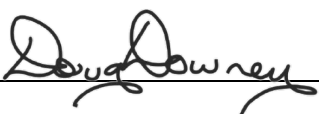


**Memorandum of Understanding
Between
The Attorney General
and
Chair, Ontario Land Tribunal**

August 26, 2025

Signatures

I have read, understood and concur with this MOU dated August 26, 2025 and will abide by the requirements for this MOU and the AAD.

A handwritten signature in black ink, appearing to read "Doug Downey", is written over a horizontal line.

The Honourable Doug Downey
Attorney General

September 24, 2025

Date

I have read, understood and concur with this MOU dated August 26, 2025 and will abide by the requirements for this MOU and the AAD.

A handwritten signature in cursive script, reading "Michael Kraljevic".

Michael Kraljevic
Chair, Ontario Land Tribunal

September 4, 2025

Date

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The parties to this memorandum of understanding (MOU) agree to the following:

1. Preamble

- a. Provincial agencies deliver important and valued services to the people of Ontario. In delivering these public services, provincial agencies are accountable to the government through the responsible minister.
- b. Provincial agencies must use public resources efficiently and effectively to carry out their mandates, as established by their respective constituting instruments and in alignment with the key priorities of the provincial government. Their operations are guided by the key principles of the Agencies and Appointments Directive (AAD).
- c. The parties to this MOU acknowledge that the agency is part of government and is required to comply with legislation, government directives, policies and guidelines applicable to them. Further, the agency may be required to ensure that their directives and policies adhere to certain government directives, policies and guidelines, including those for human resources, while being mindful of collective agreement and bargaining obligations.

2. Purpose

- a. The purpose of this MOU is to:
 - Establish the accountability relationships between the Minister and the Chair of the Ontario Land Tribunal (OLT).
 - Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, and the Executive Director of the OLT.
 - Establish the expectations for the operational, administrative, financial, staffing, auditing and reporting arrangements between the OLT and the Ministry of the Attorney General that support the accountability requirements within a framework, which recognizes that the OLT makes independent adjudicative decisions.
- b. This MOU should be read together with the *Ontario Land Tribunal Act, 2021* and other legislation governing the OLT set out in Appendix 3. This MOU does not affect, modify or limit the powers of the OLT as set out under any legislation governing the OLT, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. This MOU replaces the memorandum of understanding between the parties dated June 1, 2021.

3. Definitions

In this MOU:

- a. “AAD” means the Agencies and Appointments Directive, issued by Management Board of Cabinet;
- b. “Agency” or “provincial agency” means the Ontario Land Tribunal (OLT);
- c. “Alternate Chair” means the Vice-Chair appointed within the Ontario Land Tribunal as Alternate Chair;
- d. “Annual Report” means the annual report described under article 10.2 of this MOU.
- e. “Applicable Government Directives” means the government directives, policies, standards and guidelines that apply to the adjudicative tribunal;
- f. “Appointee” means the Chair or Alternate Chair or Vice-Chair or members of the OLT appointed by the Lieutenant Governor in Council, but does not mean persons employed or appointed by the OLT pursuant to Part III of the *Public Service of Ontario Act, 2006*, c. 35, Sch. A;
- g. “Artificial intelligence system” means a machine-based system that, for explicit or implicit objectives, makes inferences, from the input it receives, in order to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments;
- h. “ATAGAA” means the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, S.O. 2009, c. 33, Sched. 5 that applies to adjudicative tribunals prescribed under Ontario Regulation 126/10;
- i. “Business Plan” means the business plan referred to in article 10.1 of this MOU;
- j. “CAO” means the Chief Administrative Officer and Assistant Deputy Attorney General, Ministry of the Attorney General;
- k. “Chair” means the Chair of the Ontario Land Tribunal;
- l. “Constituting Instrument” means the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6 that established the OLT;
- m. “Consultant” means a person or entity that under an agreement, other than an employment agreement, provides expert or strategic advice and related services for consideration and decision-making;
- n. “Deputy Minister” means the Deputy Attorney General;
- o. “Executive Council Act” means the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended;
- p. “Executive Director” means the Executive Director of the Ontario Land Tribunal;
- q. “FIPPA” means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended.

- r. “Fiscal Year” means the period from April 1 to March 31;
- s. “Government” means the Government of Ontario;
- t. “MBC” means the Management Board of Cabinet;
- u. “Member” means an individual appointed to the OLT by the Lieutenant Governor in Council, but does not mean an individual employed or appointed by the OLT as staff;
- v. “Minister” means the Attorney General of Ontario or such other person who may be designated from time to time as the responsible minister in relation to this MOU in accordance with the *Executive Council Act*, R.S.O. 1990, c.E.25, as amended;
- w. “Minister of Finance” means the Minister of Finance or such other person who may be designated from time to time under the *Executive Council Act*;
- x. “Ministry” means the Ministry of the Attorney General or any successor to the ministry;
- y. “MOU” means this memorandum of understanding signed by the Minister and the Chair;
- z. “OLT” means the Ontario Land Tribunal
- aa. “OPS” means the Ontario Public Service;
- bb. “President of the Treasury Board” means the President of the Treasury Board or such other person who may be designated from time to time under the *Executive Council Act*;
- cc. “PSC” means the Public Service Commission;
- dd. “PSOA” means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A, as amended;
- ee. “TBS” means the Treasury Board Secretariat;
- ff. “TB/MBC” means the Treasury Board/Management Board of Cabinet;
- gg. “Vice-Chair” means a Vice-Chair of the OLT;

OLT’s Legal Authority and Mandate

- a. The legal authority of the OLT is set out in the *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6.
- b. The OLT also exercises powers and authority under approximately 60 different statutes, including the statutes set out in Appendix 3 to this MOU.
- c. The OLT is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. Because of the functions that it performs and the interests at stake, and also because the Crown may appear as parties before it, independence is required of the OLT. Independence as used herein refers to the independence of the OLT and its members in rendering adjudicative decisions.
- d. The OLT’s mandate is to fairly, effectively, and efficiently resolve disputes related to land use planning, environmental and natural features and heritage protection, land

valuation, land compensation, municipal finance, and related other matters as authorized by statute and regulation.

- e. In exercising its role, the OLT seeks to encourage harmonious relations between its users by dealing with matters before it in a fair, impartial and expeditious manner.

4. Agency Type, Function and Public Body Status

- a. The OLT is designated as an adjudicative tribunal, a non-board-governed provincial agency under the AAD.
- b. The OLT is prescribed as a “public body” and a “commission public body” in accordance with Ontario Regulation 146/10 under the PSOA.

5. Corporate Status and Crown Agency Status

- a. The OLT is not a Crown agency within the meaning of the *Crown Agency Act*.
- b. The OLT does not have the capacity, rights, power and privileges of a natural person for carrying out its objects, subject to the limitations placed upon it under the *Ontario Land Tribunal Act, 2021, S.O. 2021, c. 4, Sched. 6*.

6. Guiding Principles

The parties agree to the following principles:

- a. **Accountability:** Provincial agencies deliver public services and are accountable to the government through the responsible minister. In delivering on their mandate, provincial agencies balance operational flexibility with the minister’s accountability for the provincial agency to Cabinet, the Legislative Assembly and the people of Ontario. Accountability of the minister for each provincial agency cannot be delegated.

Every provincial agency complies with all applicable legislation and Ontario Public Service (OPS) directives and policies. Further, agencies ensure that their directives and policies adhere to certain government directives, policies and guidelines, including those for human resources, while being mindful of collective agreement and bargaining obligations. This includes applicable legislation and directives related to procurement.

