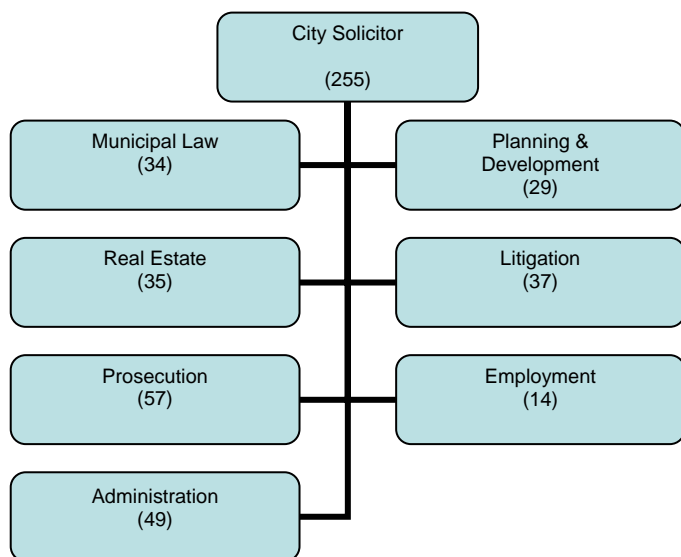


## Legal Services

**To provide the highest quality of legal services to the Corporation and to function as a strategic resource to Council, staff and agencies, boards and commissions.**

### Program Profile



### 2007 Recommended Operating Budget by Service Total = \$31.8 M (Gross)



### 2007 Key Strategic Directions and Priorities

- Implementation of the new City of Toronto Act will increase the demand for legal advice on how best to utilize the City's new and expanded powers.
- Keeping with the intent of the Bellamy Report recommendations that identifies Legal Services as a "valuable team member, dedicated to ensuring that projects are conducted according to law at all times." (Recommendation 93, Bellamy Report)
- Resources will continue to be prioritized according to the needs and interests of the Corporation that will have the most impact to the City it services.

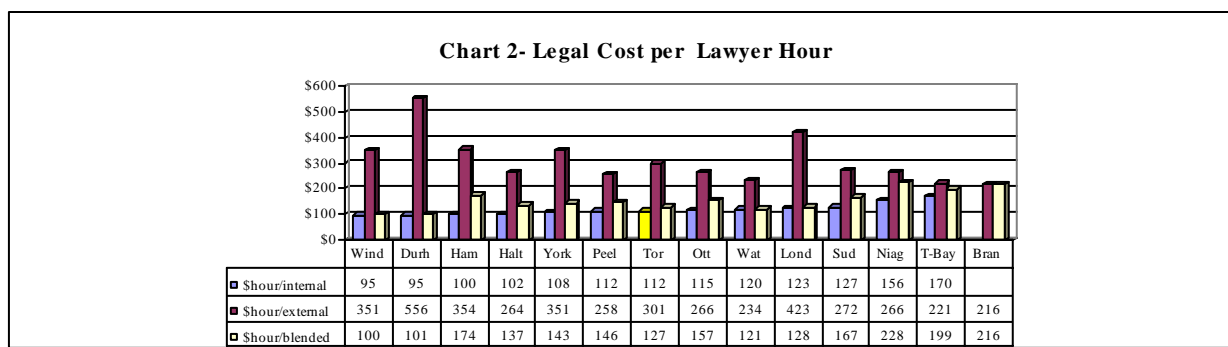
### 2006 Key Accomplishments

- City of Toronto Act received Royal Assent on June 12, 2006.
- OMB approved the Official Plan (in part) on July 6, 2006; many appeals were settled or withdrawn and negotiations continue to settle remaining appeals.
- Save Our St. Clair application dismissed permitting the transit improvement to proceed.
- Successful before the AGCO re: cancellation of the Dock's Nightclub liquor license.
- Provided significant resources with respect to the refusal of the City's waste hauler to ship the City's biosolids to Michigan; assisted with the injunction procedures.
- Provided legal support to City Clerk re: issues arising from Municipal Election.

## 2008 / 2009 Outlook

It is expected that significant resources will continue to be required to implement the broad and permissive powers obtained in the new City of Toronto Act. The Division is reallocating resources to provide strategic legal assistance in the new area of climate change.

