



Environment and Land Tribunals Ontario Member Position Description

Overview

Members are appointed to one or more of Environment and Land Tribunals Ontario's (ELTO) constituent tribunals (Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal, and Ontario Municipal Board). Acting in accordance with ELTO's strategic framework and governance and accountability documents, Members are responsible for resolving disputes under applicable legislation, policies and rules, using a variety of dispute resolution methods.

Key Duties of a Member

Law and Procedure

A Member works under the general direction and mentorship of an Associate Chair or a Vice-chair. A Member may be assigned to carry out her/his adjudicative responsibilities alone or, occasionally, as part of a panel.

As an adjudicator, a Member:

- Conducts a wide range of hearings, or other duties as assigned by the Associate Chair or Executive Chair, in accordance with the applicable laws, regulations, policies, procedures and rules and utilizes an expert/active adjudication approach;
- Understands and applies the relevant laws, regulations, policies, procedures and rules;
- Maintains impartiality and open-mindedness while also maintaining control of the hearing process;
- Manages the hearing process with a view to timely resolution of disputes;
- Makes rulings to ensure the fair, proper and expeditious conduct, control and completion of the matter;
- Reviews and analyzes all evidence and submissions thoroughly and provides clear, concise, well-reasoned decisions which reflect a solid grasp of the issues and the relevant law and policies. When sitting as a Member of a panel, participates frankly and openly in panel discussions and works cooperatively with other panel members in sharing ideas, concerns, knowledge and expertise;

- Provides adjudication services within ELTO's case management and case assignment procedures;
- Complies with ELTO's rules and has regard to its policies;
- Makes rulings and issues decisions that are independent and free of outside influence; and
- Issues timely, clear, well-written, soundly reasoned decisions, which are understandable and can be implemented.

As a mediator, a Member:

- Will be assigned to perform mediation duties within tight time frames;
- May be expected to contact the parties and participants to promote early mediation, in accordance with a tribunal's procedures;
- Works to resolve matters or the issues within them, and offers suggestions for resolution, in keeping with the merits of the case and the applicable law and policies;
- Provides mediation services within ELTO's case management and case assignment procedures; and
- Complies with ELTO's rules and has regard to its policies.

A Member participates in initial training and stays current in the field by engaging in ongoing professional development and by keeping informed of leading case law from tribunals and courts in Ontario and elsewhere.

A Member works to advance consistency in a tribunal's jurisprudence and approach to dispute resolution, and to reflect the principle of high-quality resolution of matters in accordance with jurisprudence, policies and rules, and to this end:

- Releases decisions through the tribunal in accordance with established policy, and conforms to ELTO standards for decision format.
- Attends regular ELTO or tribunal meetings to discuss issues of statutory interpretation, without attempting to come to a consensus on the interpretation of the law nor to establish an ELTO or tribunal-wide position on how to decide a particular case.
- Submits draft decisions for peer and other decision reviews before they are issued in accordance with ELTO or individual tribunal policy. Peer and other decision reviews may address whether decisions are clearly written, address relevant issues, consider relevant law, including other tribunal decisions, and are grammatically correct, but do not seek to require amendment to the substance of the decision under review.

A Member conducts self-assessments of performance and participates in performance assessments to discuss her/his job description and performance pursuant to it, as well as training or other desired supports.

A Member works collaboratively and respectfully with all Members and staff to ensure efficient, effective and quality delivery of ELTO services.

Integrity and Fair Practices

A Member:

- Ensures equal access, fair treatment and fair and proportionate process in accordance with the tribunal's rules and procedures.
- Deals with conflict and diverging interests while maintaining decorum, due process, and professional and respectful interactions among all participants.
- Recognizes and deals appropriately with situations that may involve an issue of bias or conflict of interest.
- Acts with integrity and honesty.
- Treats every person who uses or seeks to use tribunal services with the utmost fairness, respect and courtesy, and conducts all matters with a view to facilitating access to justice; and
- Respects diversity/inclusion and needs for accommodation.

General

In addition to case-related duties, a Member:

- Works constructively and contributes to a collegial atmosphere at ELTO by sharing knowledge, time and experience with other ELTO Members, and by engaging in frank internal discussions to improve the quality of ELTO's services.
- Works as a member of a team of adjudicators if so assigned.
- Participates in professional development and in ELTO and tribunal meetings and committees.
- Complies with policies and practices set out by ELTO to meet financial accountability and administrative requirements.
- As a full-time Member, is present in the office or another assigned work site during regular office hours.
- As a part-time Member, is present, where assigned, during the period assigned.
- Complies with the *Public Service of Ontario Act, 2006*, and ELTO's accountability documents.
- Works collaboratively and with respect with all Members and staff to ensure efficient, effective and quality delivery of ELTO services.
- May be assigned by the Associate Chair such duties and responsibilities as necessary to support the efficient operation of the tribunal and cluster, to support the provision of day to day guidance, assistance and mentorship to Members, to participate in the peer review of decisions drafted by Members, to participate in improving tribunal processes, to lead committees and undertake special projects and such other duties that are required from time to time.
- Preserves confidentiality and respects privacy rights.
- Travels within Ontario (with accommodation as required).

Qualifications of a Member

Members are required to have the following abilities, skills and knowledge in order to carry out their responsibilities effectively:

- Experience in interpreting and applying legislation with specific knowledge of the laws, regulations, policies, procedures and rules that are relevant to the tribunal(s) to which they are appointed.
- Understanding of the professional, institutional and community context within which they operate.
- Understanding of the justice system, administrative law and human rights law, as well as the concepts of fairness, natural justice and proportionality.
- Demonstrated analytical, conceptual, problem-solving, decision-making and writing skills.
- Ability to listen actively and to communicate clearly and effectively with tribunal users, including those who are not professional representatives or who rarely participate in administrative justice proceedings.
- Ability to formulate reasoned decisions and communicate them orally and in writing in a timely manner.
- Well-developed adjudication and mediation skills.
- Impartiality and sound judgment to fairly assess cases involving conflicting evidence, the assessment of credibility and the determination of the public interest.
- Commitment to ongoing professional development to enhance expertise and remain current in the field.
- Good organizational skills to manage a heavy workload with complex, ongoing processes.
- Self-awareness and sensitivity to the diverse interests of parties, participants and presenters in order to maintain effective control in confrontational and stressful situations.
- Commitment to respect diversity, to maintain fair, transparent processes that meet high professional standards and to provide access to justice.
- Ability to work effectively within, and to contribute to, a collegial, team-based environment to ensure excellence in the work of ELTO's constituent tribunals.
- Commitment to the protection of the public interest within the mandate of the ELTO.
- Computer proficiency and experience with word processing, database, email and internet/intranet software applications.