- b. **Responsiveness:** Provincial agencies align their mandate and operations with government priorities and direction. Open and consistent communication between provincial agencies and their responsible ministry helps ensure that government priorities and direction are clearly understood and helps to manage risks or issues as they arise. Provincial agencies deliver a high standard of public service that meets the needs of the population that they serve.
- c. **Efficiency:** Provincial agencies use public resources efficiently and effectively to carry out their mandates, as established by their respective constituting instruments. They operate in a cost-effective manner, and pursue efficiencies throughout the agency’s service delivery and administration.

- d. **Sustainability:** Provincial agencies operate in a way so that their current form is sustainable over the long-term while delivering a high standard of service to the public.
- d. **Transparency:** Good governance and accountability practices for provincial agencies are complemented by transparency in the form of public posting of governance and accountability documents including the business plan, annual report, MOU and expenses information.
- e. **Impartial decision-making** is the paramount requirement.

7. Accountability Relationships

7.1 Minister

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for the OLT's fulfilment of its mandate and its compliance with government policies, and for reporting to the Legislative Assembly on the OLT's affairs.
- b. For reporting and responding to Treasury Board/Management Board of Cabinet on the OLT's performance and compliance with government's applicable direction, including directives and operational policies.
- c. To the Cabinet for the performance of the OLT and its compliance with the government's operational policies and broad policy directions.

7.2 Chair

The Chair is accountable:

- a. To the Minister for the OLT's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by the *Ontario Land Tribunal Act, 2021*, the PSOA, the ATAGAA and other applicable legislation, this MOU, and applicable government directives and policies.
- b. For reporting to the Minister, as requested, on the OLT's activities.
- c. For ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the OLT.
- d. To the Minister to confirm the OLT's compliance with legislation, government directives, and applicable accounting, financial, and I&IT policies.

7.3 Deputy Minister

The Deputy Minister reports to the Secretary of the Cabinet and is responsible for supporting the Minister in the effective oversight of the OLT. The Deputy Minister is accountable for the performance of the ministry in providing administrative and organizational support to the OLT and for carrying out the roles and responsibilities

assigned by the Minister, this MOU, and applicable government directives and policies.

The Deputy Minister is also accountable for attesting to TB/MBC on the OLT's compliance with applicable directives to the best of their knowledge and ability.

7.4 Executive Director

- a. The Executive Director works under the direction of the Chair to implement policies and operational decisions, and reports the OLT's performance to the Chair.
- b. The OLT's staff report to and are accountable to the Executive Director for their performance.
- c. The Public Service Commission (PSC) can delegate its powers, duties and functions in relation to human resources management in respect of commission public bodies to Deputy Ministers, Chairs or prescribed individuals. PSOA Regulation 148/10 contains a list of such prescribed individuals.

8. Roles and Responsibilities

8.1 Minister

The Minister is responsible for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the OLT.
- b. Reporting and responding to TB/MBC on the OLT's performance and compliance with applicable directives, the government's operational policies and policy directions.
- c. Meeting with the Chair at least quarterly on: emerging issues and opportunities for the OLT; agency high risks and action plans including direction on corrective action, as required; and agency business plan and capital priorities.
 - i. As a best practice, meetings are to be quarterly. The Minister may delegate some of the meetings to an associate minister or parliamentary assistant. The Minister should meet with the Chair at least twice per year.
 - ii. If the Minister deems the OLT to be low-risk, the Minister may reduce the number of meetings to twice a year, instead of quarterly.
- d. Working with the Chair to develop appropriate measures and mechanisms related to the performance of the OLT.
- e. Reviewing the advice or recommendation of the Chair on candidates for appointment or re-appointment to the OLT.
- f. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the OLT, pursuant to the process for agency appointments established by legislation and/or by MBC through the AAD, after consulting with and receiving the recommendation of the Chair.
- g. Determining at any time the need for a review or audit of the OLT, directing the

Chair to undertake reviews or audits of the OLT on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the OLT resulting from any such review or audit.

- h. Directing a review of the OLT, at least once every six (6) years and directing any additional reviews of the OLT, in accordance with the ATAGAA and the AAD, and making recommendations to TB/MBC as may be required after such reviews are completed.
- i. Signing the MOU into effect after it has been signed by the Chair.
- j. Receiving the OLT's annual business plan and approving or providing suggested changes to the plan no later than 30 calendar days from receiving it.
- k. Ensuring that the OLT's business plan is made available to the public no later than 30 calendar days from approving it.
- l. Receiving the OLT's annual report and approving the report no later than 60 calendar days of the ministry's receipt of the report from the OLT.
- m. Ensuring the annual report is tabled no later than 30 calendar days from approval and then made available to the public.
- n. Recommending to TB/MBC any provincial funding to be allocated to the OLT.
- o. When appropriate or necessary, taking action or directing that the OLT take corrective action with respect to the OLT's administration or operations.
- p. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the government is considering regulatory or legislative changes for the OLT.
- q. Recommending to TB/MBC the application of the OPS Procurement Directive.
- r. Recommending to TB/MBC, where required, the merger, any change to the mandate, or dissolution of the OLT.
- s. Recommending to TB/MBC the powers to be given to, or revoked from, the OLT when a change to the OLT's mandate is being proposed.

8.2 Chair

The Chair is responsible for:

- a. Providing strategic leadership to the OLT by setting the goals, objectives, processes and strategic directions for the OLT within its mandate, as defined by the OLT's constituting instrument and applicable legislation.
- b. Directing the affairs of the OLT so as to fulfill its mandate as defined by the OLT's constituting instrument and applicable legislation.
- c. Ensuring compliance with legislative and TB/MBC policy obligations.
- d. Reporting to the Minister as requested on the OLT's activities within agreed upon timelines, including an annual letter confirming the OLT's compliance with all applicable legislation, directives, and accounting, financial and I&IT policies.
- e. Meeting with the Minister at least quarterly on: emerging issues and opportunities; any

OLT high risks and action plans including direction on corrective action, as required; and OLT's business plan and capital priorities.

- i. As a best practice, meetings are to be quarterly. The Minister may delegate some of the meetings to an associate minister or parliamentary assistant. The Minister should meet with the Chair at least twice per year.
 - ii. If the Minister deems the OLT to be low-risk, the Minister may reduce the number of meetings to twice a year, instead of quarterly.
- f. Ensuring timely communications with the Minister regarding any issues or events that may concern or can reasonably be expected to concern the Minister in the exercise of their responsibilities relating to the OLT.
- g. Working with the Minister to develop appropriate measures and mechanisms related to the performance of the OLT.
- h. Utilizing the OLT's skills matrix to advise the Minister of any competency skills gaps and provide recommendations for recruitment strategies, appointments, or re-appointments as needed, including advising the Minister on appointee attendance and performance.
- i. Cooperating with any review or audit of the OLT.
- j. Requesting an external audit of the financial transactions or management controls of the OLT, at the OLT's expense, if required.
- k. Advising the Minister and Deputy Minister, annually at minimum, on any outstanding audit recommendations/issues.
- l. Sharing all audit engagement reports (including those prepared by their own internal audit function and/or those reported to the OLT's Chair) with their respective Minister and Deputy Minister (and when requested, with the President of the Treasury Board).
- m. Seeking strategic policy direction for the OLT from the Minister.
- n. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the OLT, and otherwise directing the affairs of the OLT so as to fulfill its mandate.
- o. Developing a performance measurement system for the OLT, including targets, for assessing the OLT's performance.
- p. Monitoring and evaluating the performance of the OLT, including the performance of Vice-Chairs and Members.
- q. Identifying the required skills, experience and capacity required for the OLT to meet its mandate.
- r. Working with the ministry to oversee the recruitment of members and providing recommendations to the Minister on appointments and reappointments, as applicable, pursuant to the process for appointment to adjudicative tribunals established by the ATAGAA and by MBC through the AAD.
- s. Preparing the OLT's annual report for submission to the Minister/Ministry within

90 calendar days after the OLT's fiscal year-end.