## Key OMBI Benchmarks



In terms of efficiency, Toronto's cost per lawyer hour ranks 7<sup>th</sup> of 13 for in-house lawyers; 9<sup>th</sup> of 14 for external hours; and 4<sup>th</sup> of 14 overall for the blended rate per hour (in house and external). This indicates an efficient legal service in view of the complex and difficult legal issues faced by Toronto.

## General Overall Influencing Factors:

1. **Organization form:** Determines whether all legal costs are controlled centrally. Also, mix of external vs. in-house lawyer, and ratio of non-lawyer staff to lawyer staff affects the cost per lawyer hour. Upper Tier and single tier municipalities provide different services.
2. **Demand Drivers:** Legal resource drivers differ, e.g. development, border issues, extraordinary legal issues such as unusual litigation or one-of-a-kind contracts or projects. Council's philosophies on the cost-benefit of settling claims at different stages of litigation will impact results and level of insurance deductible.
3. **Municipal Services Provided:** Different services can demand varying levels of legal support.
4. **Reimbursement of Legal Fees Indemnification By-Laws** – handled differently by municipalities.

## Employment Law

### Program: Legal Services

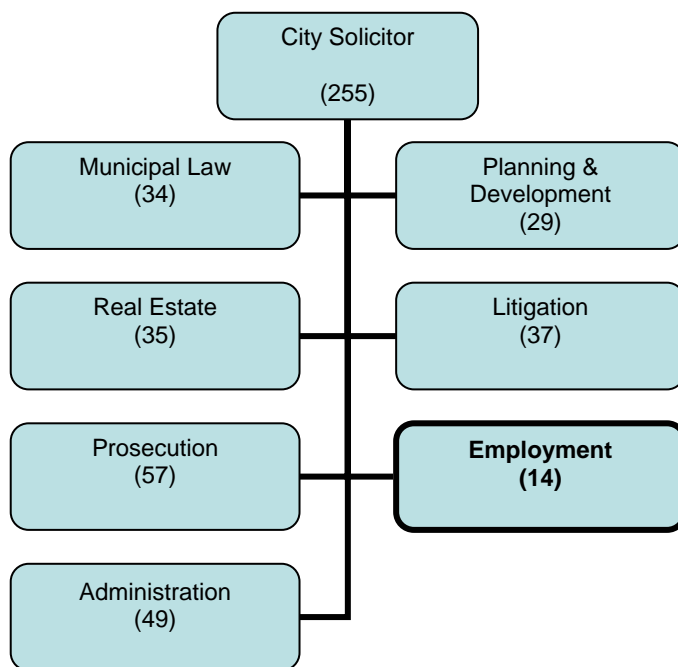
#### Service Area Description:

Employment Law deals with issues arising from collective agreements between the City and its two major unions. Additionally, Employment Law represents and provides legal advice to the City in matters related to:

- labour arbitration
- Ontario Labour Relations Board matters
- Workplace Safety and Insurance Board (WSIB) matters
- employment contracts
- human rights matters (in the employment context)
- opinion work on employment and labour law issues

#### Service Levels provided

- Over 2,200 hours spent at employment hearings

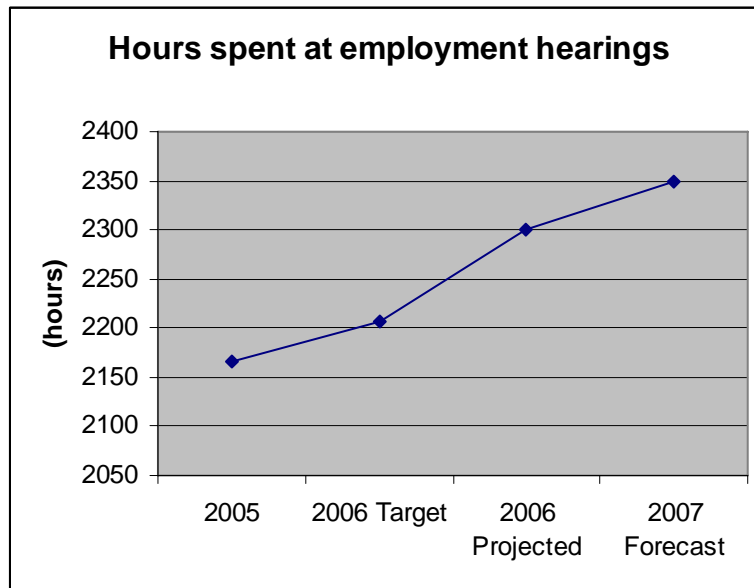


#### Emerging Challenges and Opportunities:

- Provide strategic advice respecting Fire Collective Bargaining;
- Represent City's position at ESA wages appeal before Ontario Labour Relations Board

---

### Key Performance Measures:



#### Trend description

More hours spent at employment hearings means that fewer resources are available to provide legal opinions and day to day strategic advice.

