



Ontario Land Tribunal

Annual Report

2021-22

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June 30, 2022

The Honourable Doug Downey
Attorney General of Ontario
Ministry of the Attorney General
720 Bay Street, 11th Floor
Toronto, Ontario
M7A 2S9

Dear Attorney General Downey:

Re: Ontario Land Tribunal 2021-22 Annual Report

We are pleased to submit to you the 2021-22 Annual Report for the Ontario Land Tribunal.

This report reflects the activities of the Ontario Land Tribunal for the fiscal year ending March 31, 2022.

As of June 1, 2021, the Local Planning Appeal Tribunal (LPAT), Environmental Review Tribunal (ERT), Board of Negotiation (BON), Conservation Review Board (CRB) and the Mining and Lands Tribunal (MLT) were merged into a new integrated tribunal called the Ontario Land Tribunal (OLT).

As an integrated Tribunal, the organization is taking important steps to eliminate the unnecessary overlap between cases, streamlining our processes and finding efficiencies in our specialized adjudication and mediation expertise.

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

Yours sincerely,

Greg Bishop
Alternate Chair

Joe Whitehead
Executive Director

Ce document est également disponible en Français.

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Alternate Chair's Message

During Marie Hubbard's absence, I have been acting as Alternate Chair. I am pleased to report on our recent successes within this Annual Report.

June 1, 2021, marked the establishment of the Ontario Land Tribunal (OLT). This was a significant milestone as the new OLT will help reduce delays and make the land dispute resolution process more efficient by creating a single forum to resolve disputes faster by eliminating unnecessary overlap between cases. I would like to thank our Chair, Marie Hubbard, for her outstanding work and leadership in establishing the OLT.

Another important milestone was the launch of our new case management system, the Ontario Land Tribunal Information System (OLTIS), to support the integrated tribunal. OLTIS provides a common system that is more efficient, supports scheduling improvements, works with Microsoft Power BI to improve data tracking and reporting capabilities, and can integrate with the OLT website to enhance self-service offerings.

A third important initiative this year was the use of OLT's mediation services. I am pleased to report that OLT's mediation service has an 85% resolution rate. The OLT will continue to expand the use of mediation services to reduce hearing times and resolve issues faster.

On March 30, 2022, the Ontario government announced it is investing more than \$19 million over three years to address backlogs and accelerate decisions at the OLT and Landlord and Tenant Board. The investment addresses a key recommendation in the Report of the Ontario Housing Affordability Task Force to increase OLT resources.

I am very proud of what our organization has been able to accomplish this year, with limited resources, and appreciate the support of the Ontario government to allow us to provide an even higher quality of service to Ontarians in the coming years.

I am grateful to all our members and staff for continuing to ensure the delivery of timely, fair and principled resolutions for the matters that come before us, and I look forward to continue working together to serve the people of Ontario.

Sincerely,



Greg Bishop
Alternate Chair
Ontario Land Tribunal

“I am very proud of what our organization has been able to accomplish this year, with limited resources, and appreciate the support of the Ontario government to allow us to provide an even higher quality of service to Ontarians in the coming years.”

Executive Director's Message

Within this annual report, I am pleased to share the accomplishments of our staff and members during this past operating year as Ontario Land Tribunal. This year our organization focused on updating our processes to create efficiencies, expanding digital services to the public and building a People-First workplace.

On June 1, 2021, the OLT updated its Rules of Practice and Procedures to allow for electronic submissions of documents. This change expedites the receipt of municipal submissions to the OLT and allows the public to make document submissions (up to 100 gigabytes) using the new secure email service. The OLT now accepts credit card as a payment method to support the efficient submission and intake of OLT appeals.

The change to accept electronic submissions will also ensure that OLT documents are available in digital format. Members of the public who wish to review OLT documents will now benefit from quicker access to information. Request for electronic copies can be processed faster and at no additional cost for copies.

The OLT website was updated to reflect the new integrated tribunal, this change included preparing new website content, accessible HTML forms and public information materials. To help the public better understand the OLT's new integrated processes, the OLT created

a single appeal form (A1 Form), Appeal Form instructions and checklists for required materials, and a new consolidated Appeal Guide. Transitioning to the new OLT was major task and I am grateful to everyone who helped to make this happen.