- t. Making decisions consistent with the business plan approved for the OLT.
- u. Signing the OLT's MOU.
- v. Submitting the OLT's business plan, budget, annual report and financial reports to the Minister in accordance with the timelines specified in the applicable government directives and this MOU.
- w. Ensuring that the OLT operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.
- x. Consulting with the Minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, or on the OLT's mandate, powers or responsibilities as set out in the OLT's constituting instrument.
- y. Reviewing and approving claims for per diems and travel expenses for members.
- z. Ensuring appropriate management systems are in place (financial, information technology (including cyber security), human resources, procurement and records management) for the effective administration of the OLT.
- aa. Establishing and implementing artificial intelligence (AI) risk management in alignment with the principles of the Responsible Use of AI Directive and requirements in section 6.3, ensuring that they fulfill the role outlined for "Provincial Agency Heads or Equivalent" in the Responsible Use of AI Directive.
- bb. Ensuring that there is a timely, effective and efficient caseload management system to resolve disputes.
- cc. Directing that corrective action be taken relating to the OLT's operations, if needed.
- dd. Making sure that an appropriate framework is in place for OLT appointees and staff to receive adequate orientation and training with respect to the business and operations of the OLT and their particular responsibilities.
- ee. Making sure that OLT appointees and staff are aware of and comply with applicable government directives, and all applicable legislation.
- ff. Making sure a process for responding to and resolving complaints from the public and the OLT's users is in place.
- gg. Carrying out effective public communications and stakeholder relations for the OLT as required by the Communications Protocol.
- hh. Acknowledging the importance of promoting an equitable, inclusive, accessible, anti-racist and diverse workplace within the OLT, and supporting a diverse and inclusive workplace within the OLT.
- ii. Ensuring that members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- jj. Fulfilling the role of ethics executive for public servants who are government appointees to the OLT, promoting ethical conduct and ensuring that all members of the OLT are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under that act, including in respect of conflict of interest,

political activity and the protected disclosure of wrongdoing.

- kk. Consulting with the Deputy Minister in the evaluation of the Executive Director's performance pursuant to the performance criteria established by the Deputy Minister and the Chair.
- ll. Ensuring that the responsibilities for the institution head are carried out as set out in Regulation 460 for the purposes of the *Freedom of Information and Protection of Privacy Act*.

8.3 Deputy Minister

Deputy Minister responsibilities may be fulfilled by a delegate approved by the Secretary of Cabinet.

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's oversight responsibilities for the OLT, including informing the Minister of applicable legislation, policy direction, policies and priorities of relevance to the OLT's mandate.
- b. Advising the Minister on the requirements of the AAD, ensuring governance and accountability documents accurately adhere to the requirements of the AAD and the ATAGAA, and other directives that apply to the OLT.
- c. Attesting to TB/MBC on the OLT's compliance with the mandatory accountability requirements set out in the AAD and other applicable directives, the government's operational policies and policy directions based on the annual letter of compliance from the OLT Chair to the Minister to the best of their knowledge and ability.
- d. Reporting/responding, within prescribed timelines, to TBS on compliance tracking.
- e. Ensuring that the Executive Director is aware of the administrative requirements of government and is compliant with them.
- f. Informing the Executive Director, in writing, of new government directives and any exceptions to, or exemptions in whole or in part from directives, government policies, or ministry administrative policies.
- g. Ensuring regular briefings and consultations between the Chair and the Minister at least quarterly, and between the ministry staff and the OLT staff as needed.
- h. Providing supporting and background information for the Minister's quarterly meetings with the Chair.
- i. Meeting with the OLT's Executive Director at least quarterly on matters of mutual importance, including emerging issues and opportunities, OLT business plan and results, and OLT high risks, the action plan and advice on corrective action as required.
- j. Meeting with the OLT's Executive Director regularly and as required, to discuss Certificate of Assurance (CoA) exceptions and fraud instances and their related action plans.
- k. Supporting the Minister in reviewing the performance targets, measures and results of the OLT.

- l. Signing the OLT's MOU, acknowledging their responsibilities.
- m. Undertaking reviews of the OLT as may be directed by the Minister.
- n. Cooperating with any review of the OLT as directed by the Minister or TB/MBC.
- o. Ensuring the review of and assessing the OLT's business plans and other reports.
- p. Requesting information and data as needed to fulfill obligations under the AAD.
- q. Monitoring the OLT on behalf of the Minister while respecting the OLT's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.
- r. Providing regular feedback to the Minister on the performance of the OLT.
- s. Supporting Ministers and Minister's offices in monitoring and tracking upcoming and existing member vacancies, particularly where there is a legislated minimum number of members and to maintain quorum.
- t. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the OLT or any of its programs, or changes to the management framework or operations of the OLT.
- u. Ensuring that the ministry and the OLT have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the OLT.
- v. Ensuring that the OLT has an appropriate risk management framework and a risk management plan in place for managing risks that the OLT may encounter in meeting its program or service delivery objectives.
- w. Undertaking timely risk-based reviews of the OLT, its management or operations, as may be directed by the Minister or TB/MBC.
- x. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.
- y. Consulting with the OLT's Executive Director or Chair, as needed, on matters of mutual importance including services provided by the ministry and compliance with directives and ministry policies.
- z. Arranging for administrative, financial and other support to the OLT, as specified in this MOU.
- aa. Consulting with the Chair on the performance evaluation of the Executive Director.

8.4 Executive Director

The Executive Director is responsible for:

- a. Managing the day-to-day financial, analytical, and administrative affairs of the OLT in accordance with the mandate of the OLT, government directives and policies, accepted business and financial practices, and this MOU.
- b. Advising the Chair on the requirements of and the OLT's compliance with the AAD, as well as other government directives and policies, and OLT policies, including annually attesting to the Chair on the OLT's compliance with mandatory requirements.

- c. Applying policies and procedures so that public funds are used with integrity and honesty.
- d. Providing leadership and management to OLT staff, including human and financial resources management, in accordance with the approved business plan, accepted business and financial practices and standards, the OLT's constituting instrument, and government directives.
- e. Preparing the OLT's annual business plan to be approved by the Chair prior to submission to the Minister.
- f. Assisting in the preparation of the OLT's annual report as directed by the Chair.
- g. Preparing financial reports.
- h. Establishing and applying a financial management framework for the OLT in accordance with applicable Minister of Finance/Treasury Board controllership directives, policies and guidelines.
- i. Translating the goals, objectives and strategic directions of the Chair into operational plans and activities in accordance with the OLT's approved business plan.
- j. Ensuring that the OLT has the oversight capacity and an effective oversight framework in place for monitoring its management and operations.
- k. Keeping the Chair informed with respect to implementation of policy and the operations of the OLT.
- l. Establishing systems to ensure that the OLT operates within its approved business plan.
- m. Ensuring that the OLT has an appropriate risk management framework and risk management plan-in place.
- n. Supporting the Chair in meeting their responsibilities, including compliance with all applicable legislation, directives, policies, procedures and guidelines.
- o. Carrying out in-year monitoring of the OLT's performance and reporting on results to the Chair.
- p. Keeping the ministry and the Chair advised on issues or events that may concern the Minister, the Deputy Minister and the Chair in the exercise of their responsibilities.
- q. Seeking support and advice from the ministry, as appropriate, on OLT management issues.
- r. Establishing a system for the retention of OLT documents and for making such documents publicly available when appropriate, for complying with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act* where applicable.
- s. Undertaking timely risk-based reviews of the OLT's management and operations.
- t. Consulting with the Deputy Minister as needed, on matters of mutual importance, including services provided by the ministry, and on government directives and ministry policies.