---

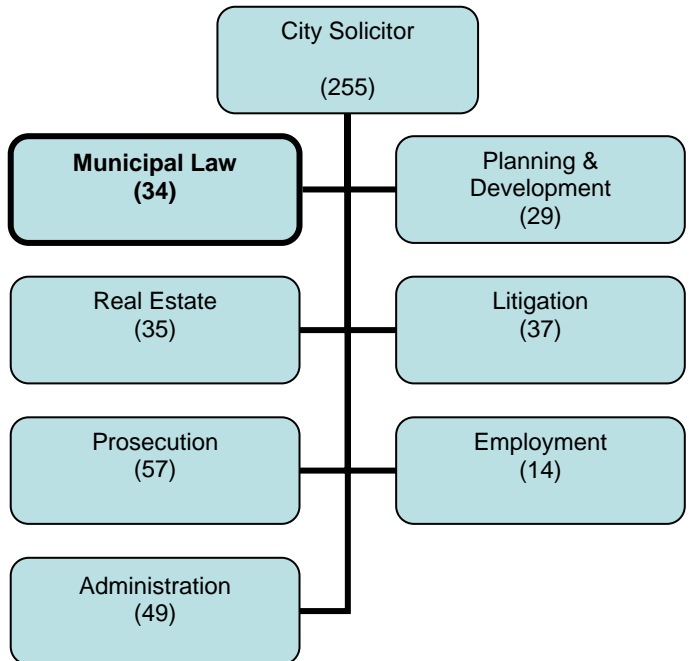
# Municipal Law

## Program: Legal Services

### Service Area Description:

Municipal Law provides expert legal advice and opinions related to various issues within the City's operations, such as:

- Municipal procurement
- Pension Plans
- Corporate governance
- RFP/RFQ review



### Service Levels provided

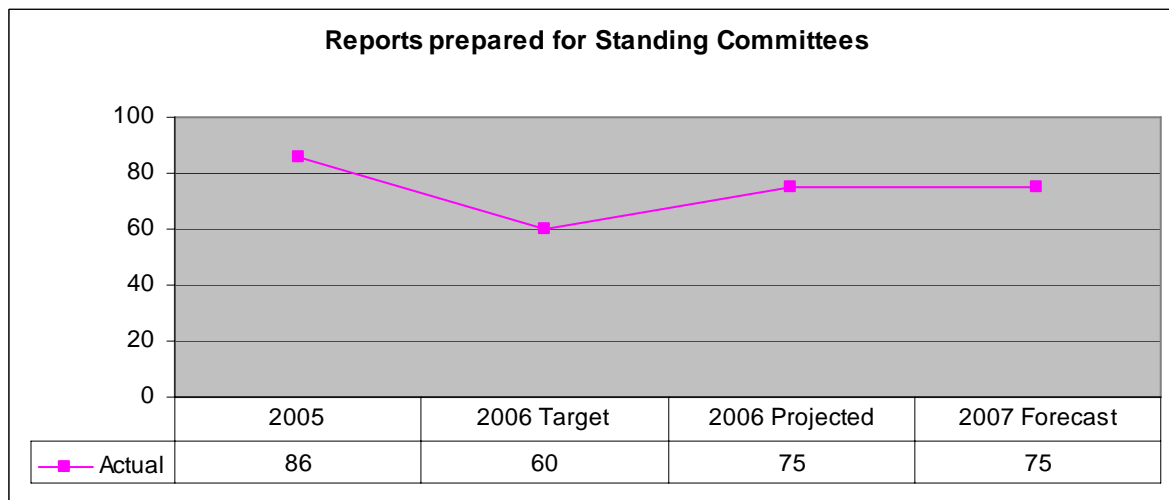
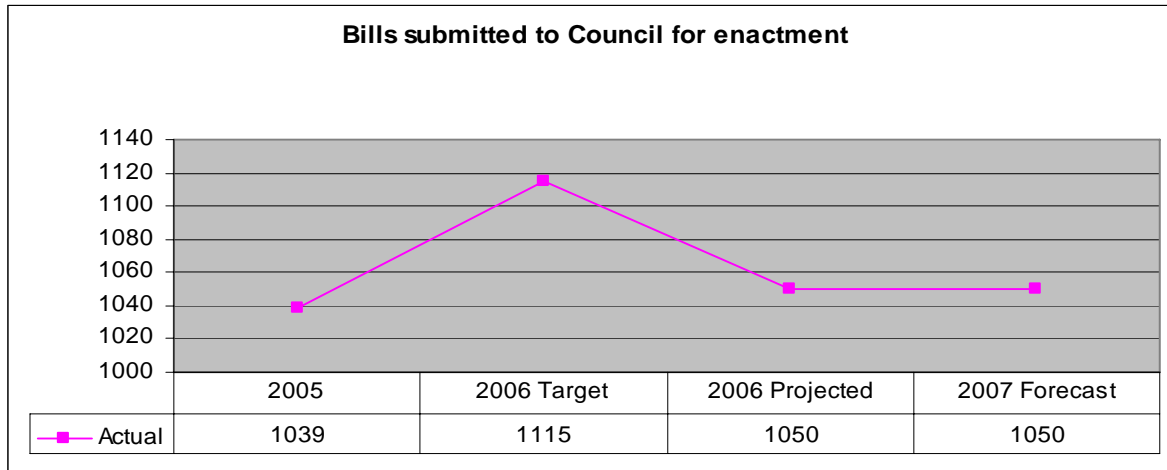
- Provided 118 signed legal opinions
- Submitted over 1,100 bills to Council for enactment

