectiveness” of the OMB that may lead to “possible reforms that would improve the OMB’s role within the broader land use planning system¹.” I, as Executive Chair of ELTO, along with Wilson Lee, Associate Chair from the OMB, are available to provide input as part of this process of review and stand ready to offer our assistance as needed.

In a similar vein, the City of Toronto recently decided to take advantage of the opportunity to create its own Local Appeal Body (LAB) which would assume the appeal jurisdiction over the City’s Committee of Adjustment, currently held by the OMB. We watch with interest as the City moves to implement the LAB and we offer our assistance in any way that might be helpful to them.

In preparation for the next Current Value Assessment cycle, the Assessment Review Board has held numerous stakeholder consultations to solicit feedback on a variety of new initiatives, including mediation and alternative hearing formats.

ELTO and its boards have begun an active program of recruitment to maintain the roster of qualified members. This will become even more important in the future as a result of the 10-year rule². In the coming months, all boards - especially the OMB, ARB and ERT - will be losing a significant number of experienced members and vice chairs.

¹ Quoted from “**2014 Mandate letter: Attorney General Premier's instructions to the Minister on priorities for the year 2014**” September 25, 2014. URL: <https://www.ontario.ca/page/2014-mandate-letter-attorney-general>

² The 10-year rule – more correctly known as “The Agencies & Appointments Directive, 10-Year Maximum Appointment to Adjudicative Tribunals and Regulatory Agencies” - was established in 2006 at the same time that the length of Order-In-Council appointments and re-appointments was standardized to the sequential two-year, three-year plus five-year terms, for a total maximum of 10 years.

ELTO's strategy in response to the 10-year rule is to engage in a rigorous recruitment process to seek out the best candidates for membership on the boards and tribunals, to provide newly appointed members with intensive training and to continue to offer professional development for members to improve skills, and to ensure prompt attention to hearing events and expeditious issuance of decisions.

The government has identified as a key priority, the co-location of the Ministry of the Attorney General's clusters, including ELTO, into a single, government-owned location at 15/25 Grosvenor Street, Toronto. This process will begin with the relocation of the Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO), followed by the Social Justice Tribunals Ontario (SJTO). These tribunals are currently housed in several locations and co-location will offer the opportunity for them to become consolidated. As for the ELTO tribunals, all are currently located together at 655 Bay Street in Toronto and will follow the other clusters to Grosvenor Street at a later time. In the long term, ELTO plans to take advantage of this opportunity to work more closely with its cluster partners to strengthen customer service, enable the best use of resources and modernize the administrative justice system.

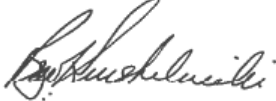
ELTO is served by a dedicated professional staff, which performs many valuable functions needed for board members to provide adjudication and mediation services. Our staff provides crucial support to board members and ELTO's leadership team, while also assisting the public with enquiries and process support. Many aspects of ELTO's work, including scheduling hearings, dealing with the logistics for hearings, facilitating telephone conferences and mediation, and managing the production and distribution of decisions, is coordinated by dedicated staff. Often they are the first point of contact for members of the public seeking help with a hearing or mediation.

On a personal note, I was an OMB member during the 1990s and remember well the vital role played by the staff in delivering the Board's adjudication and mediation services. Today as Executive Chair of ELTO, I continue to be reminded of that vital role. I am very proud of our staff and grateful for their commitment to public service and their level of engagement in fulfilling ELTO's mission. It is because of our staff that ELTO is able to provide excellent front line service and to continue its evolution as a public facing organization. I hope to maintain and, where necessary, improve ELTO so that it continues to be a workplace of choice for Ontario public servants.

I would like to take this opportunity to thank ELTO Board members and staff for the very warm welcome that they offered to me when I began this important new job and for making the transition seamless. I also thank the members of the public with whom I have met and look forward to continued discussions with them, and to further engagement with our stakeholders and many other Ontario residents.

We have a great deal to look forward to in the coming year. Our offices will be charged with the energy of new tribunal members eager to serve the public. Early in the coming year the government will be undertaking a review of the mandate of the OMB and we should expect the results of this review to have an impact on the jurisdiction and procedures of the Board. The ARB is undertaking ambitious changes to its processes in anticipation of the beginning of the new assessment cycle and the ERT continues its evolution into a centre of excellence for environmental adjudication. At ELTO we can look forward to an exciting year to come, filled with good work and proud achievements.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Bruce Krushelnicki". The signature is fluid and cursive, with a large initial "B" and "K".

Dr. Bruce Krushelnicki
Executive Chair

Mandate and Mission

Shortly after its creation, ELTO established mandate and mission statements. In 2015, ELTO implemented an updated strategic framework to support the mandate, including updating the mandate and mission statements.

Mandate Statement

ELTO is a cluster of five tribunals that effectively and efficiently resolve disputes related to land use planning, environmental and heritage protection, property assessment, land valuation and other matters

Mission Statement

We deliver modern, fair, responsive, accessible, effective and efficient dispute resolution services that support strong, healthy communities and the public interest

Vision and Core Values

ELTO's Vision

We are client-focused and committed to excellence in the resolution of environment and land disputes for all Ontarians.

ELTO's Core Values

ELTO's core values are the guiding principles of the cluster. These core values form the foundation upon which ELTO's constituent tribunals fulfill their mandates. ELTO's core values include:

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 which 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.

Consistency and Responsiveness

Procedures and outcomes will demonstrate consistency while remaining responsive to differing cases and party needs and to an evolving development of the law.

Continuous Improvement

By being proactive in modernizing ELTO, the changing needs of Ontarians will be met.

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.

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

Timeliness and Efficiency

Proceedings will be conducted in a just, expeditious and cost-effective 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.

Transparency and Accountability

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.

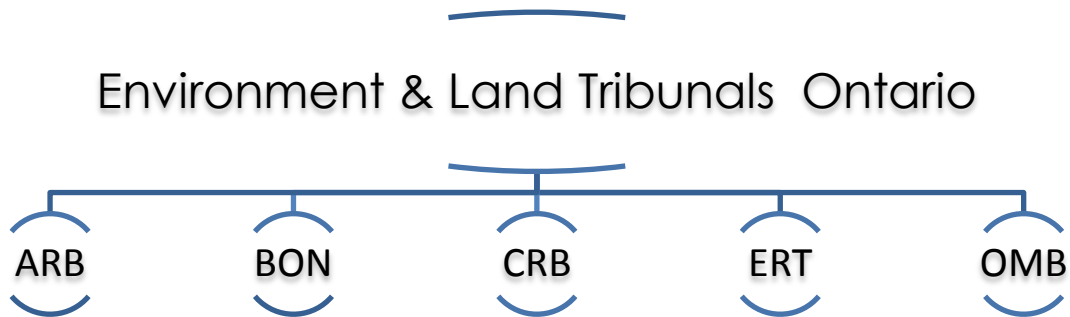
Through the provision of accurate public information ELTO will be accountable to Ontarians.

Legislative Authority

ELTO was the first cluster of justice tribunals created under the authority of the Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009 (ATAGAA) and formed in 2010. 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. ELTO brings together five Ontario tribunals and boards that adjudicate and provide dispute resolution services related to land use planning, environmental and heritage protection, property assessment, land valuation and other matters.

ELTO comprises the following five tribunals, under the responsibility of the Ministry of the Attorney General (MAG):

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



An Executive Chair, who also assumes the powers, duties and functions legislatively assigned to the Chair of each constituent tribunal, leads the cluster. While under the leadership of the Executive Chair, each constituent tribunal maintains its legislative mandate and remains independent in its decision-making.

Public and Governance Accountability

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

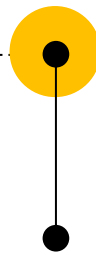
- Requirements for public accountability documents, including mandate and mission statements, consultation policies, service standard policies, ethics plans and member accountability frameworks (such as position descriptions and codes of conducts); and
- Requirements for governance accountability documents, including memoranda of understanding, business plans and annual reports.



Memoranda of Understanding



Annual Reports



Business Plans



Diversity, Inclusion and Accessibility

ELTO developed a multi-year Diversity, Inclusion and Accessibility Plan and continually monitors the progress of the initiatives established. The goals of this plan include:

- Reflecting the public served at all levels of the ELTO workforce.
- Reinforcing a strong workplace free from harassment and discrimination.
- Embedding diversity objectives and outcomes in ELTO policies, processes and services.
- Responding to the needs of diverse stakeholder groups.

During 2015-2016, ELTO focused on:

- Providing a strong mandate for members and staff to develop best practices in the planning and delivery of activities, which embed diversity, inclusion and accessibility.
- Mentoring and developing diversity champions among staff and members.
- Supporting the ongoing commitment to continuous learning by documenting education, awareness and acceptance of diversity, inclusion and accessibility training.
- Promoting the tools offered by the Centre for Leadership and Learning (CFL), the Ontario Public Service (OPS) Diversity Office and MAG Diversity, Inclusion and Accessibility (DIA) Office for inclusion in performance and learning plans.
- Developing measurements and reporting tools on diversity and inclusion through the Agency Inclusion Community of Practice.

Accessible Built Environment and Hearing Space

ELTO's built environment reflects a universal design that includes accessible features for clients, adjudicators and staff. Services and support such as augmented hearing devices and universal signage are in place to support accessibility.

ELTO provides accessible hearing rooms at its offices in Toronto and maintains a directory of accessibility features for the hearing spaces it uses in municipal buildings across the province. In 2015-2016, ELTO worked with municipalities to:

- update the directory of accessibility features of their hearing spaces
- actively address requests for accommodation by persons with disabilities

Accommodation Requests

ELTO actively offers to provide accommodation to clients when accessing its services. All correspondence, invitations to attend stakeholder consultation meetings and hearing notices include a notation offering accommodation upon request.