- u. Keeping the Deputy Minister informed about operational matters.
- v. Cooperating with a periodic review directed by the Minister or TB/MBC.
- w. Fulfilling the role of ethics executive for public servants, other than government appointees, who work in the OLT.
- x. Promoting ethical conduct and ensuring that all staff of the OLT are familiar with the ethical requirements of the PSOA and the regulations and directives made under that act, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing.
- y. Coordinating with the ministry, the development of a performance measurement system for OLT staff and implementing the system.

9. Ethical Framework

- a. The members of the OLT who are appointed by the Lieutenant Governor in Council are subject to the conflict of interest provisions of the AAD and the OLT's own conflict of interest rules that have been approved and published by the Office of the Integrity Commissioner on the Commissioner's website.
- b. Members shall not use any information gained as a result of their appointment to or membership on the OLT for personal gain or benefit. A member who has reasonable grounds to believe that they have a conflict of interest in a matter before the OLT, or a committee of the OLT, shall disclose the nature of the conflict to the Chair at the first opportunity and shall refrain from further participation in the consideration of the matter. The Chair shall cause to be recorded in the records of the OLT any declared conflicts of interest.
- c. The Chair, as the ethics executive for members of the OLT, is responsible for ensuring that appointees of the OLT are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the OLT.
- d. The Chair will ensure that an ethics plan is developed for the OLT, and that the ethics plan be approved by the Integrity Commissioner of Ontario.
- e. The Executive Director is the designated senior position for the OLT in accordance with section 14 of Ontario Regulation 381/07 under the PSOA.
- f. The Executive Director is designated as the ethics executive for all public servants of the OLT who are not appointees for the purposes of the PSOA and is responsible for ensuring that they are informed of the conflict of interest rules, including the rules on political activities that govern public servants and protected disclosure of wrongdoing that apply to the OLT.
- g. The Executive Director is the designated ethics executive for staff in accordance with Ontario Regulation 147/10 under the PSOA.

10. Reporting Requirements

10.1 Business Plan

- a. The Chair will ensure that the Minister is provided annually with the OLT's business plan covering a minimum of three (3) years from the upcoming fiscal year, unless otherwise specified by TB/MBC, for approval by the Minister. The annual business plan shall be in accordance with the requirements set out in the AAD and the ATAGAA, including any related regulations.
- b. The draft annual business plan is to be submitted to the ministry's chief administrative officer no later than 90 calendar days prior to the beginning of the OLT's fiscal year- start, and the Chair-approved business plan is to be submitted to the Minister for approval no later than 30 calendar days prior to the beginning of the OLT's fiscal year.
- c. The Chair is responsible for ensuring that the OLT's business plan includes a system of performance measures and reporting on the achievement of the objectives set out in the business plan. The system must include performance goals, how they will be achieved, and targeted results and timeframes.
- d. The Chair will ensure that the business plan includes a summary of HR impacts, including: current number of employees expressed as full-time equivalents and current number of executives.
- e. The Chair will ensure that the business plan includes a risk assessment and risk management plan. This will assist the ministry in developing its risk assessment and risk management plan information in accordance with the requirements of the AAD to assess risks, develop and maintain necessary records, and report to TB/MBC.
- f. The Chair will ensure that the business plan includes an inventory of the OLT's artificial intelligence (AI) use cases in accordance with requirements of the Responsible Use of AI Directive.
- g. The Chair will ensure that publicly posted business plans do not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the OLT. If necessary, this confidential information, included in the Minister-approved business plan, may be redacted in the publicly posted version.
- h. The Minister will review the OLT's annual business plan and will promptly advise the Chair whether or not they concur with the directions proposed by the OLT. The Minister may advise the Chair where and in what manner the OLT's plan varies from government or ministry policy or priorities as may be required, and the Chair will revise the OLT's plan accordingly. Business plans are only to be considered valid once the responsible Minister has approved the plan and the approval has been expressed in writing.
- i. The Minister will approve or provide suggested changes to the business plan no later than 30 calendar days from the Minister's receipt of the report. In certain circumstances, Minister approval may be given to only certain portions

of a business plan as submitted by the OLT.

- j. The parties acknowledge that TB/MBC may require the Minister to submit the OLT's business plan to TB/MBC for review at any time.
- k. The Chair, through the Executive Director, will ensure that the Minister approved business plan is made available to the public in an accessible format (to comply with the *Accessibility for Ontarians with Disabilities Act, 2005*), in both official languages (to comply with the *French Language Services Act*), on the OLT's website no later than 30 calendar days from Minister's approval of the plan.

10.2 Annual Reports

- a. The Chair will ensure that the ministry is provided annually with the OLT's annual report. The annual report shall be in accordance with the requirements set out in the AAD.
- b. The Chair is responsible for ensuring that the OLT's annual report is prepared and submitted to the ministry for approval within 90 calendar days after the OLT's fiscal year-end.
- c. The Chair, through the Executive Director, will ensure that the annual report is prepared in the format specified in the AAD.
- d. The Chair will ensure that the annual report includes a summary of human resources impacts, including: number of employees expressed as full-time equivalents, and number of executives.
- e. The Chair will ensure that publicly posted annual reports do not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the OLT.
- f. The Minister will receive and review the OLT's annual report to confirm compliance with AAD requirements and will approve the report no later than 60 calendar days from the day of receipt.
- g. The Minister will table the report in the Legislative Assembly no later than 30 calendar days from approval.
- h. The Chair, through the Executive Director, will ensure that the Minister approved annual report is publicly posted in an accessible format (to comply with the *Accessibility for Ontarians with Disabilities Act, 2005*), in both official languages (to comply with the *French Language Services Act*), on the OLT's website after the report has been tabled in the Legislature and no later than 30 calendar days from Minister's approval of the report.
- i. When distributing annual reports, digital formats and channels for distribution must be used unless otherwise required (e.g. by directive, legislation).

10.3 Human Resources and Compensation

- a. The OLT will provide workforce, compensation and operational data as set out in the AAD Operational Policy.
- b. The OLT will report on human resources and compensation policies in its business plans and annual reports, in accordance with the requirements of the AAD, AAD Operational Policy, and articles 10.1 and 10.2 of this MOU.
- c. The OLT will provide any other additional workforce, compensation and operational data as requested by TBS.

10.4 Other Reports

The Chair is responsible for:

- a. Ensuring that all required reports and documents, including those set out in the AAD, are submitted for review and approval by the Minister in accordance with the prescribed timelines.
- b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time, subject to any restrictions which may interfere or conflict with the integrity of adjudicative, assessment, decision-making or investigative process, or natural justice rights of the parties.

11. Public Posting Requirements

- a. The OLT, through the Chair, will ensure that the following approved governance documents are posted in an accessible format (to comply with the *Accessibility for Ontarians with Disabilities Act, 2005*), in both official languages (to comply with the *French Language Services Act*), on the OLT's website no later than the specified timelines:
 - Memorandum of understanding – 30 calendar days of signing by all parties
 - Annual business plan – 30 calendar days of Minister's approval
 - Annual report – 30 calendar days of Minister's approval (the report must first be tabled in the Legislature)
- b. Posted governance documents should not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the OLT.
- c. The OLT, through the Chair, will ensure that the expense information for appointees and senior management staff are posted on the OLT website, in accordance with the requirements of the Travel, Meal and Hospitality Expenses Directive.
- d. The OLT, through the Chair, will ensure that any other applicable public posting requirements are met.