We remain committed to building a People-First workplace that supports anti-racism, diversity and inclusion, employee wellness and professional development. This year the OLT formed a staff led Anti-racism committee to hold the organization accountable to initial and ongoing commitments outlined in the OLT's Anti-Racism Action Plan. The OLT also launched a Professional Development (PD) strategy which promotes training events, diversity programs, and wellness supports. The areas of focus for staff PD are continuous learning, diversity, inclusion, anti-racism, health and wellness and leadership development. We look forward to continuing to work on these priorities in the future.

I would like to thank staff and members for their work and accomplishments over this past year, and I look forward to continuing our work improving our services for the public.

Sincerely,



Joe Whitehead
Executive Director

“We remain committed to building a People-First workplace that supports anti-racism, diversity and inclusion, employee wellness and professional development.”

About Ontario Land Tribunal

The Ontario Land Tribunal (OLT) was established on June 1, 2021 under the authority of [section 2 of the Ontario Land Tribunal Act, 2021](#). The Act amalgamates the Board of Negotiation under the Expropriations Act, and continues the Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal, as the OLT.

The OLT adjudicates and mediates matters related to land use planning, environmental and heritage protection, expropriated land valuation, mining and other matters. It focuses on land-related dispute resolution to help increase the housing supply in the province, while balancing the needs of environmental protection and conservation.

The OLT holds proceedings throughout the province and promotes the early resolution of a multitude of matters using a variety of dispute resolution methods. It processes files from intake to closure, which may include issuance of decisions, orders and recommendations arising from pre-hearings and mediations, settlement conferences and if required, a formal hearing.

The OLT and all who work within it are committed to providing access to justice and to high quality, independent, timely, fair and principled resolutions of the matters brought before them.

About Ontario Land Tribunal

Organizational Structure

The Ontario Land Tribunal (OLT) is led by the Chair, who is accountable to the Minister (Attorney General) for the performance of the OLT in fulfilling its mandate.

OLT decisions are made by adjudicators who are appointed for fixed terms by Orders-In-Council made by the Lieutenant Governor-In-Council on the recommendation of the Chair, Minister and Cabinet. Adjudicators report to the Chair.

Following the OLT’s establishment in 2021, there was a complement of 31 full-time members and ten part-time members (see Appendix for a full list of members).

The organization is also led by an Executive Director, who is responsible for supporting the Chair in the implementation of the OLT’s policies and operational decisions. The Executive Director is accountable to the Deputy Attorney General for the management of OLT’s operations. Staff are Ontario Public Servants and report to the Executive Director.

In 2021-2022, the OLT had a total of 75 allocated staff positions as outlined below.

Ontario Land Tribunal Staff

Area within the OLT	Number of Allocated Staff
Executive Office	5
Business Planning & Corporate Services	24
Legal Services	6
Operations	40

Operational Highlights

Establishing the Ontario Land Tribunal

The new integrated tribunal was established on June 1, 2021. To prepare for this change, the OLT prepared new forms and processes, updated its Rules of Practice and Procedures, introduced a secure email service for electronic submissions, updated the OLT website to reflect an integrated tribunal and created public information materials to support access to justice (e.g. Appeal Guide, Appeal Form Checklists etc.)

Finding Efficiencies

The Tribunal revised its Rules to allow mediation of expropriation related disputes prior to the filing of a claim with the Tribunal when there has been an acquisition of land by a public authority. The Tribunal determined that it would be both expeditious and efficient to offer mediation services in advance of the commencement of a claim.

When there is a land acquisition by a public authority, the Tribunal is uniquely positioned to exercise its dispute resolution powers prior to the formality of initiating the claim by the filing of a formal notice. This approach will be carefully assessed to determine whether its practices might be applicable to other proceedings.

To date, the Tribunal has seen certain disputes resolve avoiding the necessity of a contested dispute, saving time and money for our private and public sector stakeholders.

Second, the Tribunal has changed its administrative practices and procedures to consolidate heritage and planning related appeals to ensure greater efficiencies. Amendments to the More Homes, More Choice Act, 2019, that took effect at the same time as the proclamation of the Ontario Land Tribunal Act brought heritage related appeals to the Tribunal. The Tribunal now routinely consolidates planning and heritage related disputes into a single case file – allowing all related issues to be disposed of together – saving time and money for all stakeholders.

