

Date: 2022-06-13

Subject: **Brampton Appeal Tribunal Appointment Continuity**

Contact: Peter Fay, City Clerk, Legislative Services, peter.fay@brampton.ca, 905-874-2172

Report Number: Legislative Services-2022-677

Recommendations:

1. That the report titled: Brampton Appeal Tribunal Appointment Continuity, to the City Council meeting of July 6, 2022, be received.
2. That the continued appointment of Christopher Banks to the Brampton Appeal Tribunal be authorized until the end of the current Council term or until successors are appointed, on the pre-condition City Council continues to authorize the use of remote meeting platforms for citizen-based committees and administrative tribunals.

Overview:

- **An effective member of the Brampton Appeal Tribunal has moved out of the City, while the Citizen-Appointment Procedure states that citizen appointments are to be residents or working in the City.**
- **Given the proximity to the end of the term, Council's authorization allowing hybrid meeting participation, and a previous Council Resolution authorizing continued citizen participation subject to certain pre-conditions, staff are recommending Council continue to authorize the appointment until the end of the term or successors are appointed.**

Background:

The current membership of the Brampton Appeal Tribunal is five (5) members. All alternate appointments have been appointed or have not responded to contact attempts by the City Clerk's Office.

A current member of the Tribunal, Christopher Banks, has moved outside the City, but has agreed to continue serving on the Tribunal through remote participation during hybrid hearings. The Brampton Appeal Tribunal passed the following motion at its June 13, 2022 hearing:

Whereas the Brampton Appeal Tribunal is comprised of five (5) members, as approved by Brampton City Council in 2019 through adoption of Resolution C098-2019, as follows:

Resolution C098-2019

Brampton Appeal Tribunal:

a) That the following persons be appointed to the Brampton Appeal Tribunal, effective for the 2018-2022 term of Council ending November 14, 2022, or until a successor is appointed:

- i. Marsha Malcolm
- ii. Natalie Javed
- iii. Will Ramjass
- iv. Beryl Ford
- v. Sardara Singh Chera

b) That the following persons be appointed as alternate members of the Brampton Appeal Tribunal, in priority listed order, effective for the 2018-2022 term of Council ending November 14, 2022, or until a successor is appointed, so that a replacement citizen member is appointed immediately, if and when a vacancy occurs:

- i. Christopher Banks
- ii. Sukhpal Sidhu

Whereas alternate member Christopher Banks was automatically appointed as a member of the Brampton Appeal Tribunal during the current term, upon the resignation of an appointed member of the Tribunal;

Whereas Christopher Banks recently advised of his relocation outside the municipality;

Whereas the Citizen-based Advisory Committee Guideline and Appointment Procedure sets out that a citizen member is to be a Brampton resident, organizational representative or non-resident business representative;

Whereas no further alternate members are available to be appointed to the Tribunal, and given the need to ensure a quorum of the Tribunal is available to conduct its hearings, as well as the fact the end of appointment term will occur within the next several months and it will be challenging to start a new citizen recruitment process for appointment during the current Tribunal term;

Whereas the Brampton Appeal Tribunal, under the advice from the City Clerk, deems it appropriate to continue with the appointment of Christopher Banks for the remainder of the appointment term, through remote attendance and participation in hybrid meetings of the Brampton Appeal Tribunal, for as long as Brampton City Council authorizes the use of hybrid meetings;

Therefore Be It Resolved that Tribunal member Christopher Banks continue to serve as an appointed member of the Brampton Appeal Tribunal for the 2018-2022 term of Council ending November 14, 2022, or until a successor is appointed; and

That a copy of this motion be presented to Brampton City Council for its information and confirmation.

This report seeks Council's confirmation and ratification to continue with the appointment of Christopher Banks until the end of the current term or until successors are appointed by Council.

Current Situation:

As appointments to committees and administrative tribunals are approved by Council, this report recommends Council authorize the continued appointment of Christopher Banks to the Brampton Appeal Tribunal, although he is no longer a Brampton resident.

The [Citizen-based Advisory Committee Guideline and Appointment Procedure](#) sets out that a citizen member is to be a Brampton resident, organizational representative or non-resident business representative.

Christopher was first appointed by Council in 2019 as an alternate member and assumed the position of member when another member resigned from the Tribunal. Christopher has been an effective member of the Tribunal participating in all scheduled hearings since his appointment.

With the current Council term set to end in a few months, it does not make sense to recruit for another citizen appointment. Also, with the allowance for remote meeting participation, members can participate remotely from other locations, so long as Council continues to authorize participation through remote meetings.

There is precedent for continuing with appointed citizen members who no longer meet the appointment conditions, as occurred in March 2021 with the following Resolution of Council through the Citizen Appointments Committee:

CAC003-2021

- That for any citizen appointee who no longer meets the appointment requirements of being either a "Brampton resident, organizational representative or non-resident business representative," but meets the following pre-conditions:
 1. has been an effective appointed citizen member in good standing for at least five years, and
 2. there is a recommendation from the advisory committee for continued participation by the citizen on the committee, and
 3. there is expressed interest from the citizen to continue participation;

That the citizen may continue to serve on the committee until the end of the appointment term, unless Council decides otherwise.

Christopher Banks meets the pre-conditions established by Council's Resolution:

1. he has been an effective member of the Tribunal,

2. there is a motion for continued participation from the Tribunal, and
3. there is an expressed interest from Christopher Banks to continue as a member of the Tribunal.

It is recommended that the continued appointment of Christopher Banks to the Brampton Appeal Tribunal be authorized until the end of the current Council term or until successors are appointed, on the pre-condition City Council continues to authorize the use of remote meeting platforms for citizen-based committees and administrative tribunals.

Corporate Implications:

Financial Implications: *nil*

Other Implications: *nil*

Term of Council Priorities:

This report achieves the Term of Council priority of a Well-Run City by ensuring the continued operation of the City's governance structure, through administrative tribunals such as the Brampton Appeal Tribunal.

Conclusion:

A member of the five-person Brampton Appeal Tribunal has moved out of the municipality. Although residency or working in the City are conditions for appointment, given the near end of the term and need to ensure the Tribunal can continue for its meetings and function, along with a previous Council Resolution allowing for continued participation by citizen members subject to some pre-conditions, it is recommended that this member continue on the Brampton Appeal Tribunal.

Authored by:

Reviewed and Approved by:

Peter Fay, City Clerk,
Legislative Services

Diana Soos, Commissioner,
Legislative Services

Attachments: *nil*