12. Communications and Issues Management

The parties to this MOU recognize that the timely exchange of information on the plans, strategies, operations and administration of the OLT is essential for the Minister to meet their responsibilities for reporting and responding to the Legislative Assembly on the affairs of the OLT. The parties also recognize that it is essential for the Chair to be kept informed of government initiatives and broad policy directions that may affect the OLT's mandate and functions.

The Minister and the Chair, therefore, agree that:

- a. "Communications" shall not include discussion or exchanging of information between OLT personnel and the Minister, Deputy Minister or ministry staff about specific cases that have been, are or will be the subject of adjudicative or regulatory decision-making by the OLT.
- b. Inquiries received by the Minister's office regarding a case in progress at the OLT must be re-directed to the OLT without comment. Any response made by the Minister's office to the inquiring party will indicate that the inquiry has been forwarded to the OLT and that the Minister cannot comment on an adjudicative proceeding, assessment, decision, investigation or resolution.

- c. The Chair will consult with the Minister, in a timely manner, of all planned announcements, events or issues, including contentious matters, that concern or can be reasonably expected to concern the Minister in the exercise of their responsibilities.
- d. The Minister will advise the Chair in a timely manner, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the OLT's mandate or functions, or which otherwise will have a significant impact on the OLT.
- e. The Minister will advise the Chair, and the Chair will consult with the Minister on public communication strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions as they relate to the OLT's mandate and functions.
- f. The Minister and the Chair will meet at least quarterly on: emerging issues and opportunities; OLT high risks and action plans including direction on corrective action, as required; and OLT business plan and capital priorities.
 - i. As a best practice, meetings are to be quarterly. The Minister may delegate some of the meetings to an Associate Minister or parliamentary assistant. The Minister should meet with the Chair at least twice per year.
 - ii. If the Minister deems the OLT to be low-risk, the Minister may reduce the number of meetings to twice a year, instead of quarterly.
- g. The OLT and ministry will comply with the Public Communications Protocol set out in Appendix 1 to this MOU for ongoing issues management, public communications, and paid advertising.

13. Administrative Arrangements

13.1 Applicable Government Directives

- a. The Chair is responsible for ensuring that the OLT operates in accordance with all applicable government directives and policies. This includes, but is not limited to, the list of directives and policies found on the InsideOPS Directives and Policies page.
- b. The ministry will inform the OLT of amendments or additions to legislation, government directives, policies and guidelines that apply to the OLT; however, the OLT is responsible for complying with all legislation, government directives, policies and guidelines to which it is subject. Information on corporate direction is available on the InsideOPS Directives and Policies page.
- c. Procurement:

The OPS Procurement Directive applies in full.

The Procurement Directive on Advertising, Public and Media Relations and Creative Communications Services applies in full.

13.2 Administrative and Organizational Support Services (as applicable)

- a. All agencies are part of government and are required to comply with legislation, government directives, policies and guidelines applicable to them. Further, agencies may be required to ensure that their directives and policies adhere to certain government directives, policies and guidelines, including those for human resources, while being mindful of collective agreement and bargaining obligations.
- b. Subject to statutory requirements and applicable government directives, the OLT may establish its own administrative, financial, procurement, human resources and operational policies and guidelines, exercising sound business acumen and operational flexibility.
- c. The Deputy Minister is responsible for providing the OLT with the administrative and organizational support services listed in Appendix 2 to this MOU, and for negotiating with centralized OPS support structures concerning these services, as appropriate.
- d. Appendix 2 may be reviewed at any time at the request of either party.
- e. The Deputy Minister will ensure that the support or services provided to the OLT are of the same quality as those provided to the ministry's own divisions and branches.

13.3 Legal Services

- a. Legal services to the OLT will be provided by the Ministry of the Attorney General.
- b. The OLT may request outside legal services when it requires expertise which is unavailable within the Ministry of the Attorney General or when the use of a law office of the Crown would result in any conflict of interest.
- c. Outside legal services will be acquired in accordance with the MAG Operating Policy on Acquiring and Using Legal Services.

13.4 Creation, Collection, Maintenance and Disposition of Records

- a. The Chair is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The Chair is responsible for ensuring that the OLT complies with all government legislation, directives and policies related to information and records management.
- c. The Executive Director and the Chair shall protect the legal, fiscal and other interests of the OLT by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the OLT. This includes, but is not limited to, all electronic records, such as emails, information posted on the OLT's website(s), database data sets, and all records stored on personal computers and shared drives.

- d. The Chair is responsible for ensuring measures are implemented requiring the OLT's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs.
- e. The Chair is responsible for ensuring that the OLT complies with the TB/MBC Management and Use of Information and Information Technology (I&IT) Directive, in conjunction with the Corporate Policy on Recordkeeping, as applicable.
- f. The Chair is responsible for ensuring that the OLT complies with the *Archives and Recordkeeping Act, 2006, S.O. 2006, Chapter 34, Schedule A*.

13.5 Cyber Security

- a. Agencies are responsible and accountable for the ownership and management of cyber security risks and related impacts within their organization.
- b. Agencies must ensure adequate systems, protocols and procedures are established and maintained to ensure cyber resilience, recovery and maturity.
- c. An agency's cyber security practices and protocols should be regularly reviewed and updated to address new and emerging cyber security threats.
- d. Agencies should align with any applicable policies and standards issued by the OPS, such as the Government of Ontario Information Technology Standards (GO-ITS) 25.0 and any other relevant GO-ITS standards, Corporate Policy on Information Sensitivity Classification, Corporate Policy on Cyber Security and Cyber Risk Management, Governance and Management of Information and Data Assets Directive, Governance and Management of Information Technology Directive.

13.6 Intellectual Property

- a. The Chair is responsible for ensuring that the legal, financial and other interests of the government in intellectual property are protected in any contract that the OLT may enter with a third party that involves the creation of intellectual property.

13.7 Freedom of Information and Protection of Privacy

- a. The Chair and the Minister acknowledge that the OLT is bound to follow the requirements set out in the *Freedom of Information and Protection of Privacy Act* (FIPPA) in relation to the collection, retention, security, use, distribution, disclosure, access and correction and disposal of records.
- b. The Chair is designated as the "institution head" of the OLT in Ontario Regulation 460 under the FIPPA for the purposes of the FIPPA.

13.8 Service Standards

- a. The OLT shall establish customer service and quality standards that are consistent with the appropriate standards of the government, the ministry and the Ontario Public Service.
- b. The Chair will ensure that the OLT delivers its services at a quality standard that

reflects the principles and requirements of the OPS Service Directive.

- c. The Chair will ensure that the OLT designs, delivers and implements its digital services, whether internally built or procured, to reflect the principles and requirements outlined in the Digital and Data Directive, including Ontario's Digital Service Standard.
- d. The OLT has in place a formal process for responding to complaints about the quality of services received by users of the OLT consistent with the government's service quality standards. The OLT's process for responding to complaints about the quality of services is separate from any statute provisions about re-consideration, appeals, etc. of the OLT's adjudicative decisions.
- e. The OLT's annual business plan will include performance measures and targets for client service and the OLT's response to complaints.