Administrative and adjudicative protocols are in place to allow for full and meaningful participation of the public where requests for accommodation are made known. ELTO's staff and members have been trained to recognize and respond to requests for accommodation of clients accessing our services.

Accommodation Requests 2013-2014 to 2015-2016

Since 2013, ELTO's Accessibility Coordinator has responded to over 50 accommodation requests from clients. Although the overall number of accommodation requests decreased in 2015-2016, the complexity of requests increased, and included assisting persons with hearing, cognitive, learning, mobility or mental health challenges. The growth in the complexity of requests shows that ELTO's clients recognize they can ask for and receive accommodation when accessing services.

Fiscal Year	2013-2014	2014-2015	2015-2016
Number of Requests	20	23	14

Accessibility and Diversity Training

Training for ELTO adjudicators and staff is an organizational priority. In addition to mandatory training in customer service under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), the Integrated Accessibility Standards Regulation (IASR), and the Ontario Human Rights Code (OHRC) for new and existing Members and staff, ELTO also delivers learning events throughout the year to reinforce the values of respect for diversity and inclusion.

In December 2015, ELTO delivered comprehensive professional development sessions for ELTO adjudicators designed to broaden understanding of accessibility and inclusion and the unique challenges presented in adjudicative settings. Sessions for staff included both formal and informal learning sessions to promote an inclusive culture.

Completion of accessibility training for staff and members is currently tracked and reported annually to the Ministry of the Attorney General.

Accessible Website and Documents

Accessible information products developed in plain language are available on the ELTO website. ELTO's information products are available in English and French, and the ARB information sheet "How to prepare for your hearing" has been translated into five of the other top languages spoken in Ontario.

In July of 2015, ELTO launched a new website platform to better support accessibility standards. As part of this change, ELTO was proactive in learning about the accessibility standards and requirements for websites by working with OPS technology partners and accessibility communities of practice.

ELTO purchased screen reader software as an additional tool for reviewing its new website to better understand clients' accessibility needs and improve the accessibility of content where needed. Over two hundred documents and information products were reviewed, modified and tested to ensure compatibility with screen reader software. Where web content cannot be made accessible, ELTO provides an active offer of documents in an alternative format.

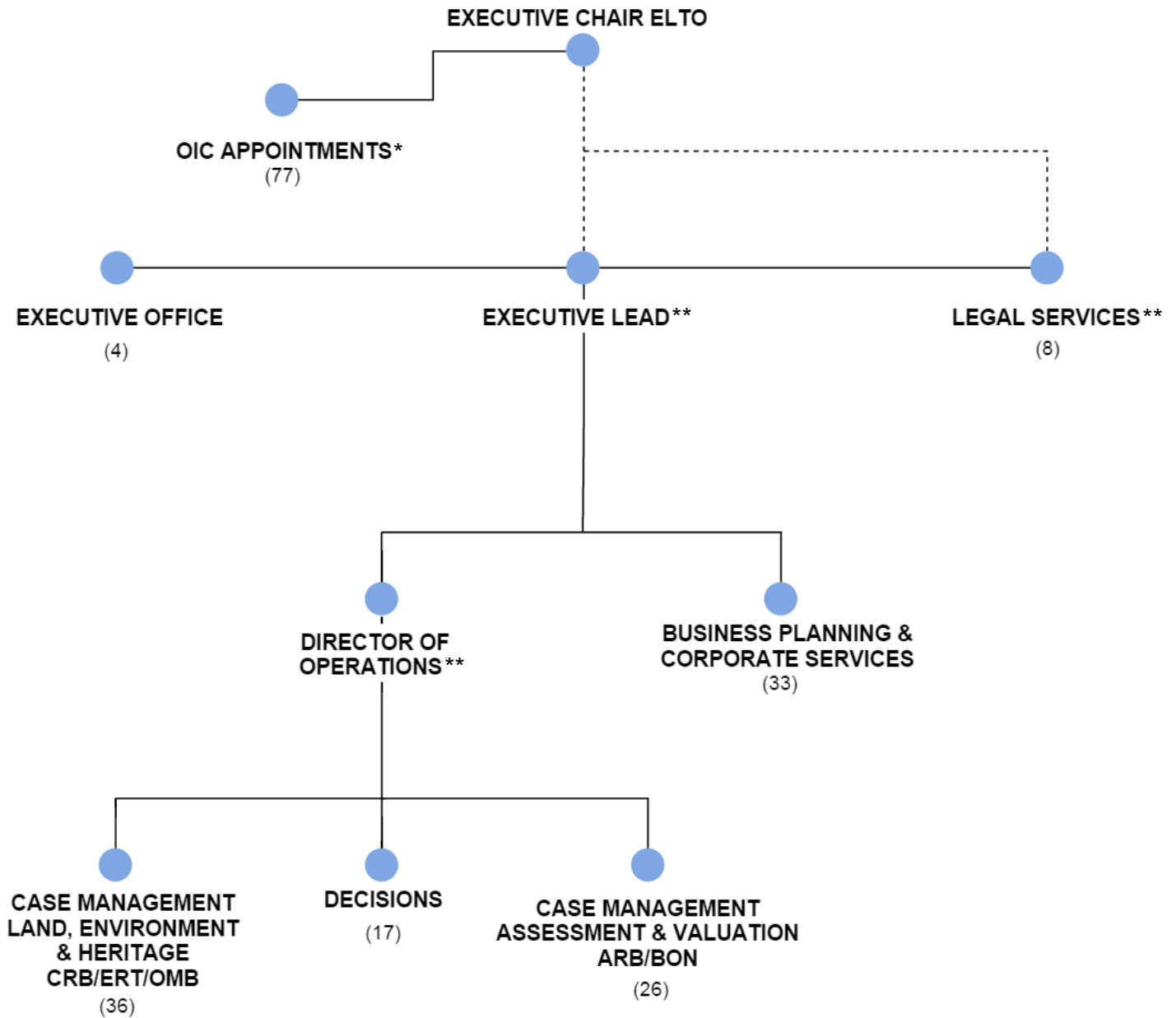
ELTO continued improving its accessibility knowledge by offering training to webmasters, communication staff and content contributors on creating and maintaining accessible websites.

Accessible Employment and Hiring Practices

ELTO managers continue the practice of offering and providing accommodation throughout the recruitment process to address visible and invisible disabilities and promote respect and professionalism as hallmarks of the workplace.

Managers actively reach out to staff to offer and put in place accommodation plans where required. All staff and members who require evacuation assistance have emergency evacuation plans in place.

Who We Are



* Order-in-Council Appointees are the members who adjudicate and mediate matters on ELTO's Boards and Tribunals. They are appointed through Ontario's Public Appointments Secretariat, www.ontario.ca/publicappointments.

** In 2015/2016 ELTO shared resources with the Safety Licencing Appeals and Standards Tribunals Ontario (SLASTO) cluster. The positions of Executive Lead, Director of Operations and Manager Legal Services provided leadership to both clusters enabling the best use of resources, enhancing effectiveness, operational efficiencies and cross cluster collaboration.

What We Do

All five ELTO tribunals promote the resolution of disputes through settlements generated by mediation or alternatives to traditional hearings. Four of the five ELTO tribunals hold formal hearings when disputes are not resolved by alternative approaches. The specific mandates of ELTO's five constituent tribunals are set out below.

The **Assessment Review Board (ARB)** hears property assessment appeals to ensure that properties are assessed and classified in accordance with the provisions of the Assessment Act. The ARB also operates under a variety of other legislation and hears appeals on property tax matters.

The **Board of Negotiation (BON)** conducts mediation in the event of a dispute over the value of land expropriated by a public authority. If no settlement is reached, the matter may be appealed to the OMB.

The **Conservation Review Board (CRB)** conducts proceedings where there are disputes concerning properties that may demonstrate cultural heritage value or interest, or disputes surrounding archaeological licensing. For those cases requiring a formal public hearing, the CRB issues a recommendation report to the final government decision maker.

The **Environmental Review Tribunal (ERT)** hears applications and appeals under numerous environmental and planning statutes. The Tribunal also functions as the Niagara Escarpment Hearing Office to hear development permit appeals and Niagara Escarpment Plan amendment applications for the protected World Biosphere Reserve, and serves as the Office of Consolidated Hearings to hear applications for joint hearings where separate hearings before more than one tribunal would otherwise be required.

The **Ontario Municipal Board (OMB)** hears applications and appeals in relation to a range of municipal planning, financial and land matters including official plans, zoning by-laws, subdivision plans, consents, minor variances, land compensation, development charges, electoral ward boundaries, municipal finance, aggregate resources and other issues assigned to the OMB by numerous Ontario statutes.

How Cases are Resolved

ELTO proceedings are held throughout the province. ELTO tribunals use a variety of dispute resolution methods and conduct different hearing events including main hearings, pre-hearings, motion hearings and mediation sessions. The tribunals process the files from intake, through to a hearing if required, and issue decisions, orders and recommendations resulting from settlements, hearings and mediations.

ARB Process

The provincial government, through the Ministry of Finance, sets the laws and regulations 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.

Many appeals concerning complex, non-residential properties require extensive hearing time and may be presided over by a panel of two or more members. These appeals may be directed into pre-hearings. With the consent of the parties, they may also proceed to mediation.

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.

Pre-hearings are sometimes held by teleconference. 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 technique saves time and money by reducing travel for all parties involved in ARB cases.

Hearings give an appellant the chance to explain why they think the property assessment from MPAC is incorrect. During a 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.

BON Process

The BON provides mediation services to parties involved in disputes over the value of expropriated land. BON mediations involve the landowner and the expropriating authority (typically the Crown or a municipality). There is no cost to the party to utilize the BON mediation process.

The BON views the expropriated property, reviews all written documentation and considers the submissions from the parties. 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.