### Emerging Challenges and Opportunities:

- Provide strategic advice to implement broad and permissive powers under new City of Toronto Act;
- Complete purchase of Greenlane Landfill and transfer of Certificate of Approval;
- Develop expertise and provide service in area of climate change;
- Provide strategic advice on delegation to Community Councils;
- Provide strategic advice to implement new Lobbyist Registry.

---

### Key Performance Measures:



---

# Real Estate Law

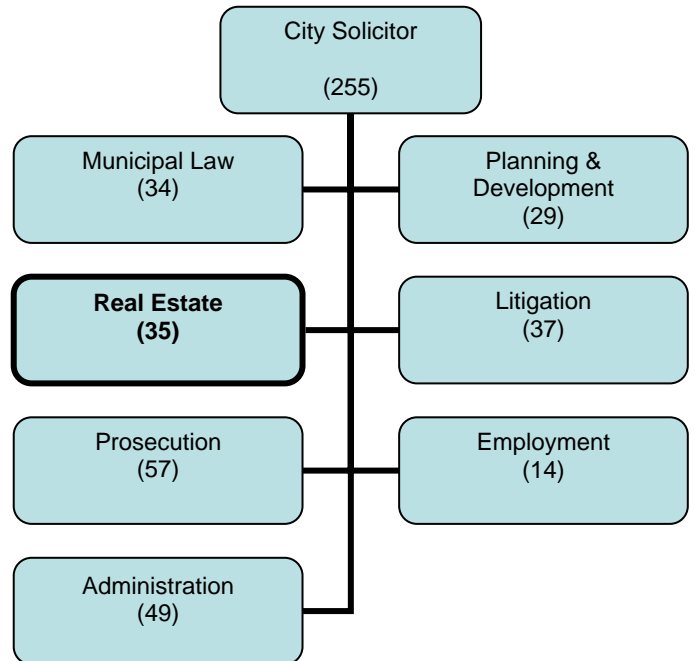
## Program: Legal Services

### Service Area Description:

Real Estate Law deals with a wide range of diverse and sophisticated real estate transactions that arise in a complex urban environment. Responsibilities range from agreements of purchase and sale with individual homeowners to highly complex transactions involving exceptionally valuable properties in the urban core, including purchases, sales, expropriations, leases, easements, tax sales, road closings and title searches. Additionally, Real Estate Law regularly provides advice to councillors, Council, agencies, boards and commissions.

### Service Levels provided

- Completed 3,300 property title searches
- Approximately 1,094 conveyancing registrations completed.