13.9 Diversity and Inclusion

- a. The OLT, through the Chair, acknowledges the importance of promoting an equitable, inclusive, accessible, anti-racist and diverse workplace within the OLT.
- b. The Chair will support a diverse and inclusive workplace within the OLT by:
 - i. Developing and encouraging diversity and inclusion initiatives to promote an inclusive environment free of workplace discrimination and harassment; and
 - ii. Adopting an inclusive process to ensure all voices are heard.
- c. The Chair is responsible for ensuring that the OLT operates in accordance with the *Human Rights Code*, *Accessibility for Ontarians with Disabilities Act, 2005*, *French Language Services Act*, and *Pay Equity Act*.

14. Financial Arrangements

14.1 General

- a. All financial procedures for the OLT shall be in accordance with applicable government directives, ministry and corporate financial and administrative policies and procedures.
- b. When ordered to do so by the Minister of Finance and/or the President of the Treasury Board, pursuant to Section 16.4 of the *Financial Administration Act*, the OLT shall pay into the Consolidated Revenue Fund any money that the Minister of Finance and/or the President of the Treasury Board determines is surplus to its requirements.
- c. Pursuant to Section 28 of the *Financial Administration Act*, the OLT shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities of the Government without the approval of the Minister of Finance and/or the President of the Treasury Board. The Minister's approval is required before

seeking statutory approval from the Minister of Finance or President of the Treasury Board.

- d. The OLT's approved operating and capital allocations may be adjusted in a given year if in-year fiscal constraints are ordered by Cabinet or the Minister. The OLT will be provided with notice of changes to its allocation as soon as is reasonably possible. Where the OLT must reallocate resources as a result of its operating and/or capital allocations being adjusted, the OLT shall inform and discuss the changes with the ministry before making such changes.
- e. The agency will report to TBS when it has sought external advice on matters where: (i) the effectiveness of the advice depends on a particular accounting treatment or presentation in the financial statements; (ii) the outcome or consequences of the advice has or will have a material effect on the financial statements; and (iii) where there could be reasonable doubt as to the appropriateness of the related accounting treatment or presentation under the relevant financial reporting.
- f. The Executive Director shall be responsible for providing the ministry with the necessary documentation to support the OLT's expenditures.

14.2 Funding

- a. The OLT is funded by the Government of Ontario, out of the Consolidated Revenue Fund (CRF) pursuant to an appropriation authorized by the Legislative Assembly, and is subject to adjustments made by the Minister, TB/MBC or the Legislative Assembly.
- b. The Executive Director will prepare estimates of the OLT's expenditures for inclusion in the ministry's business plan for presentation to the Legislative Assembly. The Chair will deliver these estimates to the Minister in sufficient time to be analyzed and approved by the Minister.
- c. The estimates provided by the Executive Director may, after appropriate consultation with the Chair, be altered as required. The parties acknowledge that TB/MBC has final decision-making authority.
- d. Financial procedures of the OLT must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.
- e. Recovered costs and revenues, if any, are paid as received to the Consolidated Revenue Fund, unless the act constituting the OLT provides otherwise, and may not be applied to administrative expenditures of the OLT unless otherwise provided by the act.

14.3 Financial Reports

- a. The Chair shall provide, on instruction from the President of the Treasury Board and/or Minister of Finance, the OLT's financial information to the ministry for consolidation into the Public Accounts.

- b. The provincial agency will submit its salary information to the ministry, in accordance with the *Public Sector Salary Disclosure Act*, 1996.

14.4 Taxation Status: Harmonized Sales Tax (HST)

Collection/Remittance of HST

- a. The OLT is responsible for complying with its obligations as a supplier under the federal *Excise Tax Act* to collect and remit HST in respect of any taxable supplies made by it.

Payment of HST

- b. The OLT is responsible for paying HST where applicable, in accordance with the *Excise Tax Act* (Canada).

HST Recovery

- c. Predecessor agencies to the OLT, such as the Local Planning Appeal Tribunal, are listed on Schedule A to the Canada-Ontario Reciprocal Taxation Agreement. It is Finance Canada's position that an Ontario agency must file a fresh Schedule A application when the agency undergoes an amalgamation or a name change, as the OLT did in 2021. It is currently the OLT's intention to file a Schedule A application and continue to be listed on Schedule A.

If the OLT's application is accepted, then:

- i) the OLT would be entitled to claim HST government rebates in respect of any HST paid or payable by it, subject to any restrictions specified by Finance Canada. It would also clarify the ability of MAG, Treasury Board Secretariat, or any other Ontario ministry to claim HST Government Rebates to recover HST paid by that ministry or TBS on the OLT's behalf.
- ii) the OLT will not claim an HST government rebate in respect of HST paid or payable by it for which it has claimed a refund, input tax credit or other rebate under the *Excise Tax Act* (Canada).
- iii) the OLT is responsible for providing the Ministry of Finance and/or the Canada Revenue Agency, upon request, with any information necessary to determine the amount of an HST government rebate.
- iv) The OLT is responsible for informing the Ministry of Finance within 30 days if its name is changed, it merges with another agency, its mandate or major activities are significantly changed, it undergoes a significant reorganization or change to its legal structure, and if it ceases operations or is dissolved.

If the OLT's application is not accepted, then:

- i) the OLT would not be entitled to claim HST government rebates.
- ii) the OLT would be expected to claim any refunds, input tax credits or other rebates under the *Excise Tax Act* (Canada) for which it is eligible.

14.5 Realty

- a. The Chair is responsible for ensuring that the OLT operates in accordance with the MBC Realty Directive.
- b. Appendix B of the Realty Directive sets out the Mandatory Office Space Standards and Office Space Planning Practices that must be complied with when acquiring space for accommodation and program purposes.
- c. The Chair recognizes that all lease agreements for provincial agencies without realty authority are under the administration and control of the Minister of Infrastructure.
- d. The OLT will align hybrid work policies with the OPS and identify and assess office optimization opportunities to reduce office realty footprint and find cost reductions.

15. Audit and Review Arrangements

15.1 Audits

- a. The OLT is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act* or by the Ontario Internal Audit Division of Treasury Board Secretariat.
- b. The OLT can request and/or must accept the provision of internal audit services by the Ontario Internal Audit Division in accordance with the Internal Audit Directive.
- d. Regardless of any previous or annual external audit, the Minister or the Chair may direct that the OLT be audited at any time. The results of such audit should be shared by the Chair to the Minister in accordance with article 8.2. The OLT will share all engagement reports (including those prepared by their own internal audit function and/or those reported to the OLT's Chair) with their respective Minister and Deputy Minister (and when requested, with the President of the Treasury Board). The OLT will advise the respective Minister and Deputy Minister annually, at a minimum, on any outstanding recommendations/issues.
- e. The OLT will share its approved audit plan with their respective Minister and Deputy Minister, (and when requested, with the President of the Treasury Board) to support understanding of OLT risks.
- f. The Chair may request an external audit of the financial transactions or the management controls of the OLT, at the OLT's expense.

15.2 Other Reviews

- a. The OLT is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the OLT that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the OLT, including finance, human resources/labour relations and OLT processes.
- b. In requiring a periodic review, the Minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Chair and the Minister, and how any other parties are involved.

- c. A mandate review of the OLT will be conducted at least once every six years. The next review will be completed by the end of fiscal year 2026/27.
- d. The Minister will direct a review of the OLT at least once every six (6) years in accordance with subsections 21(2) and (2) of the ATAGAA. (This review may be structured in such a way that it also fulfills the obligation for a mandate review.)
- e. The Minister will consult the Chair as appropriate during any such review.
- f. The Chair and Executive Director will cooperate in any review.
- g. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the OLT to TB/MBC for consideration.

16. Staffing and Appointments

16.1 Delegation of Human Resources Management Authority

- a. Where the PSC has delegated its powers, duties and functions in relation to human resources management to the Deputy Minister, Chair or prescribed individual under Ontario Regulation 148/10), that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the mandate of the OLT, and within the parameters of the delegated authority.