Case Management System

The Ontario Land Tribunal (OLT) has launched a new case management system that integrates and modernizes the case management systems utilized by its predecessor tribunals. Work continues on the case management system, including the migration of data from the previous case management systems, and facilitating e-services within the public facing website.

Operational Highlights

Mediation

The Ontario Land Tribunal (OLT) has a legislative mandate to facilitate mediation as an alternative dispute resolution mechanism to help resolve issues in the early stages of a proceeding. Mediation is an alternative to adjudication and is a voluntary process that requires the consent of the parties. Some cases may not be suitable for mediation.

In 2020, the OLT implemented a mediation program by acquiring mediation services from external mediators. OLT mediators have extensive expertise allowing them to efficiently and effectively resolve complex land-use planning and expropriation matters. Mediation of issues leads to reduced hearing times and faster resolution of disputes.

This year, cases that proceeded to mediation at the OLT have had a high rate of success with over 85% of cases successfully mediated. Response to the OLT mediation program has been positive; for example, in an article titled ‘A win for everyone’: U of T receives green light to proceed with Centre for Civilizations, Cultures & Cities’, University of Toronto News stated:

“The parties involved – the university, city and Queen’s Park Heritage Precinct Coalition, a non-profit that represents several local resident associations – agreed to engage in formal mediation earlier this year.”

The result was a success: “We are pleased with the result of this settlement hearing process, which saw all parties make compromises in the interest of achieving a positive resolution. That’s a win for the university, the community and the city,” said Christine Burke, U of T’s assistant vice-president, university planning. (Source: <https://www.utoronto.ca/news/win-everyone-u-t-receives-green-light-proceed-centre-civilizations-cultures-cities>)

The Ontario government has invested in an increased budget for our mediation program and the OLT looks forward to expanding its use of mediation in the coming years.

Diversity, Inclusion and Accessibility

The Ontario Land Tribunal (OLT) is committed to building a diverse, inclusive and accessible environment to reflect the public we serve and respond to the needs of diverse stakeholder groups. Diversity objectives and outcomes in policies, processes and services ensure the public, staff and Order-in-Council (OIC) members have access to a space that is free from harassment and discrimination.

Mandatory Training

Staff are trained on their responsibilities to provide diverse, inclusive and accessible services and have completed the following courses:

- San'yas Indigenous Cultural Safety Training Program which is an eight-week training program designed to increase knowledge, enhance self-awareness and strengthen the skills of those who work directly and indirectly with Indigenous people. This training is an important part of the Ontario Public Services' (OPS) commitment to reconciliation.
- Accessibility training modules required to increase knowledge on the requirements under the Accessibility for Ontarians with Disabilities Act (AODA) and the integrated Accessibility Standards Regulation (IASR).
- Respectful Workplace Policy and Workplace Discrimination and Harassment Prevention Program: Digital Awareness Module
- Anti-Racism Competency and Capacity (ARCC) Module 1: Exploring the Roots of Racism training.
- French Language Services (FLS) training as part of OLT's onboarding.

Anti-Racism Action Plan

In alignment with the Ontario Public Service Anti-Racism Policy, the OLT created an Anti-Racism Action Plan to support the advancement of anti-racism work across government, which will be updated every fiscal year.

The plan currently focuses on six initiatives:

- 1. Anti-racism competency and capacity training for all OLT managers:** Executive and senior management team to complete anti-racism competency training.
- 2. Review of hiring practices:** Executive management to review hiring practices for alignment with OPS diversity initiatives.
- 3. Review of on-boarding materials:** Ensure that new staff take anti-racism competency training as part of onboarding.
- 4. Review of succession planning:** Senior management to review succession planning for opportunities to enhance planning to reflect OPS diversity initiatives.
- 5. Model expectations & behaviours through Performance Management commitments for all levels of the organization:** Review performance management templates to ensure they include commitments to behaviours that reflect anti-racism initiatives.
- 6. Management to consult with staff on further development of the Anti-racism Plan for OLT:** Management to consult with staff on further developing the OLT Anti-Racism Action Plan

Diversity, Inclusion and Accessibility

The OLT is ensuring accountability by outlining specific accountability metrics, timelines for results, and monitoring accomplishments throughout the year. This year, an Anti-racism committee, to be led by staff, was formed to hold the organization accountable and support the further development of OLT's Anti-Racism Action Plan.

