

ONTARIO'S ADJUDICATIVE TRIBUNALS – BASIC INFORMATION

Tribunal Watch Ontario – August 18, 2020

<https://tribunalwatch.ca/resources/>

Adjudicative Tribunals

- tribunals are public organizations with adjudicators who have the legal power to make binding decisions in many kinds of disputes and cases
- tribunal members or adjudicators act judicially to resolve disputes that a court would hear and decide if the tribunal were not given this power by the law
- Ontario Government has 34 tribunals covered by the [Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009](#) (the “Tribunals Act”)
- tribunals must operate independently from political or other influence, and be treated differently from advisory or operational boards or agencies – appointment and reappointment processes for tribunal members must respect their independence

Tribunal Clusters

- almost all adjudicative tribunals in the Ontario Government are in a tribunal cluster, except the tribunals in the areas of health and labour
- in January 2020, the three clusters were combined into one huge cluster – Tribunals Ontario with 19 tribunals; but 5 tribunals were taken out to form the [Ontario Land Tribunals](#) in July 2020 (<https://www.ontario.ca/laws/regulation/100126>)
- clustering has some benefits in building a prominent and coherent tribunal sector under the Ministry of the Attorney General, with increased accountability, and more ability to share resources and expertise; this can especially benefit smaller tribunals, but there are concerns over the loss of specialization, adaptability and engagement that may happen in very large organizations

Leadership, Structure

- all adjudicators are appointed by Order-in-Council (passed by the Cabinet of the Ontario Government) – these include the Chair, Vice-Chairs and Members
- the Chair leads the tribunal and has overall responsibility, with accountability to the Minister (the Attorney General in most cases). as set out in a memorandum of understanding (MOU) that covers reporting and protects adjudicative independence
- in addition to managing the Vice-Chairs and Members, the Chair works closely with the tribunal's Executive Director or Registrar, who is the senior public servant responsible for the tribunal staff and the administrative operations
- under the Tribunals Act, section 14(4), the Chair has a veto power over new appointments or reappointments – the Government cannot appoint a new member or reappoint existing members without the Chair's recommendation
- Executive Chair – in a tribunal cluster, there is an overall chair who is the Executive Chair of the cluster (e.g., Tribunals Ontario), and has all the powers of the chair of each tribunal in the cluster
- Associate Chair – each tribunal in the cluster has an Associate Chair (not a chair) who works with the Executive Chair to run the tribunal
- Vice-Chair – these are members who may have duties to manage a group of members, in addition to their adjudication work