16.2 Staffing Requirements

- a. The OLT is staffed by persons employed under Part III of the *Public Service of Ontario Act, 2006*. Such persons are eligible for all the rights and benefits accorded under the PSOA and relevant collective agreements.
- b. The OLT, in its dealings with staff employed under Part III of the *Public Service of Ontario Act, 2006*, is subject to MBC human resource directives and Public Service Commission directives under the PSOA.
- c. The OLT will provide to TBS workforce, compensation and operational data as set out in the AAD Operational Policy.
- d. The specific administrative support services to be provided by the ministry to the agency are identified in Appendix 2 to this MOU.

16.3 Appointments

- a. The Chair is appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to subsection 16(1) of the ATAGAA.
- b. The Vice-Chairs of the OLT are appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to subsection 16(4) of the ATAGAA.
- c. The members of the OLT are appointed by the Lieutenant Governor in Council on the recommendation of the Chair pursuant to section 14 of the ATAGAA.
- d. Members and Vice-Chairs are selected for appointment through a competitive, merit-based process that assesses candidates based on experience, knowledge or

training in the subject matter and legal issues dealt with by the tribunal; aptitude for impartial adjudication; and aptitude for applying alternative adjudicative practices and procedures that may be set out in the tribunal's rules.

- e. The Chair must utilize the OLT's skills matrix and recruitment strategy in advising the Minister of any competency skills gaps and providing any recommendations for appointments or re-appointments, including advising the Minister on appointee attendance and performance.
- f. Pursuant to subsection 14(4) of the ATAGAA, no person shall be appointed or reappointed unless the Chair, after being consulted as to their assessment of the person's qualifications under the ATAGAA and, in the case of reappointment, of the member's performance of their duties on the tribunal, recommends that the person be appointed or reappointed.
- g. The Lieutenant Governor in Council may appoint one or more Vice Chairs as Alternate Chairs, and an Alternate Chair will act in the place of the Chair if the Chair is unable to act or if the position of Chair is vacant.

16.4 Remuneration

- a. Remuneration is set by the Lieutenant Governor in Council.
- b. The OLT's full-time and part-time appointees will be remunerated pursuant to rates identified in Schedule B of the AAD.
- c. The OLT, including members, must comply with the Travel, Meal and Hospitality Expenses Directive issued by MBC. Legitimate authorized expenses incurred during the course of business shall be reimbursed. Expenses for members under the Directive are subject to requirements for public disclosure of expense information.

17. Risk Management, Liability Protection and Insurance

17.1 Risk Management

- a. Ministers and ministries are accountable for working with their provincial agencies to ensure effective management of risks. The ministry and agency will meet to discuss agency high risks and action plans including direction on corrective action.
- b. The Chair is responsible for ensuring that a risk management strategy is developed and in place for the OLT, in accordance with the AAD and the OPS Enterprise Risk Management Directive and Risk Management process.
- c. The OLT shall ensure that the risks it faces are addressed in an appropriate manner.

17.1.1 Artificial Intelligence Risk Management

- a. The Chair is responsible for ensuring that artificial intelligence (AI) risk management is undertaken in alignment with the principles and requirements of the Responsible Use of

AI Directive.

- b. The OLT shall implement AI risk management in alignment with the requirements outlined in Section 6.3 of the Responsible Use of Artificial Intelligence Directive.
 - i. The OLT shall ensure the management of technology risks in a documented and appropriate manner.
 - ii. The OLT will identify threats and risks, assess their potential impact, severity and likelihood, and document the risks and actions taken to address them.
- c. The OLT shall ensure that a business process exists for accountable executives to document their ongoing efforts to treat (resolve, mitigate, or accept) risks throughout the technology lifecycle.
- d. The OLT shall publish a list of AI use cases as part of the Business Plan.
- e. The OLT shall track and report quarterly on IT threats and technology risks and vulnerabilities, and associated risk treatment efforts. This includes reporting on AI use cases and associated risk management.
- f. The OLT shall ensure that IT systems can meet the confidentiality, integrity, and availability requirements of all information and that systems can adequately safeguard or dispose of information according to its sensitivity level.

17.2 Liability Protection and Insurance

- a. The operations of the OLT are covered for commercial general liability risks under the Government of Ontario's General and Road Liability Protection Program.
- b. Tribunals, such as the OLT, are part of the Executive Branch of Government and therefore are part of the Crown. Members appointed to or persons employed in the tribunal are protected by the applicable statutory immunity provisions (e.g., s. 25(1) of the *Ontario Land Tribunal Act, 2021*) and, in the case of tribunal members, by the common law principle of judicial (or adjudicative) immunity.

18. Compliance and Corrective Actions

- a. Open and consistent communication between provincial agencies and their responsible ministry helps ensure that government priorities and direction are clearly understood and helps to manage risks or issues as they arise.
- b. Situations may arise through the course of monitoring where corrective action is required. Corrective action refers to the steps taken to remedy non-compliance with this directive. Corrective action supports agencies in delivering on desired outputs and/or outcomes, and meeting the terms and conditions established by this directive.
- c. If a ministry initiates corrective action, it must be progressive in nature and in proportion to the risk associated with the degree of non-compliance. The degree of corrective action should only be increased if the agency's non-compliance continues. It is important that ministries document all actions, and provide timely and clear communication to the agency Chair or senior executives relating to potential

corrective actions. This may include letters of direction by the accountable Minister and/or the President of the Treasury Board as required.

- d. Before engaging in more severe corrective actions, ministries must consult with TBS and legal counsel.

19. Effective Date, Duration and Review of the MOU

- a. This MOU becomes effective on the date it is signed by the Minister as the last party to execute it ("Original Effective Date") and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. A copy of this signed MOU and any successor MOU must be provided to the Secretary, Treasury Board/Management Board of Cabinet, no later than seven calendar days from being signed.
- c. Upon a change in Minister, Deputy Minister, or Chair of the OLT, the newly appointed individual must review and sign this MOU no later than four months from the new appointment.
- d. In accordance with the ATAGAA, and subject to paragraph (a) above, this MOU expires five (5) years after its Original Effective Date, and may be renewed before that day for another five years.
- e. Subject to any further written agreements or updates, the parties agree that this MOU entered into between them will satisfy the requirements of section 11 of the ATAGAA.

Signatures

I acknowledge my role and the requirements as set out in this MOU and the AAD.

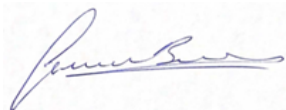
A handwritten signature in dark ink, appearing to read "David Corbett", written over a horizontal line.

David Corbett
Deputy Attorney General

September 24, 2025

Date

I acknowledge my role and the requirements as set out in this MOU and the AAD.



Cristina Boucinha
Executive Director

September 4, 2025

Date

Appendix 1: Public Communications Protocol

1. Purpose

The communications protocol sets out a framework for the ministry and the OLT to collaborate on public communications opportunities led by the OLT, and to set out a process for handling specific case/hearing related inquiries received by the Minister's Office and the ministry.

The communications protocol applies to both the OLT's implementation of its legislated mandate and the promotion of the work it does. It will also support the Minister's accountability to the Legislative Assembly and to Cabinet for the same.

2. Definitions

- a. "Public communications" means any material that is communicated to the public, either directly or through the media in:
 - Oral form, such as a speech or public presentation or interview to be broadcast
 - Printed form, such as a hard copy report
 - Electronic form, such as a posting to a website
 - Paid advertising, such as digital or print campaign.
- b. A "contentious issue" is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly or the public, or is likely to result in inquiries being directed to the Minister or government. Contentious issues may be raised by:
 - Members of the Legislative Assembly
 - The public
 - Media
 - Stakeholders
 - Service delivery partners.

