



Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5

Tel: 416-212-6349 | 1-866-448-2248

olt.gov.on.ca

Member Position Description

Overview

Members appointed to the Ontario Land Tribunal (OLT) act in accordance with OLT's strategic framework, 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 Chair or Vice-Chair(s), including Alternate Chair. A Member may be assigned to carry out her/his adjudicative responsibilities alone or, as part of a panel.

As an adjudicator, a Member:

- Conducts a wide range of hearings, or other duties as assigned by the Chair, in accordance with the applicable laws, regulations, policies, procedures and rules.
- 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 and service standards.
- Makes rulings to ensure the fair, proper and expeditious conduct, control and completion of the matter(s).
- 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 laws 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 OLT's case management and case assignment procedures.
- Makes rulings and issues decisions that are independent.
- Issues timely, clear, well-written, soundly reasoned decisions, which are understandable and can be implemented.

As a mediator, a Member:

- May be assigned to perform mediation duties within tight time frames.
- 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 laws and policies.
- Provides mediation services within OLT's mediation, case management and case assignment procedures.
- Complies with OLT's rules and has regard to its policies.

A Member participates in 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 OLT'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 in accordance with established policy and conforms to OLT's standards for decision format and decision issuance timeliness.
- Attends regular OLT meetings to discuss emerging policy and legal issues without attempting to come to a determination or consensus on the interpretation of the law nor to establish an OLT position on how to decide an issue and/or a particular case.
- Submits draft decisions for peer reviews before they are issued in accordance with OLT's policy. Peer reviews may address whether decisions are clearly written, include relevant issues, consider relevant law or other tribunal decisions, and are grammatically correct, but do not seek guidance or require amendments to the merits 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 and/or other desired supports.

A Member works collaboratively and respectfully with all OLT Members and staff to ensure delivery of efficient, effective and high-quality services to the people of the Province.

Integrity and Fair Practices

A Member:

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

General

In addition to case-related duties, a Member:

- Works constructively and contributes to collegial atmosphere at OLT by sharing knowledge, time and experience with other Members and by engaging in frank internal discussions to improve the quality of OLT's services.
- Works as a member of a team of adjudicators, if so assigned.
- Participates in professional development and in OLT meetings and committees.
- Complies with policies and practices set out by OLT 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 OLT's accountability documents.
- Works collaboratively and with respect with all Members and staff to ensure quality, efficient, and effective delivery of OLT services.

- May be assigned by the Chair such duties and responsibilities as necessary to support the efficient operation of OLT, to support the provision of day to day guidance, assistance and mentorship to Members.
- Participates in the peer review of decisions.
- Leads committees and undertakes special projects and such other duties that are required from time to time.
- Preserves confidentiality and respects privacy rights.
- Travels within Ontario on assigned duties and with accommodation, as necessary.

Qualifications of a Member

Members are required to have the following abilities, skills, knowledge and experience 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 subject matters and practice of OLT.
- Understanding of the professional, institutional, community and cultural contexts within which they operate and render their decisions.
- Understanding of 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 OLT users, including those who are not professional representatives, are not represented by counsel or other professionals, who otherwise rarely participate in administrative justice proceedings.
- Ability to formulate reasoned decisions and communicate them orally, where appropriate and in writing.
- Conforming to decision issuance timelines.
- Impartiality and sound judgment to fairly assess cases involving conflicting evidence, 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 efficiently manage a heavy workload and complex processes.
- Self-awareness and sensitivity to the diverse interests of parties or participants in order to maintain effective control in adversarial and challenging situations.
- Commitment to respect, diversity and inclusion, to maintain fair, transparent processes that meet high professional standards and to provide access to justice.

- Ability to work effectively within OLT, and to contribute to a collaborative, collegial, team-based environment with a goal of achieving excellence of OLT's work.
- Commitment to the protection of the public interest within the mandate of OLT.
- Computer proficiency and experience with word processing, database, email and internet/intranet software applications, and videoconferencing platforms.