



Society of Ontario
Adjudicators and
Regulators

Navigating Troubled Waters: Current Issues in Administrative Justice

THURSDAY, NOVEMBER 1, 2012
TORONTO, ONTARIO

Same registration fees as 2007!

New staff oriented sessions!

This conference program can
be applied towards Continuing
Professional Development (CPD) Hours
for experienced members of the Law
Society of Upper Canada, including 1.5
Professionalism Hours for Session #1.

SOAR'S 24TH ANNUAL CONFERENCE OF ONTARIO BOARDS & AGENCIES (COBA)

www.soar.on.ca

2012 CONFERENCE THEME

NAVIGATING TROUBLED WATERS: CURRENT ISSUES IN ADMINISTRATIVE JUSTICE

Boards, tribunals and agencies were designed to deliver justice in an expert yet more informal and accessible manner than traditional courts. How can they respond to the current climate of economic restraint and the pressure for greater value-for-money in the delivery of services? The 2012 SOAR Conference will engage participants in topics including efficient procedures and practices such as electronic filings and active adjudication, and will also identify challenges and practical solutions for adjudicators and staff related to evidence and conflicts of interest.

8:15-9:00 AM

REGISTRATION & CONTINENTAL BREAKFAST

Registration located outside Ontario Room; breakfast in Huron Room.

9:00-9:30 AM

CONFERENCE WELCOME & OPENING REMARKS

Conference Co-Chairs - **Jerry DeMarco**, ELTO-Environmental Review Tribunal and **Heather Gibbs**, ELTO-Environmental Review Tribunal

9:30-10:45 AM

OPENING PLENARY

Charting the Course: Challenges Facing Agencies, Boards and Commissions

MODERATOR: **Emanuela Heyninck**, Pay Equity Commission

SPEAKERS: **Murray Segal**, Murray D. Segal Professional Corporation (Former Deputy Attorney General for Ontario); **Dean Lorne Sossin**, Osgoode Hall Law School-York University; **Penny Wyger**, Liquor Control Board of Ontario (Former Member of the Ontario Municipal Board)

Agencies, boards and commissions are being challenged to demonstrate their value, raising a number of fundamental issues: who should chart the course, choosing appropriate navigational tools, defining the elements of a successful voyage, avoiding a mutiny along the way. Join our multi-disciplinary panel in navigating these uncharted waters.

10:45-11:00 AM

REFRESHMENT BREAK

11:00 AM-12:30 PM

CONCURRENT SESSIONS

SESSION 1: Swimming with Sharks: Getting In and Out of Trouble (Conflict of Interest/Bias)



Accredited by the Law Society of Upper Canada for 1.5 Professionalism Hours for experienced and new members.

MODERATOR: **Christina Sokulsky**, Environment and Land Tribunals Ontario

SPEAKERS: **Dianne Carter**, Environment and Land Tribunals Ontario; **David Gavsie**, Ontario Civilian Police Commission

This interactive workshop will address conflict of interest and bias issues, providing participants with a framework in which to discuss and assess the various perspectives of bias and conflict of interest situations. Participants will have an opportunity to discuss fact situations, approaches and solutions and leave with some useful ideas and best practices.

SESSION 2: Art of Adjudication 2012: Charted and Uncharted Aspects of Active Adjudication

MODERATOR: **Dr. Lilian Ma**, SJTO-Landlord & Tenant Board

SPEAKERS: **Brian Cook**, SJTO-Human Rights Tribunal of Ontario; **Associate Chief Justice Dennis O'Connor**, Court of Appeal for Ontario

What is the role of an adjudicator? What are the expectations of parties? How are these changing? How can active adjudication be used to improve access to justice for parties and improve effectiveness and efficiency for adjudicators? This session will examine standard and innovative approaches taken by tribunals and the Courts to make things move along while maintaining a fair hearing process.

11:00 AM-12:30 PM **CONCURRENT SESSIONS - CONT'D**

SESSION 3: Going Green: Using Technology to Save Resources

MODERATOR: **Liz Nastasi**, Financial Services Commission of Ontario

SPEAKERS: **John Marman**, Financial Services Commission of Ontario; **Neil Sentance**, Ontario Public Service (OPS) Green Office; **Paul Sommerville**, Toronto Hydro

In both a professional and personal context we must consider the environmental impact of our actions. How do organizations shift operational processes in a way that continues to meet the unique needs of employees, adjudicators, and customers while minimizing environmental impacts? Speakers will discuss technological and operational options to enhance efficiency and productivity, including electronic filing, scheduling and other document management systems.