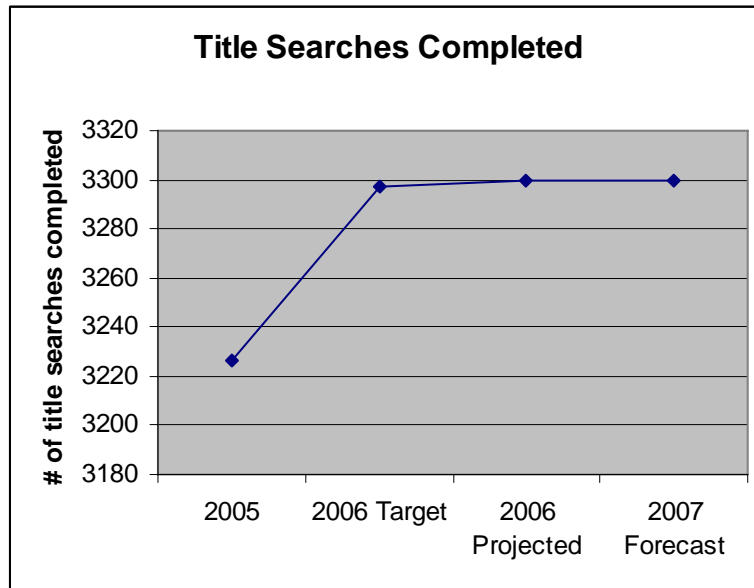


### Emerging Challenges and Opportunities:

- Provide strategic support for Spadina Subway Extension;
- Provide strategic advice to implement Council's directive to maximize value derived from surplus transit properties;
- Provide strategic advice on delegation of real estate matters to Standing Committee and appropriate staff.

---

**Key Performance Measures:**





---

# Litigation

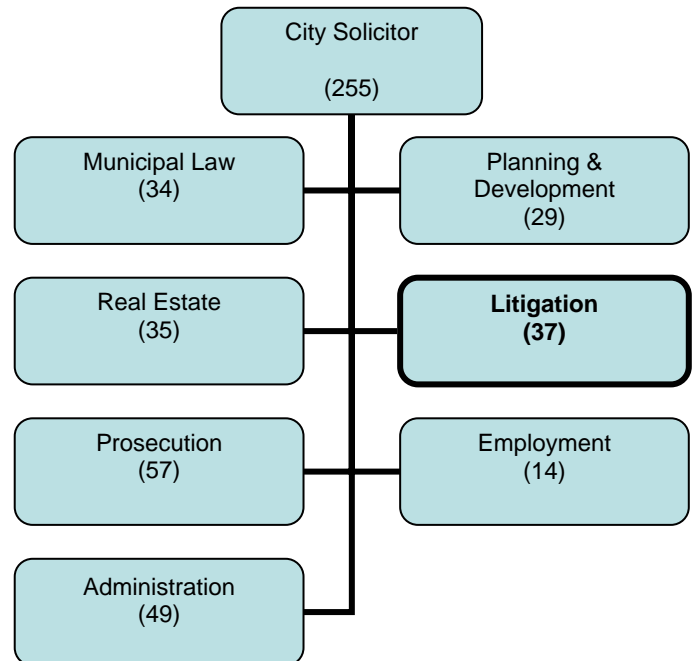
## Program: Legal Services

### Service Area Description:

Litigation is at the forefront of matters of public policy such as Municipal bylaw and Charter challenges; Human Rights; Environmental law; Health; Building Code; Commercial law ; Heritage Act; personal injury; Construction; Licensing; Police

### Service Levels provided

- Litigated 384 claims against the City of Toronto
- Litigated 401 claims for the City of Toronto
- 17,265 hours spent in court on motions, applications, pretrials and appeals

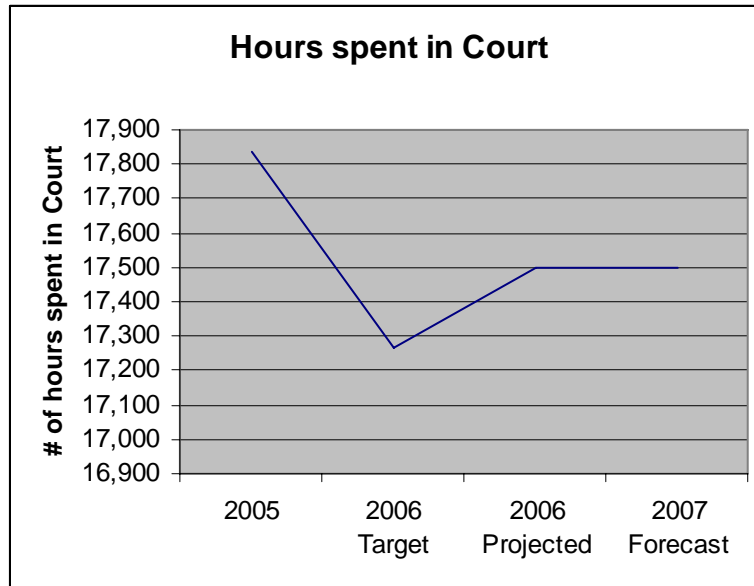


### Emerging Challenges and Opportunities:

- Provide increased support in defending insured claims against City;
- Represent City's position in Docks Nightclub appeal from cancellation of liquor licence by AGCO;
- Represent City's position at the Federal Pilt Advisory Panel on Toronto Port Authority's payments in lieu of taxes.