BON mediation is confidential. If a settlement cannot be reached at the BON, the parties may take the matter to the 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.

CRB Process

All cases before the CRB go through a pre-hearing process. This may include, where appropriate, a confidential pre-hearing settlement conference. The pre-hearing process provides an opportunity for all parties to discuss the issues with each other and with the CRB. The two fundamental objectives in conducting pre-hearings are to facilitate a possible settlement of the dispute and to prepare all parties for the formal hearing process if a settlement does not occur.

If a full settlement is reached at the pre-hearing or through a settlement conference, 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 pre-hearing proceeds to the phase of preparing all parties for the formal hearing.

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 but a later release does not invalidate the hearing process. 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.

ERT Process

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 normally assists in facilitating preparation for the hearing. The presiding member typically issues a written order after a preliminary hearing noting what was decided and any directions given by the member.

ERT members are responsible for conducting pre-hearings, hearings and issuing written decisions and orders. 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. The ERT offers mediation to parties who wish to attempt to settle all or some of the issues raised in a dispute. Mediation often eliminates the need for a hearing or reduces the number of scheduled hearing days.

OMB Process

Most 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.

The OMB uses the pre-hearing process for members to manage complex or multi-party appeals of related municipal land use matters. Through this process, members use certain techniques that include: identifying, prioritizing and refining issues, providing detailed procedural instructions or hearing work plans to the parties, and providing direction on any procedural disputes. As a result, hearing events have become more focused and efficient in dealing with issues that are critical to the resolution of the appeals.

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, often for events such 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.

PART 2:

YEAR IN REVIEW

ELTO's achievements and results: April 1, 2015 to
March 31, 2016

Business Plan Achievements

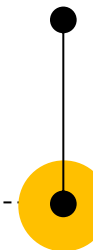
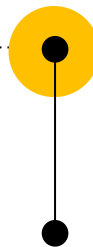
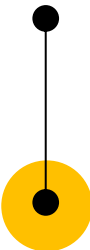
ELTO has identified three primary strategic directions with nine corresponding initiatives designed to achieve its overall vision. In 2015-2016, ELTO identified specific projects and timelines to support the nine strategic initiatives and developed an Operational Plan to coordinate the planning and implementation in a way that aligns with ELTO’s strategic framework. ELTO uses the OPS Inclusion Lens to ensure diversity, inclusion and accessibility are considered in the development, delivery and evaluation of its strategic initiatives.



**Providing Client Options
that Lead to Timely and
Appropriate Resolution**



**Building a Dynamic,
Effective Workplace**



Transforming Through Technology





Strategic Direction 1: Providing Client Options that Lead to Timely and Appropriate Resolution

2015-2016 Results

- Reduced the number of ARB pre-2013 assessment appeals by an additional 8 percent over last fiscal to an overall total of 88 per cent.
- Reduced the number of ARB tax appeals caseload by 64 per cent.
- Completed a review of the Rules for Renewable Energy Approval (REA) appeals before the ERT.
- Improved public access by redesigning decisions templates to meet accessibility standards as well as CanLII requirements. CanLII is an online library of Canadian legal information that provides access to ARB written decisions and orders, CRB reports and orders, ERT decisions and orders and OMB decisions and orders.
- Conducted a review of ELTO's Accountability (ATAGAA) Documents.
- Refreshed the Strategic Framework resulting in revised mandate and mission statements.
- Amended the CRB Rules to modernize existing practices and add pre-hearing settlement conferences as an additional dispute resolution method to resolve objections.



Strategic Direction 2: Transforming Through Technology

2015-2016 Results

- Upgraded the ELTO website to an improved platform that supports accessibility requirements under the Accessibility for Ontarians with Disabilities Act (AODA).
- Implemented web conferencing technology to deliver professional development events.
- Launched a modernized electronic data sharing system between the ARB and the Municipal Property Assessment Corporation (MPAC).



Strategic Direction 3: Building a Dynamic, Effective Workplace

2015-2016 Results

- Developed annual ELTO-wide Professional Development Plan.
- Developed a French Language Services Action Plan.
- Ensured that diversity, inclusion and accessibility principles were embedded in performance and learning plans.
- Delivered ELTO staff training to champion diversity and inclusion.

Professional Development

ELTO's Professional Development Department coordinates the training and professional development for ELTO's staff and members. ELTO's goal is to enhance service by ensuring that members have the skills and knowledge to effectively conduct hearings and accommodate parties and participants to the hearings.

It is important for ELTO to ensure that staff and members are provided with the opportunity to learn and develop their skills so that they can integrate new and emerging technologies into the hearing process.

In June 2015, representatives from the Justice Video Network and Social Justice Tribunals made presentations on the use of video technology. Members discussed the legal implications of alternative technologies – particularly video conferencing – in conducting hearings.

The ARB members attended these sessions by video conference to develop member familiarity with the new systems. The option of video hearings serves the public by increasing the efficiency of hearings, simplifying access for those seeking accommodation and reducing travel costs for all parties.

In December 2015, ELTO members participated in comprehensive interactive professional development sessions designed to broaden understanding of accessibility and inclusion, and the unique challenges presented in adjudicative settings. These training sessions covered the customer service policy under Accessibility for Ontarians with Disabilities Act (AODA), the Integrated Accessibility Standards Regulation (IASR), and the Ontario Human Rights Code (OHRC).

Designated French speaking members and staff attended two days of training by the Ministry of the Attorney General's French Language Services Office, to learn the new French language lexicons and to offer their expertise in further refining those lexicons so that technical and legal terms in ELTO hearings are better translated for French speaking participants.

In addition to internal professional development, ELTO members and staff participated in the annual Society of Ontario Adjudicators and Regulators (SOAR) conference. SOAR is an organization of Chairs, members, management and staff of administrative boards, agencies and tribunals. Its mission is to advance administrative justice through education, advocacy and innovation. The presenters at SOAR are leading minds in their fields who share their knowledge and experiences to assist tribunals like ELTO improve upon their commitment to client service and dispute resolution. The 2015 SOAR conference focussed on:

- access to justice initiatives
- the importance of serving the public interest
- maintaining neutrality in tribunals
- diversity, inclusion and accessibility for all Ontarians

In Ontario, Board and Tribunal members are appointed for a fixed term. This presents an ongoing challenge for ELTO to capture knowledge and expertise and build that expertise in new adjudicators - developing them to the highest standard of proficiency. A total of 22 professional development sessions were held in 2015 to support continuous improvement. Ongoing professional development of all members and effective, proactive training of new members is a continuing high priority commitment for ELTO.

Changes to Legislation and Rules

Assessment Review Board

The Assessment Review Board made housekeeping amendments to its Rules of Practice and Procedure, along with a change to the mediation practice direction, which came into effect on January 4, 2016. The amendments address procedures under existing Rules and include clarification as to who may act as a representative, processes relating to mediation, and which decisions are eligible for requests for review. In December of 2015, changes were introduced to the Assessment Act that affects appeals for the 2017-2020 assessment cycle. The changes require a residential property owner to file a mandatory Request for Reconsideration (RfR) with the Municipal Property Assessment Corporation (MPAC) and receive a decision from MPAC **before** filing an appeal. After receiving the decision from MPAC, the residential property owner has 90 days to file an appeal with the ARB.

Conservation Review Board

The Conservation Review Board's Rules of Practice and Procedure were amended effective April 1, 2015. The objectives of the amendments were to modernize existing practices, facilitate settlements, better articulate party obligations, and align certain provisions with applicable legislation. The amendments to the Rules are expected to reduce administrative obligations on parties to CRB proceedings and clarify other procedures resulting in a more effective hearing process.

Environmental Review Tribunal

The Environmental Review Tribunal made revisions and housekeeping amendments to its Rules of Practice and Practice Directions. The July 6, 2015 changes update the deadlines for steps in Renewable Energy Appeal proceedings, including addressing changes required as a result of amendments to regulations; provide greater clarity regarding the roles of parties, participants and presenters; and include minor revisions to terms and titles.

Amendment to the Statutory Powers Procedure Act

In December 2015 the Statutory Powers Procedure Act was amended to include subsection 17.1 (7) to now require that cost requests be made in writing, unless a party is able to satisfy the Board that this will cause significant prejudice. This provision will require some minor changes or refinements to processes and procedures at the ELTO Boards (with the exception of the BON) to reflect this new legislation. Subsection 17.1 (7) now reads as follows:

17.1 (7) Despite sections 5.1, 5.2 and 5.2.1, submissions for a costs order, whether under subsection (1) or under an authority referred to in subsection (6), shall be made by way of written or electronic documents, unless a party satisfies the tribunal that to do so is likely to cause the party significant prejudice.

Stakeholder Consultations

Public Engagement and Consultation

It is a requirement under ATAGAA that ELTO includes a public consultation policy outlining its processes for communicating with the public as part of its public accountability measures. The policy can be as focused as consulting on rule changes or other details of a Board's proceedings, or more generally, on matters of mutual interest to the Boards and the public.

ELTO regards public engagement and consultation as an important means of identifying improvements in processes and procedures. To this end, the ELTO leadership remains committed to engaging with people who do business with our tribunals to learn more about how well we conduct our business and to determine how we can provide better service. This includes reaching out to professional organizations representing lawyers, planners, environmental scientists and land evaluation experts, to name a few.

ELTO boards have regular and direct contact with stakeholders. For example, the ARB held a well-attended workshop with stakeholders in January 2016 about early dispute resolution and mediation. The session produced valuable and practical advice for the ARB as it continues to evolve its mediation and early dispute resolution procedures. The ARB also met with stakeholders to discuss improvements to its appeal process in anticipation of the upcoming assessment cycle. Two of the topics that were discussed were the challenges faced by municipalities, and the challenges arising from centralized appeals (these are appeals that deal with large properties such as Pearson Airport, shopping centres, gravel pits, golf courses and hotels).