Important steps have been taken to build anti-racism competency and capacity, diversify the talent pipeline and hold ourselves accountable for an anti-racist and inclusive workplace. However, there is still a lot more work to be done. The OLT looks forward to progressively working on its action plan to achieve meaningful change.

Employee Wellness and Supports

OLT staff are provided with information on employee supports during the onboarding process. The list of supports includes information on employee networks, diversity mentorship programs, OPS Health and Safety Services, Employee and Family Assistance Program (EFAP), OPS Culturally Responsive Counselling Services (CRCS) and resources from the Centre for Employee Health, Safety and Wellness (CEHSW).

The OLT also encourages staff to access the AbilitiCBT program which is an internet-based cognitive behavioural therapy program available to support the mental health and well-being of all OPS employees.

All OLT staff must complete a mandatory e-module training program that focuses on vicarious trauma. This training is designed to:

- Educate and raise awareness about vicarious trauma.
- Support managers to effectively address vicarious trauma in the workplace
- Provide workplace assistance to employees to cope with vicarious trauma

Supporting the health and wellness of OLT employees continues to be a top priority.

Staying Connected

In response to remote work, the OLT made efforts to stay connected through various virtual activities and internal communications to staff and members:

- Quarterly Townhalls
- Virtual Professional Development Conference
- Virtual onboarding and team introductions
- Virtual Career Planning Lunch
- Quarterly newsletters
- Weekly communications promoting learning and professional development

Professional Development

Professional development is an integral part of the organization. Training ensures Order-In-Council (OIC) members and staff have the knowledge and support to meet legislatively mandated timelines, the most relevant knowledge in legislation, administrative justice tools, and operational functions.

Across the organization, we have provided new member onboarding training sessions, conducted through remote platforms. Training is done collaboratively with other units throughout the organization and is facilitated internally by the Chair, Vice Chairs, Members, Registrar and Legal Counsel, externally with guest presenters, through interactive platforms such as Microsoft Teams, online modules and self-directed study and job shadowing. The onboarding and training plan ensures that OICs are properly onboarded and trained to fulfill their roles as public servants.

With the establishment of the integrated tribunal, the OLT held a two-week Virtual Professional Development Conference. The virtual conference was designed to establish a foundation and culture of learning and to ensure all members of the predecessor tribunals were oriented to the new integrated tribunal. The OLT has a broad mandate covering a wide range of legislation, members in attendance received valuable training to help them better adjudicate matters brought before the Tribunal.

The OLT maintains a comprehensive electronic library which supports professional development across the OLT. New content is developed on an ongoing basis to assist adjudicators and staff in their work and to address legislative and policy changes.

Tribunal Highlights

As a newly-formed tribunal, the Ontario Land Tribunal (OLT) is developing new performance measures and targets to ensure its services and programs are achieving intended objectives. These performance measures will be designed to assess the OLT's core business of resolving disputes in an accessible, fair, efficient and timely manner, and determine if cases are proceeding through the system in a timely manner and whether resources are effectively utilized. An initial set of measures will be developed by March 31, 2023 for inclusion in the 2022-2023 Annual Report.

Legacy Tribunal Caseload Statistics

Tribunal	# of Cases at May 31, 2021	# of Cases Resolved	# of Cases at March 31, 2022
BON	23	15	8
CRB	37	14	23
ERT	14	3	11
LPAT	1,597	747	850
MLT	7	2	5

The above table summarizes the active legacy caseload prior to the formation of the integrated tribunal and the active caseload at the end of the fiscal year.