SESSION 4: Evidence 2.0: Why Hearsay Matters Even When It Doesn't

MODERATOR: **Catherine Bickley**, Pay Equity Hearings Tribunal and SJTO-Human Rights Tribunal of Ontario

SPEAKER: **Professor Randal Graham**, Faculty of Law-University of Western Ontario

The rule against hearsay is not applicable to tribunals governed by the Statutory Powers Procedures Act. But, just because a tribunal can admit hearsay evidence does that mean that it should? If it does, should hearsay be treated like 'ordinary' evidence? Are there limits to the weight that should be given to hearsay evidence? How can the common law hearsay rule and its exceptions play a role in shaping an administrative tribunal's evidentiary decisions? These questions and more will be the focus of this session.

12:30-1:30 PM

BUFFET LUNCH AND VOLUNTEER THANK YOU PRESENTATIONS

Gary Stanley, SOAR President to present thank you gifts at 1:20 pm in the Ontario Room.

1:30-2:30 PM

PLENARY SESSION

Clear and Effective Decisions

SPEAKER: **Hon. James Carnwath**, Q.C., Ontario Securities Commission

In this entertaining session, our presenter, a well-known speaker on judicial writing, offers practical tips on how to deliver clear and effective decisions. His tips will assist anyone whose work depends on the ability to communicate clearly.

2:30-2:45 PM

REFRESHMENT BREAK

2:45-4:00 PM

CONCURRENT PLENARIES

**PLENARY A. Administrative Law Blast 2012:
Rowing Upstream**

MODERATOR: **Janice Vauthier**, Health Professions and Health Services Appeal and Review Boards

SPEAKERS: **David Jacobs**, Watson Jacobs McCreary LLP; **Freya Kristjanson**, Cavalluzzo Hayes Shilton McIntyre & Cornish LLP; **Margaret Leighton**, Social Justice Tribunals Ontario; **Madam Justice Katherine Swinton**, Ontario Superior Court of Justice

Join our experienced administrative law panelists in an annual review of leading cases, with emphasis on "hands-on" practical tips to deal with legal challenges. New to this year's blast will be a focus on tribunal decisions as well as court decisions.

**PLENARY B. Staff Issues Blast 2012:
Ask the Experts**

MODERATOR: **Grace Knakowski**, Law Society of Upper Canada

SPEAKERS: **Mary Camacho**, Ontario Civilian Police Commission; **Justice Edward Ormston**, Consent and Capacity Board; **Richard Steinecke**, Steinecke Maciura LeBlanc, Barristers & Solicitors

In the administrative justice community, front-line staff encounter a variety of challenges in the vital services that they provide to parties and the general public. For instance, how do we provide support to self-represented litigants without crossing the line of providing legal advice; how do we consistently draw the line between adjudication and case management; how do we effectively and respectfully provide services to parties with a mental health illness? Join us for this interactive session where the panel not only will be equipped to speak about these themes but will also provide the opportunity to answer your specific questions.

4:10 PM - SOAR ANNUAL GENERAL MEETING AND ELECTIONS
Gary Stanley, SOAR President

5:00 PM - SOAR MEDAL DINNER NETWORKING RECEPTION
NEW LOCATION - Windsor Arms Hotel

6:00 PM - SOAR MEDAL DINNER - NEW LOCATION!

*Join SOAR and the administrative justice community at the Windsor Arms Hotel to honour the 2012 SOAR Medal Winners – **Ayumi Bailly**, **Justice Edward Ormston** and **Paul Sommerville**. Enjoy a wonderful opportunity to pay tribute to these outstanding individuals, as well as network with colleagues in an impressive setting with superb cuisine! Tickets for the dinner may be purchased separately or inclusive with the conference registration fee from the SOAR website at www.soar.on.ca.*

HOTEL ACCOMMODATION

The following hotels are located within fairly close proximity to the conference location. Please note that SOAR does not specifically endorse any of the hotels listed. Conference attendees are responsible for undertaking their own research and reservations directly.

