

# MINUTES



---

## MISSISSAUGA APPEAL TRIBUNAL

THE CORPORATION OF THE CITY OF MISSISSAUGA

[www.mississauga.ca](http://www.mississauga.ca)

**WEDNESDAY, SEPTEMBER 17, 2008 – 9:00 A.M.**

COMMITTEE ROOM B, SECOND FLOOR  
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1

### PRESENT:

Lynda Ross, Citizen Member (Chair)  
Rafiq Rokerya, Citizen Member (Vice-Chair)  
Roderick Chung, Citizen Member  
Leonard Lyn, Citizen Member  
David Brown, Citizen Member  
Jessica Reid, Legislative Coordinator, Office of the City Clerk  
Elaine Buckstein, Director of Enforcement

## INDEX

MISSISSAUGA APPEAL TRIBUNAL SEPTEMBER 17, 2008

CALL TO ORDER

INTRODUCTIONS

APPOINTMENT OF CHAIR

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST

MATTERS CONSIDERED

1. CONFIRMATION / ADDITIONS TO THE AGENDA OF THIS MEETING
2. RULES OF PRACTICE AND PROCEDURE
3. STANDARD HEARING DATES
4. OTHER BUSINESS

DATE OF NEXT MEETING(S)

ADJOURNMENT

CALL TO ORDER – 9:15a.m.

INTRODUCTIONS

All Members and staff persons present introduced themselves.

APPOINTMENT OF CHAIR

Roderick Chung, Citizen Member nominated Lynda Ross, Citizen Member for appointment as the Chair of the Mississauga Appeal Tribunal for the term of office to November 2010 or until a successor is appointed. The nomination was seconded by Leonard Lyn, Citizen Member.

Rafiq Rokerya, Citizen Member expressed his interest in being appointed to the office of Chair of this Tribunal. Mr. Lyn nominated Mr. Rokerya for appointment as the Chair of the Mississauga Appeal Tribunal for the term of office to November 2010 or until a successor is appointed. The nomination was seconded by David Brown, Citizen Member.

As a result of the two Members showing interest in holding the office of the Chair, the Tribunal discussed having a one-year term of office to give other Members an opportunity. The Tribunal decided that one Chair would be appointed and one Vice-Chair would be appointed for the term of office to November 2010 or until a successor is appointed.

Mr. Brown moved to close the nominations for appointment to the position of Chair. The motion to close nominations was voted upon and carried.

A motion to appoint Ms. Ross as the Chair of the Mississauga Appeal Tribunal for the term of office to November 2010 or until a successor is appointed was voted upon and carried.

Subsequently, Mr. Lyn nominated Mr. Rokerya for appointment as the Vice-Chair of the Mississauga Appeal Tribunal for the term of office to November 2010 or until a successor is appointed. The nomination was seconded by Mr. Brown.

Mr. Brown moved to close the nominations for appointment to the position of Vice-Chair. The motion to close nominations was voted upon and carried.

A motion to appoint Mr. Rokerya as Vice-Chair of the Mississauga Appeal Tribunal for the term of office to November 2010 or until a successor is appointed was voted upon and carried.

Lynda Ross assumed chairmanship of this meeting.

DECLARATIONS OF DIRECT (OR INDIRECT) PECUNIARY INTEREST - Nil

MATTERS CONSIDERED

1. CONFIRMATION / ADDITIONS TO THE AGENDA OF THIS MEETING

The agenda prepared for this meeting was confirmed and no items of business were added.

MG.09

2. RULES OF PRACTICE AND PROCEDURE

Draft Mississauga Appeal Tribunal Rules of Practice and Procedure were provided for the Tribunal's consideration and adoption.

The Tribunal discussed the Rules surrounding quorum for Hearings and declarations of interest by Members. The Tribunal concurred that quorum would be a majority of the Members (3) and if a Member declared an interest pursuant to Rule 14.03 that quorum could be achieved with two (2) members.

The Tribunal discussed the option of appointing a Chair at each Hearing of the Tribunal and Leonard Lyn, Citizen Member noted that the draft Rules state that the Chair must be absent to appoint another Member.

David Brown, Citizen Member requested that Rule 6.02(2) be amended to insert "or" at the end of sub-rules (a) and (b) and by replacing the semi-colon at the end of sub-rule (d) with a period. The Tribunal agreed.

The Tribunal discussed Rule 6.02 regarding the service of documents and Mr. Brown suggested that the Rule be expanded to provide direction to the Tribunal in those circumstances where a party claims non-receipt of a document. The Tribunal discussed the matter and Elaine Buckstein, Director of Enforcement advised the Tribunal that Rule 6.04 is in place to guide the Tribunal in these circumstances. The Tribunal determined that it would use its discretion to determine the direction it takes in this regard.

Jessica Reid, Legislative Coordinator noted that there was an omission under Rule 1.01 definition of "Licence Manager" and suggested that the Tribunal add "or Manager of Mobile Licensing". The Tribunal agreed.

Lynda Ross, Chair moved adoption of the Mississauga Appeal Tribunal Rules of Practice and Procedure as amended. Rafiq Rokerya, Citizen Member seconded this motion. This motion was voted upon and carried.

Adopted as Amended (Lynda Ross)

MG.09

3. STANDARD HEARING DATES

A schedule of standard hearing dates for 2008 and 2009 for the hearing of appeals was provided for the Tribunal's consideration. The Tribunal agreed with the dates as presented.

The Tribunal decided that all Members would be requested to attend Hearings until such time as the Tribunal determines otherwise. David Brown, Citizen Member moved approval of the standard hearing dates as presented. Roderick Chung, Citizen Member seconded this motion. This motion was voted upon and carried.

Subsequently, the Tribunal inquired about the location and layout of the room for Hearings. Jessica Reid, Legislative Coordinator suggested that the Hearings be held in a Committee Room at the Civic Centre, depending on availability, and that the layout would be similar to a Court Room, where the Tribunal would sit in a row facing the Legislative Coordinator and Tribunal Counsel in the next row and the two parties on either side with a podium in between in another row and seating for the public behind. The Tribunal agreed this would be appropriate.

Approved / Direction (David Brown)  
MG.09

4. OTHER BUSINESS - Nil

DATE OF NEXT MEETING(S)

Chair Lynda Ross requested that staff schedule a Meeting following the October 28, 2008 Hearing date to review the Tribunal's Hearing procedures. However, if a Hearing does not take place on October 28, 2008, this meeting will be rescheduled to a date after the first Hearing. The Tribunal agreed that its next Meeting will be November 4, 2008 at 9:30am.

Direction (Lynda Ross)  
MG.09

ADJOURNMENT – 10:02 a.m.