Stakeholder consultation was also in the forefront as the ERT updated its Rules of Practice this past year. The update paid special attention to improving the ERT procedures for renewable energy approval appeals based on five years of experience with green energy proceedings. Improvements were introduced that resulted in the timelier issuance of decisions and orders. As a result, the ERT met its target this year of issuing 85 per cent of its decisions within 60 days.

ELTO is also very interested in reaching out to citizen groups and residents associations that are new to or have experience with ELTO's boards and tribunals. During this fiscal year, the Executive Chair of ELTO initiated a round table comprising many of Toronto's residents' associations, including those that are commonly engaged in planning and development issues in Toronto's neighbourhoods. Further meetings have been set with environmental groups and other associations throughout Ontario. The purpose of this evolving conversation is to establish and grow the respectful relationships that have been developed with stakeholders and service recipients in ways that can lead to improved communication around adjudicative and mediation services. It is through stakeholder engagement that ELTO can best accomplish its primary mission, which is to deliver fair and efficient dispute resolution services.

Performance Results

ELTO PERFORMANCE RESULTS 2013-2014 TO 2015-2016

Performance Result	2013-2014 Achieved (Target)	2014-2015 Achieved (Target)	2015-2016 Achieved (Target)
Cases in which ELTO issues a decision in 60 days	90% (90%)	94% (90%)	96.5% (90%)

ELTO HEARING EVENTS 2015-2016

Board/Tribunal	Number of hearings events held
ARB	3,700
BON	55
CRB	28
ERT	297
OMB	1,322
Total for ELTO	5,402

ARB Performance Results

Performance Results	2013-2014 Achieved (Target)	2014-2015 Achieved (Target)	2015-2016 Achieved (Target)
Cases in which the ARB issues a decision in 60 days	91% (90%)	95% (90%)	97% (90%)
Residential appeals resolved by the ARB within 365 days of receipt	100% (90%)	100% (90%)	100% (90%)

BON Performance Results

Performance Result	2014-2015 Achieved (Target)	2015-2016 Achieved (Target)
Cases in which BON scheduled a negotiation meeting within 180 days	90% (85%)	91% (85%)

ELTO is continuing to explore how to revise its processes and better use its resources to improve performance results, especially in the areas where performance targets were not reached over the 2015-2016 fiscal period and to ensure delivery of services are carried out in a fair, accessible and timely manner.

ERT Performance Results

Performance Result	2013-2014 Achieved (Target)	2014-2015 Achieved (Target)	2015-2016 Achieved (Target)
Cases in which the ERT issues a decision in 60 days	77% (85%)	77% (85%)	85% (85%)

OMB Performance Results

Performance Results	2013-2014 Achieved (Target)	2014-2015 Achieved (Target)	2015-2016 Achieved (Target)
OMB decisions issued within 60 days of the end of a hearing	86% (85%)	84% (85%)	80% (85%)
OMB minor variance cases (stand-alone) scheduled for a first hearing within 120 days of the receipt of a complete appeals package	71% (85%)	51% (85%)	67% (85%)
Other OMB cases scheduled for a first hearing within 180 days of the receipt of a complete appeals package	80% (85%)	75% (85%)	84% (85%)

Financial Summary

ELTO Expenditures 2013-2014 to 2015-2016

ACCOUNT ITEMS	2013-2014 (\$)	2014-2015 (\$)	2015-2016 (\$)
Salary and Wages	12,270,772	12,014,890	12,074,725
Employee Benefits	1,584,319	1,567,147	1,605,399
Transportation and Communications	1,017,607	988,781	832,036
Services	2,725,528	2,786,094	2,419,631
Supplies & Equipment	217,071	263,444	183,978
TOTAL	17,815,297	17,620,356	17,115,769

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 Consolidated Revenue Fund.

ELTO Revenues 2013-2014 to 2015-2016

Fiscal Year	Fees Collected (\$)
2013-2014	3,928,406*
2014-2015	857,599
2015-2016	716,558

*Note: 2013 was the first year of the four-year reassessment cycle, which led to an increase in the number of new ARB appeals received, thus increasing the overall revenue for that year.

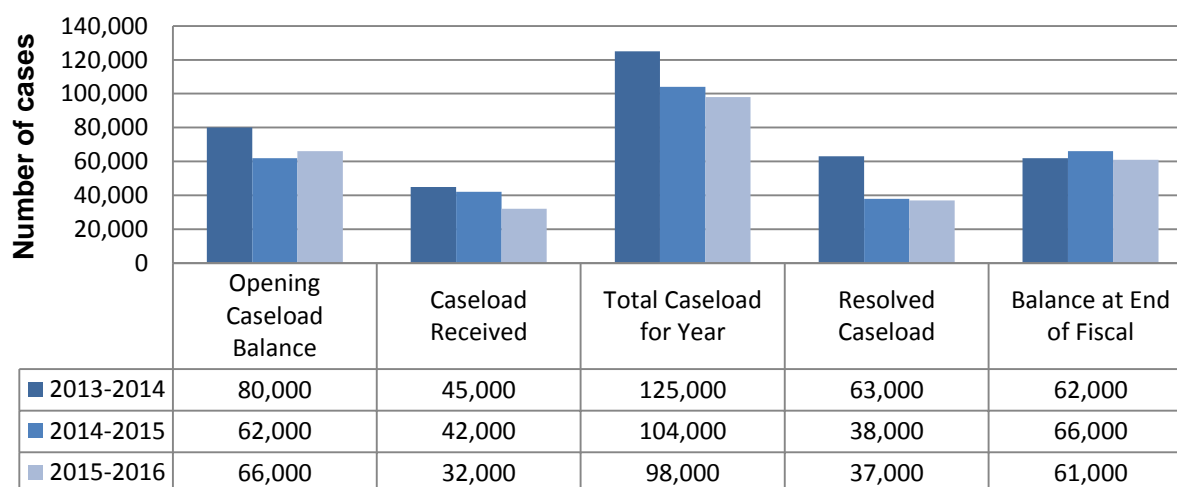
PART 3:

THE TRIBUNALS AT WORK

ELTO by the numbers: appeal intake and caseload analysis for each tribunal

ARB Caseload and Analysis

ARB Caseload 2013-2014 to 2015-2016



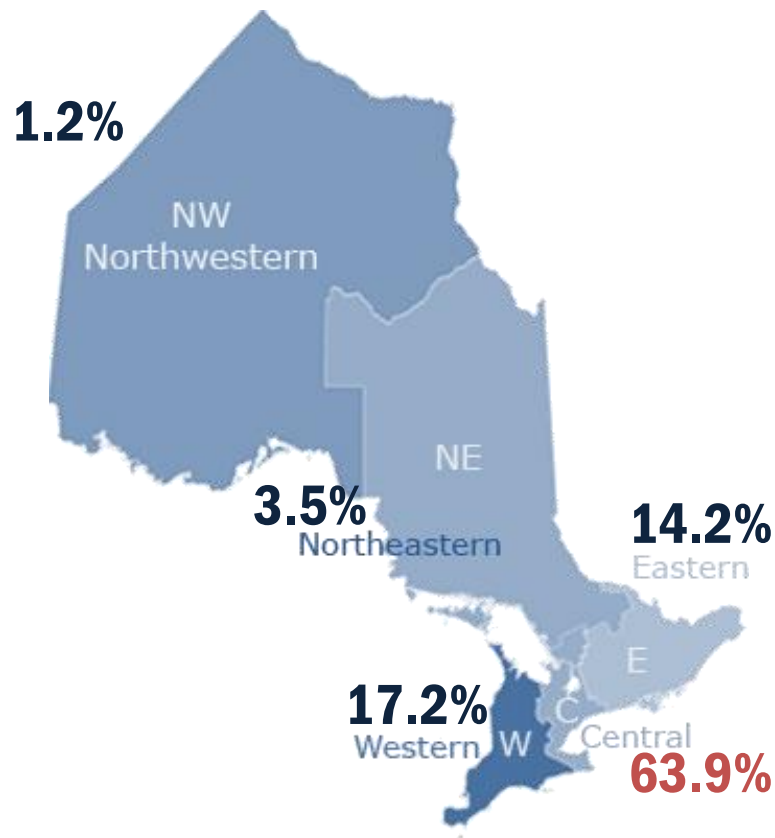
Caseload received includes all types of appeals dealt with by the ARB, including annual assessment appeals, supplementary and omitted assessment appeals, Municipal Act appeals and City of Toronto Act appeals.

ARB File Types 2013-2014 to 2015-2016

Fiscal Year	2013-2014		2014-2015		2015-2016	
	No. of Properties	No. of Appeals	No. of Properties	No. of Appeals	No. of Properties	No. of Appeals
Residential	4,000	8,000	3,000	8,000	2,000	7,000
Non-Residential	28,000	54,000	21,000	58,000	15,000	54,000
TOTAL	32,000	62,000	24,000	66,000	17,000	61,000

ARB Geographical Breakdown of Intake

2015-2016



ARB Caseload Analysis

The ARB continues to experience a gradual decline in the number of new appeals filed each fiscal year. In 2009 changes were introduced to the Assessment Act, which required a residential property owner to file mandatory Request for Reconsideration (RfR) with the Municipal Property Assessment Corporation (MPAC) before filing an appeal with the ARB. In 2015, additional changes were introduced to the Assessment Act that requires a residential property owner to file a RfR **and** receive a decision from MPAC **before** filing an appeal with the ARB. After receiving the decision from MPAC, the residential property owner has 90 days to file an appeal with the ARB. The percentage of residential appeals filed in the first year of the four-year assessment cycle changed from a historic level of 60 per cent of the total caseload to less than 20 per cent in both 2009 and 2013.