3. The OLT will comply with the TB/MBC Visual Identity Directive.

4. The ministry and the OLT will appoint persons to serve as public communications "leads".

- The ministry lead is the Director of Communications or their designate.
- The OLT lead is the Executive Director or their designate.

5. For the purpose of this protocol, public communications are divided into three categories:
- a. **Media responses or communications products related to the routine business** of the OLT and its programs that do not have direct implications for either the ministry or the government.
 - Media responses, news releases or other communications products are to be shared with the ministry lead if the OLT determines that the ministry would have some interest in the information. Once shared, the ministry lead will circulate as appropriate to other individuals within the ministry.
 - **Note:** Funding related announcements are not considered routine business and must be escalated to category B. Contentious issues must be escalated to category C.
 - b. **Communications products and/or plans where provincial or ministerial messaging on government priorities would enhance the OLT's or the government's profile**, or would provide opportunities for local government announcements.
 - **For all non-contentious items that might generate media interest**, the OLT lead will notify the ministry lead of upcoming communications plans and products a minimum of three (3) business weeks in advance.
 - **For non-contentious items which provide government messaging opportunities** or involve funding announcements, the OLT must request approval of communications products seven (7) business days prior to the date required.
 - Final approval is required from the Minister's Office and will be sought via the ministry lead. If the OLT were not to receive comments or approval from the Minister's Office or ministry lead within forty-eight (48) hours of the date on which the item is to be issued, the OLT should escalate a follow-up, noting that they will proceed accordingly.
 - **Non-contentious media responses** are to be shared with the ministry lead on an appropriate and timely cadence who will circulate as appropriate to other individuals within the ministry. Contentious media responses follow the process below.
 - c. **Contentious issues, media responses, and news releases** that may have direct implications for either the ministry or the government, or are likely to result in inquiries being directed to the Minister or government.
 - The OLT lead will notify the ministry lead immediately upon becoming aware of the issue and will notify the Minister's Office simultaneously. The ministry lead may also advise the OLT of contentious issues that require attention. The OLT will provide all required background information on the issue to the ministry lead, who will arrange to have a contentious issues note prepared, as required.
 - The OLT must obtain ministry approval prior to issuing media responses or news releases in this category. The OLT lead will provide the media

response or news releases to the ministry lead who will initiate the approval process within the ministry.

- Final approval on media responses and news releases in this category is required from the Minister's Office.

6. Advertising

- To deliver on the long-range demands of planning advertising, the OLT will provide the ministry with any annual marketing plan three (3) months in advance of its start date (on the OLT's fiscal year).
- The OLT to share campaign briefs with the ministry a minimum of two (2) weeks in advance of briefing creative/media (agency) partners. Ministry to ensure alignment on campaign objectives and messaging.
- Advertising materials and campaigns can be reviewed by the ministry's Minister's Office.
- Final messaging and creative to be shared with the ministry at least two (2) weeks before going live.

7. For the purpose of handling specific case/hearing related inquiries:

- a. Parties who contact a Minister's Office or the ministry with an inquiry, issue or complaint concerning a specific case or hearing before the OLT will be referred to the registrar.
- b. Any party with a matter previously referred to the OLT requesting to discuss a specific case/hearing with the Minister's Office or with ministry staff shall be referred to the registrar. The registrar will ensure that an appropriate response is communicated to the party. The response will advise the party of the independent nature of the OLT's relationship with the ministry and the Minister.
- c. Requests for information pursuant to the *Freedom of Information and Protection of Privacy Act* (FIPPA) received by the Minister's Office or the ministry will be referred to the registrar who will determine an appropriate response to each request in consultation with the Chair.
- d. The ministry will ensure that all enquiries referred by the Minister's Office are addressed in a manner that is consistent with the FIPPA.
- e. The OLT will ensure that all inquiries referred by the Minister's Office via the ministry are addressed in a manner which is consistent with the FIPPA.

Appendix 2: Administrative or Organizational Support Services

The Deputy Minister is responsible for ensuring that the ministry and/or centralized OPS support structures (e.g., HR Advisory, Pay and Benefits, IT support etc.) provide the following administrative support services to the OLT:

- a. Financial administration: pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services, and records and forms advisory services.
- b. Human resource services: classification, advice and consultation regarding recruitment procedures and staff relations and advice and consultation regarding corporate initiatives such as occupational health and safety, staff or leadership development, etc.
- c. OPS-led corporate educational opportunities and career planning services are available and open to OLT staff; the ministry must assist the Executive Director in ensuring that these are communicated effectively to OLT staff.
- d. Information technology and telecommunications services: advice, consultation and support.
- e. Internal audit: financial compliance, management, human resource and information systems audits, operational reviews, and special investigations as required.
- f. Accommodation: planning, including lease renewals.
- g. Freedom of information program services.
- h. French language services: coordination services and French training/professional development for bilingual staff and adjudicators.
- i. Business planning.
- j. Performance measurement and program evaluation.
- k. Legal services (as required).
- l. Communications and marketing: assistance provided in accordance with the protocol.

Appendix 3: Key Applicable Legislation

In addition to the OLT's establishing statute, *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6, as well as the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, the OLT also exercises powers and authorities granted under many other statutes, including, but not limited to:

- *Aggregate Resources Act*
- *Assessment Act*
- *Building Broadband Faster Act, 2021*
- *Building Transit Faster Act, 2020*
- *Capital Investment Plan Act, 1993*
- *City of Greater Sudbury Act, 1999*
- *City of Hamilton Act, 1999*
- *City of Ottawa Act, 1999*
- *City of Toronto Act, 2006*
- *Clean Water Act, 2006*
- *Conservation Authorities Act*
- *Development Charges Act, 1997*
- *Education Act*
- *Environmental Assessment Act*
- *Environmental Protection Act*
- *Expropriations Act*
- *Fixing Long-Term Care Act, 2021*
- *Funeral, Burial and Cremation Services Act, 2002*
- *Health Protection and Promotion Act*
- *Housing Services Act, 2011*
- *Long-Term Care Homes Act, 2007*
- *Mining Act*
- *Municipal Act, 2001*
- *Municipal Affairs Act*
- *Municipal Arbitrations Act*
- *Municipal Corporations Quieting Orders Act*
- *Municipal Water and Sewage Transfer Act, 1997*
- *Nutrient Management Act, 2002*
- *Oil, Gas and Salt Resources Act*
- *Ontario Energy Board Act, 1998*
- *Ontario Heritage Act*
- *Ontario Northland Transportation Commission Act*
- *Ontario Planning and Development Act, 1994*
- *Ontario Underground Infrastructure Notification System Act, 2012*
- *Ontario Water Resources Act*
- *Pesticides Act*
- *Planning Act*
- *Public Service Works on Highways Act*
- *Public Transportation and Highway Improvement Act*

- *Public Utilities Act*
- *Resource Recovery and Circular Economy Act, 2016*
- *Retail Business Holidays Act*
- *Safe Drinking Water Act, 2002*
- *Shortline Railways Act, 1995*
- *Supporting Growth and Housing in York and Durham Regions Act, 2022*
- *Town of Haldimand Act, 1999*
- *Town of Moosonee Act, 2000*
- *Town of Norfolk Act, 1999*
- *Toronto District Heating Corporation Act, 1998*
- *Toxic Reductions Act, 2009*
- *Trustee Act*
- *Waste Diversion Transition Act, 2016*