Tribunal Highlights

OLT Caseload Statistics for the period of June 1, 2021 to March 31, 2022

Case Type	Received Cases	Received Appeals	Resolved Cases	Resolved Appeals	Active Cases	Active Appeals
Aggregates	5	5	0	0	5	5
By-law Approval	1	1	0	0	1	1
Consent	113	116	38	38	75	78
Demolition Permit	1	1	0	0	1	1
Development Charges	15	20	1	1	14	19
Environmental-EBR	5	5	2	2	3	3
Environmental-MECP	8	11	2	4	6	7
Environmental-NEHO	23	39	0	0	23	39
Expropriation/Land Compensation	83	95	12	13	71	82
Expropriation/Hearing of Necessity	18	30	8	9	10	21
Heritage & Archaeology licensing	18	21	4	4	14	17
Mining & Lands	9	10	1	2	8	8
Minor Variance	212	231	81	84	131	147
Municipal and Miscellaneous	53	53	9	9	44	44
Official Plan/Amendment	102	169	6	7	96	162
Plan of Subdivision/Condominium	35	34	3	2	32	32
Site Plan	43	43	1	0	42	43
Site Plan Approval	0	0	0	0	0	0
Zoning By-law/Amendment	268	471	29	32	239	439
Total	1,012	1,355	197	207	815	1,148

Financial Summary

The Ontario Land Tribunal (OLT)'s financials for the 2021-22 fiscal year are reported below, for the period of April 1, 2021 to March 31, 2022.

Figures for the 2021-22 fiscal year reflect both the Ontario Land Tribunals cluster and the new integrated tribunal established on June 1, 2021.

The OLT is committed to continuing to review its business practices, identify efficiencies, and modernize and streamline practices and processes to deliver better service for people across the province.

Table 1 : Ontario Land Tribunal Allocation and Expenditures

Expenditures	Allocation	Actual	Variance
Salary and Wages	9,079,800	8,768,343	311,457
Employee Benefits	1,110,900	1,177,868	(66,968)
Transportation and Communications	439,400	83,170	356,230
Services	545,000*	1,479,466	(934,466)
Supplies and Equipment	90,900	97,752	(6,852)
Total**	11,266,000	11,606,599	(340,599)

* The original Services allocation for 2021-22 is \$734,400. User Seat Services allocation of \$189,400 is deducted from Services allocation of OLT.

** The original total for 2021-22 allocation for OLT is \$11,455,400.

Financial Summary

Table 2 : Ontario Land Tribunal Revenue

Application Filing Fees	2021-2022
Ontario Land Tribunal	\$996,599

Table 3: Remuneration of Appointees to Adjudicative Tribunals and Regulatory Agencies

Position	Full-Time Appointees (Annual Remuneration)			Part-Time Appointees (Per Diem Remuneration)			Prof & Labour
	First 2 years	Next 3 years	Final 5 years	First 2 years	Next 3 years	Final 5 years	
Executive Chairs	\$200,780	\$212,564	\$224,349		\$858		N/A
Chairs	\$174,184	\$186,621	\$199,059		\$744		\$788
Associate Chairs	\$174,184	\$186,621	\$199,059		\$744		\$788
Vice-Chairs	\$136,545	\$146,311	\$156,077		\$583		\$788
Members	\$110,482	\$118,378	\$126,273		\$472		\$788

Financial Summary

Table 4: Remuneration Paid to Ontario Land Tribunals' Full-time and Part-time Members

	2021-2022
Full-time OIC Remuneration	\$3,232,916
Part-time OIC Remuneration	\$420,190
Total	\$3,653,106

Appendix: Ontario Land Tribunal Appointees

The *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* requires the selection process for the appointment of new board and tribunal members to be competitive and merit-based. It also requires that all new appointments have the support of the Chair, who makes recommendations of new members to Ontario's Attorney General.

Members of the Ontario Land Tribunal have continued to contribute to the ongoing improvement of the organization, its tribunals and the administrative justice system in Ontario.

Name	Position and Classification	First Appointed Date	Last Appointment End Date
Andrews, Kurtis	Full-Time Member	25-Mar-21	24-Mar-23
Arnold, Debra	Part-Time Member	22-Dec-21	21-Dec-23
Arpino, Marianna	Full-Time Member	17-Oct-19	16-Oct-22
Ballagh, Margot ◦	Full-Time Member	13-Sep-19	07-Jul-21
Beccarea, Robert ◦	Part-Time Member	17-Oct-19	30-Sep-21
Bhullar, Jatinder	Full-Time Member	10-Oct-19	09-Oct-22
Bishop, Gregory	Full-Time Alternate Chair	23-Jul-20	31-Dec-22
	Full-Time Vice Chair	11-Jun-20	31-Dec-22
Bobka, Sarah	Full-Time Member	22-Dec-21	21-Dec-23
Braun, Shannon	Full-Time Member	05-Nov-20	04-Nov-24
Brown, David ◦	Full-Time Member	26-Jun-19	25-Jun-21
Bruce, Laurie ◦	Part-Time Member	22-Oct-14	24-Sep-21