The percentage of residential appeals filed in the first year of the four-year assessment cycle changed from a historic level of 60 per cent of the total caseload to less than 20 per cent in both 2009 and 2013. The number of non-residential appeals filed at the start of the past 3 assessment cycles remains relatively consistent at approximately 30,000.

The ARB receives the highest number of appeals in the first year of the assessment cycle. In the second to fourth years of the cycle, the ARB caseload of new appeals diminishes as there are legislative provisions for deeming³ outstanding appeals for each new taxation year within the assessment cycle.

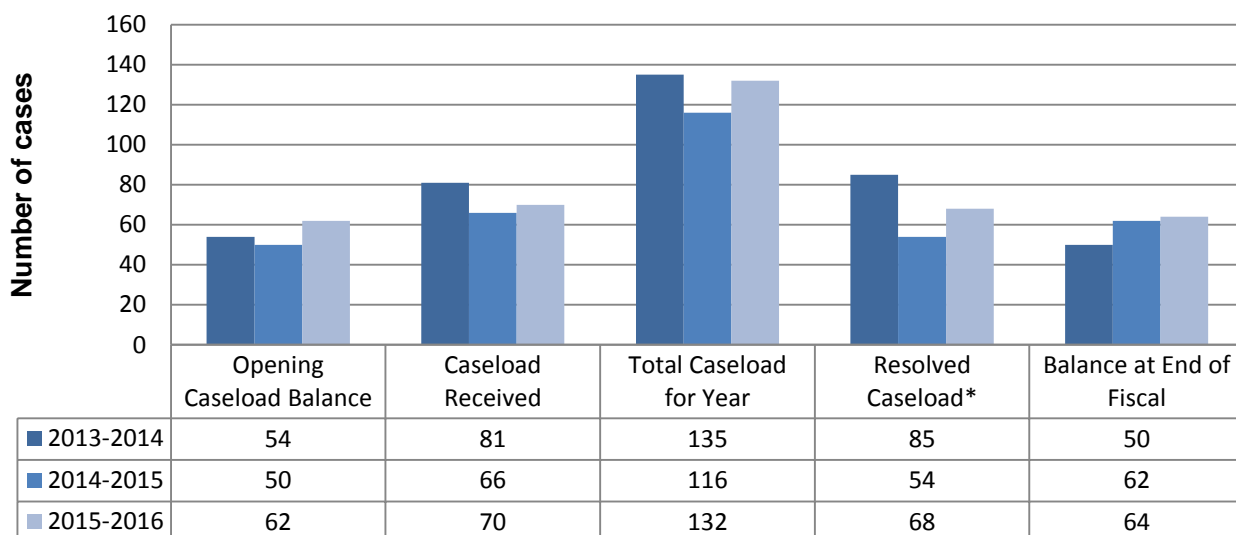
The ARB receives applications and appeals from property owners against taxes assessed and collected by municipalities under certain provisions of the City of Toronto Act, Municipal Act and Provincial Land Tax Act. Appeals may be filed against a municipality's decision regarding a tax application, or a municipality may pass a by-law delegating authority to the ARB to act as Municipal Council.

There are approximately 5 million properties in Ontario. Of those 5 million properties, 17,000 were the subject of an appeal at the ARB as of March 2016.

³ Deeming: When the ARB has not resolved an assessment appeal by March 31st of the year following the year under appeal, a new appeal will be automatically created for the next tax year. For example, if a decision on a 2015 appeal was not issued by March 31, 2016, a new appeal would have been created for the 2016 tax year without requiring the appellant to resubmit their appeal and pay any additional appeal fees. The 2016 appeal would be considered the "deemed" appeal.

BON Caseload and Analysis

Caseload 2013-2014 to 2015-2016



*Adjusted for re-opened cases.

BON Results for 2013-2014 to 2015-2016

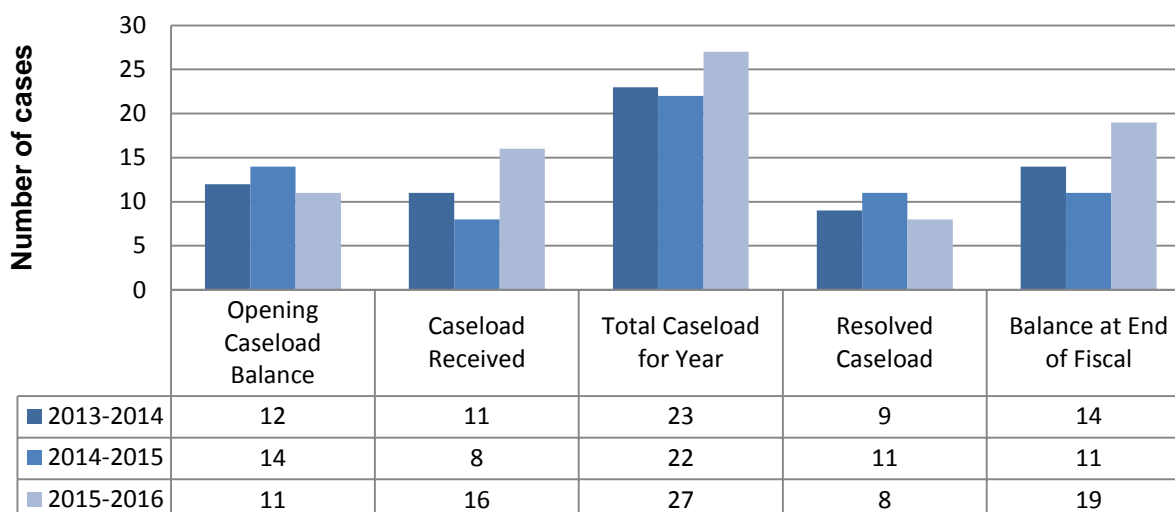
Fiscal Year	2013-2014	2014-2015	2015-2016
Board Resolved	38	29	33
Parties Resolved	14	18	21
Filed with OMB	25	7	8
Administratively Closed (due to inactivity)	8	0	6
Total	85	54	68

BON Caseload Analysis

During the 2015-2016 fiscal year there were significant increases in Board resolutions, supporting the increased activity of the Board. The caseload increased by 13 per cent over the previous year and the Board resolved 26 per cent more cases. These increases are the result of a rise in the number of negotiation meetings held throughout the year. It is anticipated that with continued infrastructure spending in Ontario for highway expansions, light rail, and underground extensions, the caseload will continue to grow. As in previous years, the greater percentage of cases continues to be in the central region.

CRB Caseload and Analysis

CRB Caseload 2013-2014 to 2015-2016



CRB Results 2013-2014 to 2015-2016

Fiscal Year	2013-2014	2014-2015	2015-2016
Reports Issued	3	2	3
*Withdrawals	6	9	5

*Withdrawals from the CRB are often the result of a settlement of the issues among the parties.

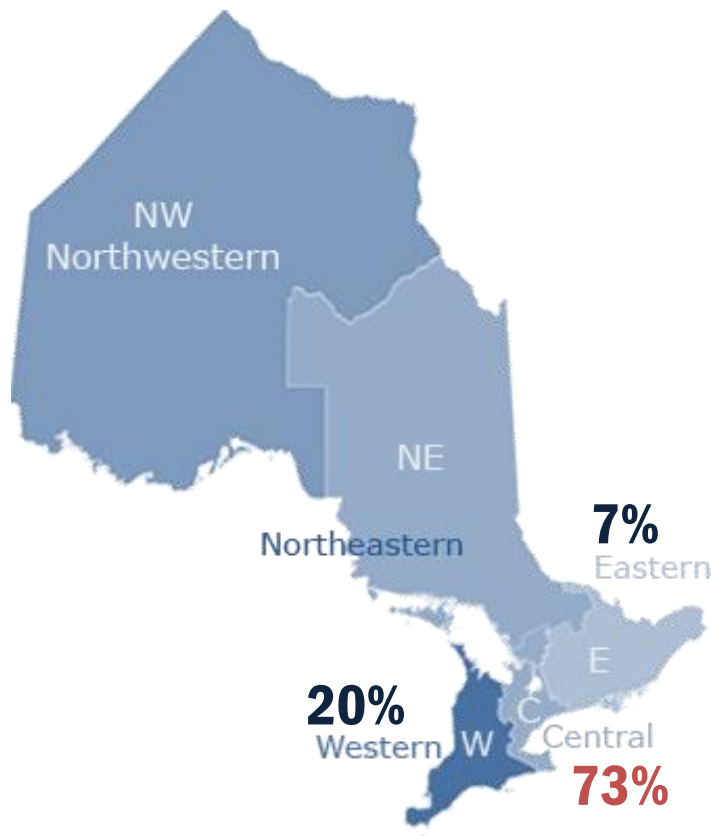
CRB File Types 2013-2014 to 2015-2016

Fiscal Year	2013-2014		2014-2015		2015-2016	
	No. of Cases	No. of Appeals	No. of Cases	No. of Appeals	No. of Cases	No. of Appeals
Intention to designate property by municipality	8	9	7	10	10	10
Designation by-law amendment	1	2	0	0	1	1
Designation by-law-request for repeal by owner	2	2	0	0	1	1
Designation by-law - objection to repeal	0	0	1	2	3	4
Archaeological licensing	0	0	0	0	1	1
TOTAL	11	13	8	12	16	17

Note: One case represents all the individual appeals that are received regarding a specific Notice.