Courtyard by Marriott Downtown Toronto

475 Yonge Street (On Yonge St. north of College St.) Toronto ON M4Y 1X7
Phone: (416) 924-0611 Reservations Toll Free: (800) 847-5075
Email: frontdesk@courtyardtoronto.com
www.marriott.com/hotels/hotel-information/travel/yyzcy-courtyard-toronto-downtown/

Delta Chelsea Hotel

33 Gerrard Street West (On Gerrard St. between Yonge St. and Bay St.) Toronto ON M5G 1Z4
Phone: (416) 595-1975 Toll Free: (800) CHELSEA
Reservations Toll Free (North America): (888) 890-3222
Email: reservations@deltachelsea.com
www.deltahotels.com/en/hotels/ontario/delta-chelsea/

THANK YOU TO THE 2012 CONFERENCE PLANNING COMMITTEE VOLUNTEERS

JERRY DEMARCO (CO-CHAIR), ELTO - Environmental Review Tribunal

HEATHER GIBBS (CO-CHAIR), ELTO - Environmental Review Tribunal

CATHERINE BICKLEY, Pay Equity Hearings Tribunal and SJTO-Human Rights Tribunal of Ontario

BOB BUTTERWORTH, ELTO-Assessment Review Board

LORI COLEMAN, Health Boards Secretariat

BRIAN COOK, SJTO-Human Rights Tribunal of Ontario

EMANUELA HEYNINCK, Pay Equity Commission

GRACE KNAKOWSKI, Law Society of Upper Canada

LINDA LAMOUREUX, Health Professions & Health Services Appeal & Review Boards

DR. LILIAN MA, SJTO-Landlord and Tenant Board

NANCY MAKEPEACE, Ontario Securities Commission

LIZ NASTASI, Financial Services Commission of Ontario

CHRISTINA SOKULSKY, Environment and Land Tribunals Ontario

GARY STANLEY, Ontario Highway Transport Board

JANICE VAUTHIER, Health Professions & Health Services Appeal & Review Boards

HOW TO REGISTER

- Visit the SOAR website at www.soar.on.ca.
- From the home page select "Events".
- Under the "Current Events" heading, select "SOAR's 24th Annual Conference (COBA 2012) – Nov. 1, 2012".
- Scroll down and select "REGISTER HERE"

CONTACT US

Society of Ontario Adjudicators and Regulators (SOAR)
1 Eva Road, Suite 304, Toronto, ON, M9C 4Z5
Tel. 416-695-1271 info@soar.on.ca
www.soar.on.ca

IMPORTANT NOTES

1. Written materials are not provided for conference presentations. Any papers or notes provided by speakers will be available on the SOAR website after the conference at www.soar.on.ca. This is being done to reduce SOAR's carbon footprint and keep pace with the technological/electronic distribution of documents.
2. Room locations for each session and activity will be outlined in the final program at the time of on-site registration. Registration will be located just outside the Ontario Room.

Toronto Marriott Downtown Eaton Centre

525 Bay Street (On Bay St. just south of Dundas St.) Toronto, ON M5G 2L2
Phone: (416) 597-9200 Toll Free: (800) 905-0667
Email: General email address not available; individual staff emails only.
www.marriott.com/hotels/travel/yyzec-toronto-marriott-downtown-eaton-centre-hotel/

Toronto Marriott Bloor Yorkville Hotel

90 Bloor Street East (On Bloor St. east of Yonge St.) Toronto, ON M4W 1A7
Phone: (416) 961-8000 Toll Free: (800) 859-7180
Email: General email address not available; individual staff emails only.
www.marriott.com/hotels/travel/yyzmc-toronto-marriott-bloor-yorkville-hotel/

Windsor Arms Hotel

18 St. Thomas St. Canada M5S 3E7
(Off Bloor Street between Bay St. and University Ave.) Toronto, Ontario
Phone: (416) 971-9666
Toll Free: (877) 999-2767
Email: reserve@windsorarmshotel.com
www.windsorarmshotel.com

