

MINUTES



THE CORPORATION OF THE CITY OF MISSISSAUGA

MISSISSAUGA APPEAL TRIBUNAL

TUESDAY, JANUARY 26, 2010 – 9:30 A.M.

COMMITTEE ROOM B, SECOND FLOOR
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1
www.mississauga.ca

MEMBERS PRESENT

Lynda Ross, Citizen Member (Chair)
Rafiq Rokerya, Citizen Member (Vice-Chair)
Roderick Chung, Citizen Member
Leonard Lyn, Citizen Member
David Brown, Citizen Member

OTHERS PRESENT

Kelly Yerxa, Tribunal Counsel
Marcia Taggart, Legal Counsel, Legal Services
Division
Elaine Buckstein, Director Enforcement Division

CALL TO ORDER – 9:36 a.m.

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST - Nil

CONFIRMATION OF AGENDA - Confirmed

MATTERS CONSIDERED

1. Minutes of Previous Meeting

MOTION: by David Brown

That the November 18, 2008 minutes be approved as presented.

Carried

MG.09

2. Proposed 2010 Standard Hearing Dates and Proposed Revisions to Tribunal's Rules of Practice & Procedure

Memorandum dated January 19, 2010 from Jessica Reid, Legislative Coordinator, proposing standard hearing dates for 2010 as well as revisions to the Rules of Practice & Procedure of the Tribunal.

Tribunal discussed the proposed amendments to the Rules.

MOTION: by David Brown

That the proposed 2010 Standard Hearing Dates be approved and that the Rules of Practice and Procedure be updated in accordance with the Memorandum dated January 19, 2010 from Jessica Reid, Legislative Coordinator.

Carried

MG.09

3. Hearing Procedures - Witness Statements (*Business Arising: November 18, 2008*)

Memorandum dated January 19, 2010 from Jessica Reid, Legislative Coordinator, providing a draft Practice Direction as requested by Tribunal.

Tribunal discussed the wording of the Practice Direction and Tribunal Counsel responded to questions from Tribunal.

MOTION: by Rafiq Rokerya

1. That a Practice Direction be adopted as follows.
 - a. The best evidence in a hearing is oral evidence. The Parties are encouraged to present their evidence orally at the hearing.
 - b. Where it is impossible or presents a hardship for a witness to attend in person, a witness statement in the form of an affidavit may, at the discretion of the Tribunal, be presented in accordance with Rule 6 of the Mississauga Appeal Tribunal Rules of Practice and Procedure.
 - c. At the discretion of the Tribunal, such other document or other thing may be presented.
2. That the Practice Direction be provided and available in the same manner as the Rules of Practice and Procedure.

Carried
MG.09

4. Legislative Requirements for Paralegal Representation – Impact on representation before Tribunal

Marcia Taggart, Legal Counsel Legal Services Division, provided a verbal report with respect to the *Law Society Act* requirements for paralegal representation appearing before Municipal Tribunals. She advised that a Representation Form will be required from Appellants.

MG.09

5. Report to General Committee – A Review of Licensing Appeal Body Transition from Committee to Tribunal

At its meeting on January 16, 2008, General Committee requested that the Tribunal report back after one year of implementation (GC-0001-2008). An extract from the Minutes of the relevant Committee discussions is attached hereto for reference.

The Clerk's office proposed to complete a corporate report to General Committee with input from Legal and Enforcement staff, which could be accompanied by a deputation by the Chair or a member of the Tribunal.

Tribunal concurred that it would be appropriate for the Chair or Vice-Chair to make a deputation to General Committee at a time to be coordinated and arranged with the Tribunal Coordinator.

MG.09

OTHER BUSINESS

Kelly Yerxa, Tribunal Counsel announced that she is taking on a new position and will no longer be Tribunal Counsel. Tribunal wished her well and thanked her for her support.

Marcia Taggart, Legal Counsel, Legal Services Division, advised that replacement Tribunal Counsel is being arranged and will advise Tribunal at the appropriate time.

Marcia Taggart also announced that she is taking a leave and a new representative from Legal Services Division will be assigned at a later time.

Elaine Buckstein, Director of Enforcement Division, provided an update on the Enforcement Division and advised of the action they have taken to make licensees aware of this judicial process. She confirmed that licensees are advised that the Tribunal's role is part of Enforcement Division process and advising licensees that this option is available to them.

DATE OF NEXT MEETING – To be determined

ADJOURNMENT – 11:14 a.m.