CRB Geographical Breakdown of Intake

2015-2016



CRB Caseload Analysis

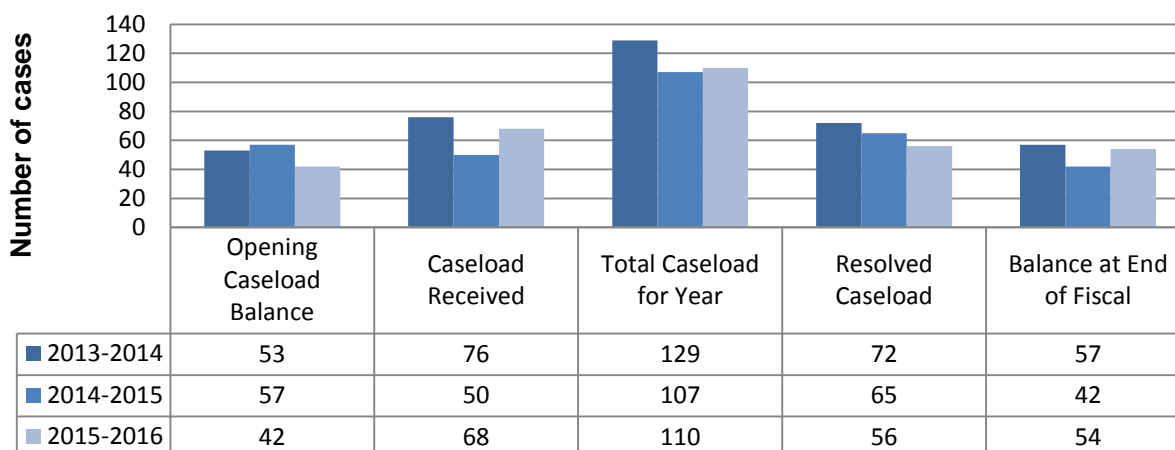
The CRB received more cases in 2015-2016 than in the last two fiscal years. While the majority of cases continue to be objections to the proposed designation of property under section 29 of the Ontario Heritage Act, this year the CRB received cases across the spectrum of the mandate of the CRB.

The majority of hearing activity at the CRB continues to be pre-hearing conferences. While caseload increased this year, the hearing activity remained relatively constant. Last year, the CRB introduced the pre-hearing settlement conference, which provided an opportunity for matters to be resolved without holding a hearing. If a pre-hearing settlement conference is successful and the issues of the matter are settled, the case is usually withdrawn.

The CRB continues to communicate with parties about the services it offers to assist in resolving matters without a hearing. In 2015-2016, the CRB issued Reports on three cases that had proceeded to a hearing.

ERT Caseload and Analysis

ERT Caseload 2013-2014 to 2015-2016



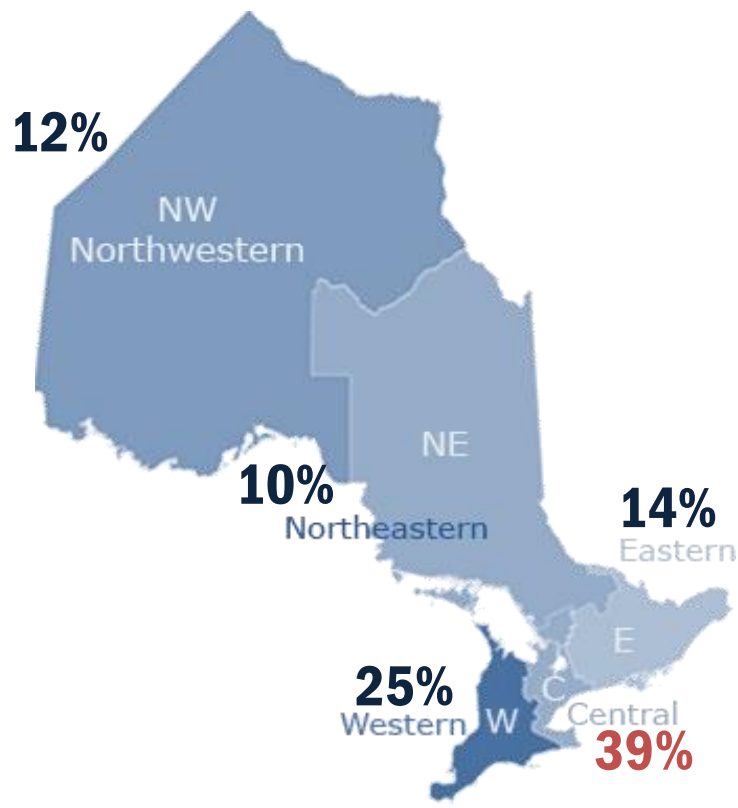
ERT Cases Received by Type 2013-2014 to 2015-2016

Case Type	2013-2014		2014-2015		2015-2016	
	No. of Cases	No. of Appeals	No. of Cases	No. of Appeals	No. of Cases	No. of Appeals
Environmental Bill of Rights, 1993	6	9	3	13	5	8
Environmental Protection Act	15	34	18	28	25	102
Environmental Protection Act - Renewable Energy Approval Appeals	22	47	11	18	9	19
Nutrient Management Act, 2002	2	2	0	0	1	1
Ontario Water Resources Act	3	3	5	9	0	0
Pesticides Act	2	2	1	4	0	0
Safe Drinking Water Act, 2002	2	2	0	0	3	3
Niagara Escarpment Planning and Development Act	23	41	12	32	24	81
Consolidated Hearings Act	1	4	0	0	1	1
TOTAL	76	144	50	104	68	215

***Note:** Cases may include more than one appeal.

ERT Geographical Breakdown of Intake

2015-2016



ERT Caseload Analysis

The total number of ERT cases received in the 2015-2016 fiscal year increased over the previous fiscal year. However, the number of cases related to appeals of renewable energy approvals decreased from the previous years.

There were several cases received that included a large number of appeals, which accounts for the increase of the total number of ERT appeals received this fiscal year.

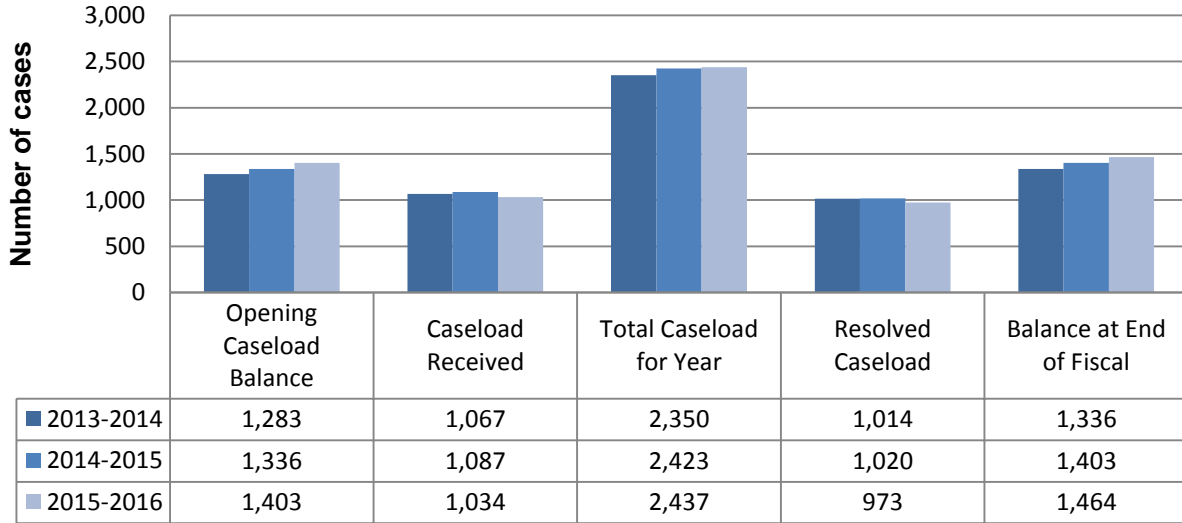
The ERT saw a change in the geographic profile of cases from the previous fiscal year. This fiscal year, cases were also received from the northeastern and northwestern regions of the province. The central region continues to represent the highest number of cases. The ERT hearing volume remained relatively constant to the previous year.

The hearing activity for cases related to renewable energy approval appeals continues to represent the majority of the ERT's hearing time. The ERT continues to make use of teleconference events to respond to caseload.

Parties continue to request the mediation services offered by the ERT as mediation may eliminate the need for a hearing or significantly reduce the number of hearing days required.

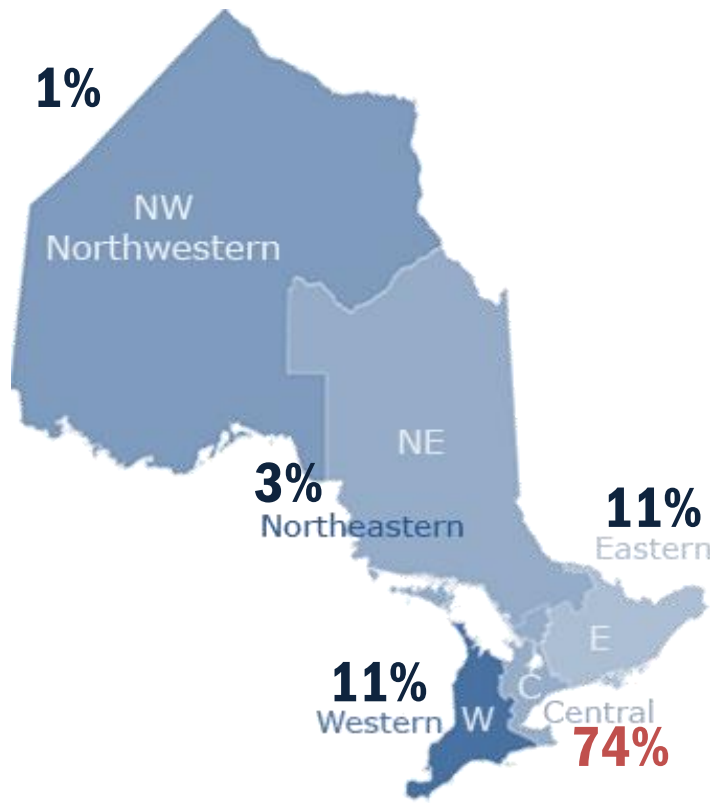
OMB Caseload and Analysis

OMB Caseload 2013-2014 to 2015-2016



OMB Geographical Breakdown of Intake

2015-2016



OMB Files Received by Type 2013-2014 to 2015-2016

Fiscal Year	2013-2014		2014-2015		2015-2016	
	No. of *Files	No. of Appeals	No. of *Files	No. of Appeals	No. of *Files	No. of Appeals
Minor Variances	513	532	573	602	613	651
Consents	200	209	232	237	180	189
Zoning By-laws	192	602	181	293	143	229
Official Plans and Official Plan Amendments	158	315	177	692	141	231
Zoning Refusal or Inaction	167	166	166	166	160	160
Plans of Subdivision/ Condominium	68	73	77	85	57	57
Municipal and Miscellaneous (incl. site plans)	136	114	129	139	104	150
Development Charges	28	44	30	83	18	28
Land Compensation	54	54	36	36	36	36
Municipal Finance	6	7	3	3	8	8
TOTAL	1,522	2,116	1,604	2,336	1,460	1,739

***Note:** An OMB file may contain more than one appeal. A case, generally, is made up of all the files that relate to the same property or development. For example, a proposed development may include an official plan amendment, a zoning by-law amendment and a draft plan of subdivision. Each of those planning instruments are separately appealed and opened up as a file. Those files become one case. As a result, the number of new appeals may be higher than the number of new files.