2012 SOAR CONFERENCE PROGRAM-AT-A-GLANCE

NAVIGATING TROUBLED WATERS: CURRENT ISSUES IN ADMINISTRATIVE JUSTICE

Thursday, November 1, 2012

Ontario Room, Macdonald Block, Queen's Park, 900 Bay Street (at Wellesley)
Toronto, Ontario, Canada, Tel. 416.327.9532 (Directions/General Info)

TIME	EVENT	SPEAKERS
8:15-9:00 am	REGISTRATION & CONTINENTAL BREAKFAST	
9:00-9:30 am	CONFERENCE WELCOME & OPENING REMARKS	CONFERENCE CO-CHAIRS: Jerry DeMarco , ELTO-Environmental Review Tribunal Heather Gibbs , ELTO-Environmental Review Tribunal
9:30-10:45 am	OPENING PLENARY : Charting the Course: Challenges Facing Agencies, Boards and Commissions	MODERATOR: Emanuela Heyninck , Pay Equity Commission SPEAKERS: Murray Segal , Murray D. Segal Professional Corporation (Former Deputy Attorney General for Ontario) Dean Lorne Sossin , Osgoode Hall Law School-York University Penny Wyger , Liquor Control Board of Ontario (Former Member of the Ontario Municipal Board)
10:45-11:00 am	REFRESHMENT BREAK	
11:00 am-12:30 pm	CONCURRENT SESSIONS: 1. Swimming with Sharks: Getting In and Out of Trouble (Conflict of Interest/Bias) 2. Art of Adjudication 2012: Charted and Uncharted Aspects of Active Adjudication 3. Going Green: Using Technology to Save Resources 4. Evidence 2.0: Why Hearsay Matters Even When It Doesn't	MODERATOR: Christina Sokulsky , Environment and Land Tribunals Ontario SPEAKERS: Dianne Carter , Environment and Land Tribunals Ontario David Gavsie , Ontario Civilian Police Commission MODERATOR: Dr. Lilian Ma , SJTO-Landlord & Tenant Board SPEAKERS: Britan Cook , SJTO-Human Rights Tribunal of Ontario Associate Chief Justice Dennis O'Connor , Court of Appeal for Ontario MODERATOR: Liz Nastasi , Financial Services Commission of Ontario SPEAKERS: John Marman , Financial Services Commission of Ontario Neil Sentance , Ontario Public Service (OPS) Green Office Paul Sommerville , Toronto Hydro MODERATOR: Catherine Bickley , Pay Equity Hearings Tribunal and SJTO-Human Rights Tribunal of Ontario SPEAKER: Professor Randal Graham , Faculty of Law-University of Western Ontario
12:30-1:30 pm	BUFFET LUNCH AND VOLUNTEER THANK YOU PRESENTATIONS	Gary Stanley , SOAR President
1:30-2:30 pm	PLENARY: Clear and Effective Decisions	Hon. James Carnwath, Q.C. , Ontario Securities Commission
2:30-2:45 pm	REFRESHMENT BREAK	
2:45-4:00 pm	CONCURRENT PLENARIES: PLENARY A. Administrative Law Blast 2012: Rowing Upstream PLENARY B. Staff Issues Blast 2012: Ask the Experts	MODERATOR: Janice Vauthier , Health Professions and Health Services Appeal and Review Boards SPEAKERS: David Jacobs , Watson Jacobs McCreary LLP Freya Kristjanson , Cavalluzzo Hayes Shilton McIntyre & Cornish LLP Margaret Leighton , Social Justice Tribunals Ontario Madam Justice Katherine Swinton , Ontario Superior Court of Justice MODERATOR: Grace Knakowski , Law Society of Upper Canada SPEAKERS: Mary Camacho , Ontario Civilian Police Commission Justice Edward Ormston , Consent and Capacity Board Richard Steinecke , Steinecke Maciura LeBlanc, Barristers & Solicitors
4:10 pm	SOAR ANNUAL GENERAL MEETING & ELECTIONS	Gary Stanley , SOAR President
5:00 pm	SOAR MEDAL DINNER NETWORKING RECEPTION	Windsor Arms Hotel
6:00 pm	SOAR MEDAL DINNER	Windsor Arms Hotel. Honouring the 2012 SOAR Medal Winners Ayumi Bailly, Justice Edward Ormston and Paul Sommerville .