

TRIBUNAL WATCH ONTARIO

THE ADJUDICATIVE TRIBUNAL JUSTICE SYSTEM

STATEMENT OF PRINCIPLES

Updated, 2024

Introduction

The Ontario adjudicative tribunal justice system consists of specialized, expert bodies that take the place of the courts in resolving a range of disputes that arise in specific fields of law. Adjudicative tribunals are part of our justice system, and they are different from the many other government boards or agencies that are focused on policies, regulation, investigations, or other operations.

The advantage of tribunals is that disputes are resolved by decision-makers with specialized expertise in the specific subject matter and law at issue. Tribunals are also able to develop dispute-resolution techniques uniquely adapted to the needs of the parties and to their own legislative mandate.

The adjudicative tribunal justice system resolves significantly more disputes than the court justice system. Familiar examples of tribunals would include the Landlord and Tenant Board, the Human Rights Tribunal of Ontario, the Ontario Land Tribunal, and the Workplace Safety and Insurance Appeals Tribunal. Like court decisions, tribunal decisions are binding and often have life altering significance for the parties. Sometimes these decisions have an impact on society as a whole.

The public expects tribunal decision-makers to be independent and impartial, like judges in our courts. The parties appearing before these tribunals must have confidence that the tribunal and its adjudicators are expert in their specialized field and optimally competent in the performance of their adjudicative duties. This includes a demonstrable commitment to the principles of equity, diversity, inclusion, and accessibility.

Simply put, public confidence in the Ontario's adjudicative tribunal system requires that every adjudicative tribunal, its leadership, and its adjudicators be – and also be seen to be – independent, impartial, competent, expert, inclusive and accessible.

Unfortunately, the politicization of the appointments and reappointments processes in Ontario in recent years has threatened public confidence in our adjudicative justice system – in the very tribunals to which Ontarians must turn most often when facing fundamental legal challenges in their lives.

To understand and respect the important role of tribunals, we need to seek a broad consensus concerning the nature of the principles which would apply to a valid system of adjudicative tribunals.

The following Statement of Principles was developed with the hope that all stakeholders in the adjudicative tribunal community – the government, the tribunals themselves, and the public – will accept these principles as the starting point for a discussion about how to improve Ontario's adjudicative tribunal system.

FOUNDATIONAL PRINCIPLES FOR ONTARIO'S ADJUDICATIVE TRIBUNALS

1. **Independence and Impartiality**

The adjudicator and the tribunal must be, and must be seen to be, independent and impartial.

2. **Accountability**

The adjudicator is accountable to the parties before them and to the tribunal. The tribunal, through the chair, is accountable to government for its performance and for the conduct of its adjudicators and staff.

3. **Appointments and Reappointments**

The appointment and reappointment of tribunal chairs and adjudicators require fair, timely and transparent processes, free of partisan or patronage influences. The terms of appointments must be fixed and based on the needs of the tribunal.

4. **Competence and Expertise**

Adjudicators must be optimally competent and the tribunal equally competent in the exercise of its mandate. Adjudicators must have dispute resolution skills, subject matter expertise, and experience in decision writing.

5. **Accessibility, Inclusion, Diversity, and Equity**

Tribunals must develop and continually review strategies to enhance accessibility, inclusion, diversity and equity in their make-up, operations and decision-making.

6. **Access to Justice and the Right to be Heard**

Tribunal processes must be designed to ensure that they are appropriate for the parties who appear before the tribunal, including self-represented parties.

A more detailed discussion of these principles can be accessed [here](#)