OMB Caseload Analysis

Minor variance matters continue to represent the highest percentage of new files received representing 42 per cent of intake during this fiscal year. They are followed by consents, zoning refusals, zoning by-laws enacted by the municipality and appealed to the Board, and official plans and amendments. Geographically, files involving the City of Toronto continue to account for the highest percentage of intake at 43 per cent for the year. With the addition of the other areas in the central region, the total intake from the central region represented 74 per cent of our intake for the year.

The OMB scheduled 2,012 hearing events in 2015-2016, a slight decrease from the previous fiscal year, while the actual number of hearing events held remained relatively constant. The majority of hearing events, 85 per cent, were scheduled for one day or less. The number of hearings of 10 days or longer decreased slightly from last fiscal year.

The OMB continues to manage and adjudicate complex matters in a number of areas including: appeals of municipal approvals related to financial matters, land compensation matters, official plan appeals of Growth Plan conformity amendments and site specific land use appeals that have a great impact on communities. The pre-hearing process is critical to the management of such cases. A successful pre-hearing process allows hearing events to be refined, focused and efficient. Pre-hearing events represent 28 per cent of the hearing events held this year.

The OMB's mediation program continues to provide more timely and cost effective resolution of disputes in the areas of site specific land use and complex land compensation matters. The OMB's mediation program has avoided the need for a number of long hearings.

PART 4:

THE FUTURE OF ELTO

Moving forward

The Future of ELTO

ELTO is committed to improving its operations while maintaining the highest standards of administrative justice.

The future of ELTO lies in continuing its efforts in the three strategic directions identified in its Business Plan. The first of these is “providing clients with options that lead to timely and appropriate resolutions.” ELTO is committed to advancing its efforts to increase mediation and active adjudication in the public interest. Mediation provides the opportunity for parties to reach a resolution based on negotiations led by a board member with subject matter expertise. The member guides the mediation by encouraging discussion of the issues and may suggest possible solutions.

Active adjudication involves the more disciplined management of hearings. It is not a more rushed proceeding but one that requires a more strategic approach to the examination of issues through evidence and argument, led by a board member whose job is to focus the parties on the central issues and provide procedural leadership. It is about making our processes more efficient without sacrificing procedural fairness.

The second strategic direction involves “transformation through technology.” All the ELTO tribunals fulfill a basic policy that proceedings be held throughout the Province in the municipalities and regions where disputes arise. Fundamental access to justice – which includes geographical access - is core to the business of our boards. However, it is costly and, in the absence of innovative use of technologies, can create inefficiencies and inconvenience. Like the courts and other quasi-judicial bodies, ELTO currently makes extensive use of telephone conference calls and continues to explore using technology to hold electronic hearing events and provide opportunities for the electronic delivery of other services.

ELTO is committed to a more digital framework, which reduces reliance on paper, promotes electronic sharing of information and evidence in real time, and generally leads to a more efficient, lower cost and convenient adjudicative process.

The third strategic direction that will provide direction for ELTO is “building a dynamic, effective workplace.” Like other adjudicative organizations, ELTO consists of two professional groups, the Ontario Public Service administrative staff, and the Order-in-Council adjudicative appointees. Together these groups occupy a workplace that is devoted to serving the public and achieving high standards of adjudicative and mediation excellence.

As an organization, ELTO provides work opportunities that are interesting and meaningful and a workplace that is accessible, inclusive and productive. ELTO leadership is committed to supporting workplace practices – such as professional development, flexible workplace policies and a commitment to work-life balance - that permit employees and appointees alike to flourish in their work and in their lives,

advance in their careers and develop professionally to become proud and productive public servants. The future of ELTO is exciting, holding many challenges and offering many opportunities. These are some of the upcoming key deliverables in support of our strategic directions:

Strategic Direction 1: Providing Client Options that Lead to Timely and Appropriate Resolution:

- Enhancing the public facing website by reorganizing content to improve accessibility and client experience by fall 2016.
- Developing guidelines for the filing of electronic documents when ordered as part of the hearing process by spring 2016.
- Enhancing performance measures / service standards, including development of a customer satisfaction survey by fall 2016.

Strategic Direction 2: Transforming Through Technology

- Enhancing existing forms with accessibility and fillable features by spring 2017.
- Exploring alternate hearing formats using video / web conferencing technology by spring 2016.
- Developing enhanced ability to record and measure results of Alternative Dispute Resolution activities by fall of 2016.

Strategic Direction 3: Building a Dynamic, Effective Workplace

- Developing an integrated professional development strategy by summer 2016.
- Developing on-line professional development courses by fall 2016.

Through implementation of these and other key deliverables and initiatives, ELTO seeks to continually improve its services for the public. More information about ELTO's strategic initiatives is included in the ELTO Business Plan, available on the ELTO website.

PART 5:

APPENDIX

ELTO's Members

Recruitment of Members

ATAGAA requires the selection process for the appointment of new members to be competitive and merit-based. It also requires that all new appointments have the support of the Executive Chair who makes initial recommendations of new members to Ontario's Attorney General.

ELTO held a number of competitions in 2015-2016 to fill vacancies. A competition began in May resulting in the appointment of one full-time ARB member and three OMB members. Through the competition process, ELTO continued to attract a high number of candidates with the relevant background, training and skills to fill member positions.

The 10-year rule – more correctly known as “The Agencies & Appointments Directive, 10-Year Maximum Appointment to Adjudicative Tribunals and Regulatory Agencies” - was established in 2006 at the same time that the length of Order-In-Council appointments and re-appointments was standardized to the sequential two-year, three-year plus five-year terms, for a total maximum of 10 years.

In 2015-2016, ELTO began to experience the impact of the 10-year rule. The effect of the rule necessitates the development of new recruitment, succession and member training plans, to address the departures that are anticipated and to ensure that membership on all boards is maintained at the necessary levels.

The rule was developed to achieve renewal of the tribunal rosters, promote diversity in the membership and bring opportunities to other Ontario citizens wishing to engage in public service in the tribunal sector. The boards and tribunals of ELTO are all affected in some way, but each is affected differently. The loss of a large number of experienced members in a relatively short period of time could impact the provision of ELTO's adjudication and mediation services.

In response, ELTO formulated a plan to implement the 10-year rule in an orderly and fair manner. It addresses the expected losses by putting a strategy in place for ensuring that the impacts on ELTO services can be minimized.

For the BON and the CRB the changes are modest and manageable. The ERT, on the other hand, will lose four members over the next two years, including some of its most experienced and capable full-time members.

The ARB is one of the largest and busiest boards in Ontario. It will lose 12 part-time members in 2016 and four part-time members in 2017. In addition, one part-time vice chair left this year, one full-time vice chair will be lost in 2017 and four full-time members will depart in September 2017. The loss of a large number of part-time ARB members is significant but it does present the opportunity to re-balance the number of full-time and part-time members. A plan to transform part-time into full-time positions on a proportional basis is currently underway. This plan will benefit ELTO by maximizing on the existing skills, knowledge and experience of part-time members. As a result, we will be able to recruit a group of full-time members in 2016 and several more members in 2017.

The OMB will experience the most significant loss of full-time experienced members. Over the course of 18 months, the OMB is scheduled to lose three full-time vice chairs, seven full-time members and one part-time member as a result of the 10-year rule. To address this, the proposed plan for the OMB makes use of a small number of short appointment extensions coupled with a vigorous program of recruitment and training to maintain the roster in the face of a sustained caseload.

As a result of the numerous departures, the plan for all ELTO is to adopt an aggressive and proactive recruitment and training program for new members. In the past, recruitment practices have been slow to replace departing members. In the face of the challenges posed by the 10-year rule, recruitment will take place more expeditiously for the forthcoming period.

New member training and ongoing professional development for all the boards will be vital to ensure the successful introduction of new members in their adjudicative and mediation roles. ELTO will support the necessary professional development with programs in mentoring and coaching new members, and task specific training for the conduct of hearings, decision writing and mediation.