Appendix: Ontario Land Tribunal Appointees

Name	Position and Classification	First Appointed Date	Last Appointment End Date
Burton, Gillian	Part-Time Vice Chair	29-Apr-21	28-Apr-25
Brunelle, Pierre ◦	Part-time Member	31-May-21	10-Sep-21
Campbell, Jennifer	Part-Time Member	22-Dec-21	21-Dec-23
Chipman, Dale	Full-Time Member	17-Oct-19	16-Oct-22
Colbourne, Douglas	Part-Time Vice Chair	29-Apr-21	28-Apr-25
Cooke, Steven ▪	Full-Time Vice Chair	22-Dec-21	21-Dec-23
	Full-Time Member	05-Sep-19	22-Dec-21
Cornacchia, Anthony	Part-Time Member	31-May-21	30-May-23
Crowe, Eric	Full-Time Member	25-Nov-21	24-Nov-23
deBoer, Steve	Full-Time Member	25-Nov-21	24-Nov-23
Hardy, Carrie	Part-Time Member	31-May-21	30-May-23
Hubbard, Marie	Full-Time Chair	01-Jul-20	31-Dec-23

Appendix: Ontario Land Tribunal Appointees

Name	Position and Classification	First Appointed Date	Last Appointment End Date
Jacobs, Sarah ◦	Full-Time Vice Chair	03-Dec-20	04-Jan-22
Joyner, Douglas ◦	Full-Time Member	13-Sep-19	12-Sep-21
Lanthier, David	Vice-Chair	27-Feb-20	26-Feb-25
Makuch, Richard, G.M.	Full-Time Vice-Chair	07-Jun-17	06-Jun-24
Mann, Simranjeet	Full-Time Member	22-Dec-21	21-Dec-23
Middleton, William	Full-Time Member	24-Apr-20	23-Apr-25
Morris, Warren	Part-Time Member	10-May-17	25-Jul-27
Nelson, Daniel	Part-Time Member	22-Oct-14	24-Oct-22
Ng, Tee Fung	Full-Time Member	10-Oct-19	09-Oct-22
Prevedel, Tony	Full-Time Member	08-Oct-20	07-Oct-24
Rajae, Bit	Full-Time Member	17-Feb-22	16-Feb-24
Robinson, Nicholas ▪	Full-Time Vice Chair	22-Dec-21	02-May-22
	Full-Time Member	29-Oct-20	22-Dec-21
Russo, Mario	Full-Time Member	17-Sep-20	16-Sep-22

Appendix: Ontario Land Tribunal Appointees

Name	Position and Classification	First Appointed Date	Last Appointment End Date
Schiller, Susan ◦	Full-Time Vice Chair	04-Jan-11	03-Jan-22
Sills, Mary-Ann	Full-Time Vice-Chair	25-Oct-19	25-Oct-22
Steinberg, Robert	Part-Time Member	04-May-11	03-May-22
Swinkin, Gerald ◦	Part-Time Member	24-Aug-16	11-Sep-21
Taylor, Blair S.	Full-Time Member	17-Oct-12	16-Oct-22
Tomilin, Pavel	Full-Time Member	25-Nov-21	24-Nov-23
Tousaw, Scott	Full-Time Member	31-May-17	30-May-24
Tucci, Carmine	Full-Time Member	17-Jan-20	16-Jan-25
Tuckey, Bryan	Part-Time Member	12-Dec-19	11-Dec-24
Vincent, Sharyn	Full-Time Vice-Chair	27-Feb-20	08-Jan-23
Wilkins, Hugh	Full-Time Member	24-Apr-20	23-Apr-25

▪ Symbol indicates:
Appointees whose position at the Ontario Land Tribunal changed in the 2021 – 2022 fiscal year.

◦ Symbol indicates:
Appointees who were no longer Appointees of the Ontario Land Tribunal as of March 31, 2022.