ELTO Appointees

Environment and Land Tribunals Ontario Appointees: April 1, 2015 to March 31, 2016

Name	Tribunal	Position	Original Appointment Date	Appointment End Date
Andrews, Peter	ARB	Full-Time Vice-Chair	14-Nov-12	13-Nov-17
Atcheson, J. Peter	OMB	Full-Time Member	05-Jul-04	04-Jul-15
Awoleri, Subuola	ARB	Part-Time Member	22-Oct-14	21-Oct-16
Bourassa, Marcelle	ARB	Full-Time Vice-Chair	11-Apr-06	20-Feb-17
Bruce, Laurie	ERT, OMB	Part-Time Member	22-Oct-14	21-Oct-16
Carter-Whitney, Maureen	ERT	Part-Time Member	04-May-11	03-May-21
	OMB	Full-Time Member	15-Aug-12	14-Aug-17
Cashin, Marlene	ERT	Part-Time Member	22-Oct-14	21-Oct-16
Chee-Hing, Jason	OMB	Full-Time Member	01-Sep-04	31-Aug-16
Conti, Chris	OMB	Full-Time Member	03-Jul-07	02-Jul-17
Cowan, Bernard A.	ARB	Full-Time Member	19-Dec-97	03-Sep-17
DeMarco, Jerry V.	ELTO	Full-Time Member Alternate Executive Chair	01-Sep-10	31-Aug-20
	CRB	Part-Time Associate Chair	08-May-13	31-Aug-20
	ERT	Full-Time Associate Chair	01-Sep-10	31-Aug-20
Denhez, Marc	CRB	Part-Time Member	18-Apr-12	17-Apr-17
	OMB	Full-Time Member	31-May-04	30-May-16
Denison, William T.	ARB	Part-Time Member	14-Nov-12	13-Nov-17
Driesel, Sandra	ARB	Part-Time Member	16-Mar-00	23-Apr-16
Duncan, Justin	ERT, OMB	Full-Time Member	23-Jul-14	22-Jul-16

Name	Tribunal	Position	Original Appointment Date	Appointment End Date
Egan, Terry	BON	Part-Time Member	17-Jun-09	16-Jun-19
Fenus, Andrew	ARB	Part-Time Member	30-May-07	29-May-17
Flemming, Leslie	ARB	Part-Time Member	02-Oct-13	01-Oct-18
Gibbs, Heather	ERT	Full-Time Vice-Chair	20-Sep-06	21-Feb-18
Griffith, Jennifer	ARB	Part-Time Member	17-Sep-04	16-Sep-16
Hefferon, Colin	OMB	Full-Time Member	20-Sep-06	19-Sep-16
Henderson, Stuart	CRB	Part-Time Member	28-Jun-06	27-Jun-16
Hussey, Karlene	OMB	Full-Time Vice-Chair	20-Apr-05	03-Jan-21
Jackson, Helen	ERT, OMB	Full-Time Member	24-May-11	23-May-21
Jacobs, Sarah	ERT, OMB	Full-Time Member	23-Jul-14	22-Jul-16
Jones, Richard Coleman	OMB	Part-Time Member	22-Oct-14	21-Oct-16
Kowarsky, Barbara	ARB	Part-Time Member	18-May-05	17-May-16
Krushelnicki, Bruce	ELTO	Full-Time Executive Chair	25-Nov-15	24-Nov-18
Laflamme, Jacques	ARB	Part-Time Member	25-Aug-04	24-Aug-16
LaRegina, Anthony	ARB	Part-Time Member	15-Jan-07	14-Jan-17
Laws, Joanne*	ARB	Part-Time Member	10-Feb-06	09-Feb-16
Lee, Wilson S.	OMB	Full-Time Associate Chair	01-Jul-88	01-May-15
Levy, Alan	CRB	Part-Time Member	06-Nov-13	05-Nov-15*
	ERT	Part-Time Member	09-May-07	08-May-17
	OMB	Part-Time Member	06-Nov-13	05-Nov-15*
Light, Sonia	ARB	Part-Time Member	07-Aug-13	06-Aug-18
Limoges, Rick	ARB	Part-Time Member	15-Jan-07	14-Jan-17

Name	Tribunal	Position	Original Appointment Date	Appointment End Date
Makuch, Richard G.M.	ARB	Part-Time Member	06-Nov-13	05-Nov-18
	OMB	Full-Time Member	13-Jun-12	12-Jun-17
Marques, Ana Cristina	ARB	Part-Time Member	18-May-05	17-May-16
	BON	Part-Time Member	06-Nov-13	05-Nov-18
Mather, Susan*	ARB	Part-Time Vice-Chair	10-Mar-13	09-Mar-15
McAnsh, Scott	ARB	Part-Time Member	07-Aug-13	24-Feb-16*
	ARB	Full-Time Member	24-Feb-16	23-Feb-18
McKenzie, James	OMB	Full-Time Vice-Chair	03-Jul-07	02-Jul-17
McLeod-Kilmurray, Heather	ERT	Part-Time Member	04-May-11	03-May-17
Milbourn, Paul	ERT	Part-Time Member	05-Dec-12	04-Dec-17
Milchberg, Anne	OMB	Part-Time Member	22-Oct-14	21-Oct-16
Minnie, Garry*	ARB	Part-Time Member	01-Mar-06	29-Feb-16
Morris, Warren	ARB	Part-Time Member	31-Oct-12	30-Oct-17
Muldoon, Paul	ARB	Full-Time Associate Chair	01-Jun-14	31-May-19
	ERT	Full-Time Vice-Chair	04-Apr-06	03-Apr-16
Murdoch, Su	CRB	Part-Time Vice-Chair	16-Feb-05	08-May-17
Nalezinski, Les*	ARB	Part-Time Member	01-Mar-06	29-Feb-16
Nelson, Daniel	CRB	Part-Time Member	22-Oct-14	21-Oct-16
Neron, Robert	ARB, BON	Part-Time Member	28-Aug-13	27-Aug-18
Okhovati, Margarita	ARB	Part-Time Member	22-Oct-14	21-Oct-16
Philcox, Frank	ERT	Part-Time Member	22-Oct-14	21-Oct-16
Plumstead, Nicoll	ARB	Part-Time Member	18-May-05	17-May-16

Name	Tribunal	Position	Original Appointment Date	Appointment End Date
Roberts, Catherine E.	ARB	Part-Time Member	29-Sep-10	28-Sep-20
Rossi, Reid	OMB	Full-Time Member	31-May-04	30-May-16
Saponara, Fausto	ARB	Part-Time Member	18-May-05	17-May-16
Schiller, Susan	ARB	Part-Time Vice-Chair	06-Nov-13	05-Nov-18
	ERT	Part-Time Vice-Chair	06-Nov-13	05-Nov-18
	OMB	Full-Time Vice-Chair	06-Sep-05	03-Jan-21
Seaborn, Jan de Pencier	OMB	Full-Time Vice-Chair	31-May-00	22-Mar-17
Sharma, Marilyn	ARB	Part-Time Member	15-Jan-07	14-Jan-17
Sills, Mary-Anne	OMB	Full-Time Member	03-Jul-07	02-Jul-17
Simmons, Lawrence John*	BON	Part-Time Member	23-Mar-05	22-Mar-16
Skanes, Tyrone	ARB	Part-Time Member	29-Sep-10	28-Sep-15
Sloan, Charlotte*	ARB	Part-Time Member	29-Sep-10	28-Sep-15
Sloan, Karen Kraft	ERT, OMB	Full-Time Member	23-Jul-14	22-Jul-16
Smith, Laurie	CRB	Part-Time Member	08-Sep-14	07-Sep-16
Snizek, Joseph	OMB	Part-time Member	23-Jun-04	22-Jun-16
Spraggett, Mark	ARB	Part-Time Member	22-Oct-14	21-Oct-16
Stabile, Vincent	ARB	Part-Time Member	29-Sep-10	28-Sep-20
Stefanko, Steven	ARB	Part-Time Vice-Chair	06-Nov-13	05-Nov-15*
	OMB	Full-Time Vice-Chair	20-Apr-05	03-Jan-21
Steinberg, Robert	ARB	Part-Time Member	14-Nov-12	13-Nov-17
	BON	Part-Time Member	04-May-11	03-May-21
Sutherland, Sylvia	OMB	Full-Time Member	21-Mar-07	20-Mar-17

Name	Tribunal	Position	Original Appointment Date	Appointment End Date
Taylor, Blair S.	OMB	Full-Time Member	17-Oct-12	16-Oct-17
Taylor, Ian	BON	Part-Time Member	20-Jun-07	19-Jun-17
Tchegus, Robert*	ARB	Part-Time Member	10-Feb-06	09-Feb-16
Valiante, Marcia	ERT	Full-Time Member	09-May-07	22-Jul-16
	OMB	Full-Time Member	23-Jul-14	22-Jul-16
VanderBent, Dirk	ARB	Part-Time Vice-Chair	06-Nov-13	05-Nov-18
	ERT	Full-Time Vice-Chair	18-Sep-06	17-Sep-16
Walker, Janet Lea	ARB	Full-Time Member	04-Sep-07	03-Sep-17
Walker, Tanya*	ARB	Part-Time Member	29-Sep-10	28-Sep-15
Weagant, Dan	ARB	Part-Time Member	29-Sep-10	28-Sep-20
Whitehurst, Donald	ARB	Full-Time Member	18-May-05	03-Sep-17
Wilkins, Hugh	ERT	Full-Time Member	02-Apr-14	01-Apr-19
	OMB	Part-Time Member	02-Mar-16	01-Aug-17
Winnicki, Walter Roman*	OMB	Part-Time Member	22-Oct-14	1-Aug-15 (resigned)
Wright, Robert	CRB	Part-Time Vice-Chair	29-May-13	28-May-18
	ERT	Full-Time Vice-Chair	27-Aug-07	26-Aug-17
Wyger, Joseph M.	ARB	Full-Time Member	27-May-98	03-Sep-17
Yuen, Jane	BON	Part-Time Member	19-Dec-08	18-Dec-18
Zuidema, Jyoti	OMB	Full-Time Vice-Chair	20-Aug-07	19-Aug-17

*Indicates appointees who were no longer with ELTO or cross appointed as of March 31, 2016.