---

**Key Performance Measures:**



---

# Prosecution

## Program: Legal Services

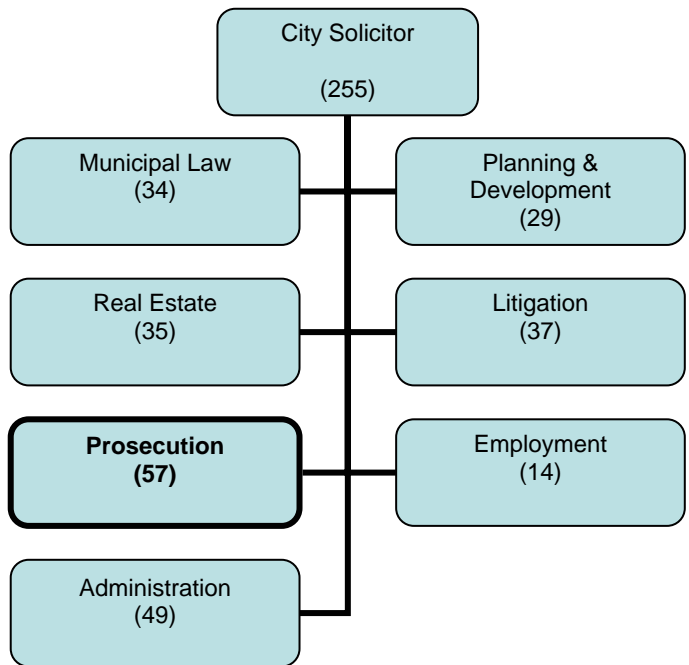
### Service Area Description:

The Prosecutions Unit is responsible for the prosecution of a wide range of high profile offences committed under City bylaws and Provincial statutes. The prosecutions team fields a variety of legal issues including constitutional and Charter challenges. The following types of offences are handled by the prosecutions team:

- fire code and building code violations
- water pollution offences
- noise violations
- traffic and parking offences
- strip club and body rub parlour offences

### Service Levels provided

- Prosecuted over 20,000 court tiers
- Managed 764 Prosecution appeals

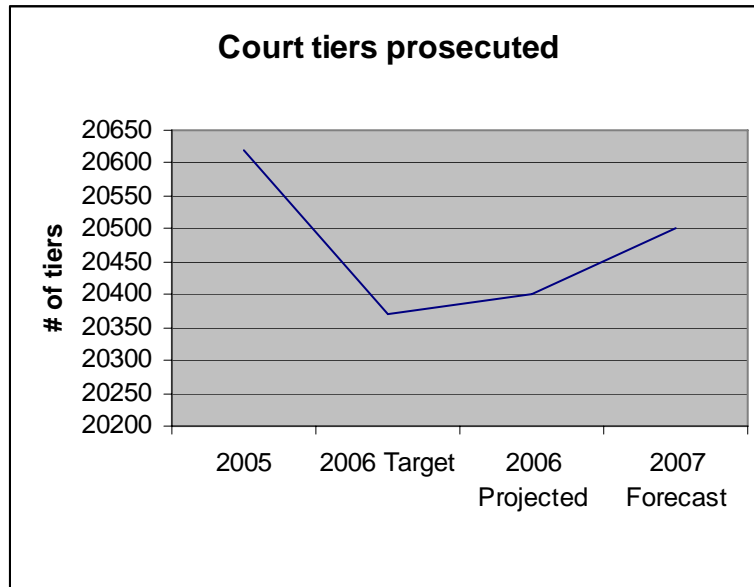


### Emerging Challenges and Opportunities:

- Impact of shortage of Justice of Peace;
- Working with client divisions to improve investigative techniques to achieve better results;
- Implement cross-training of prosecutors to enhance flexibility in providing prosecutorial services;
- Work with clients to facilitate attendance at courts by police officers.

---

**Key Performance Measures:**



---

# Planning & Development Law

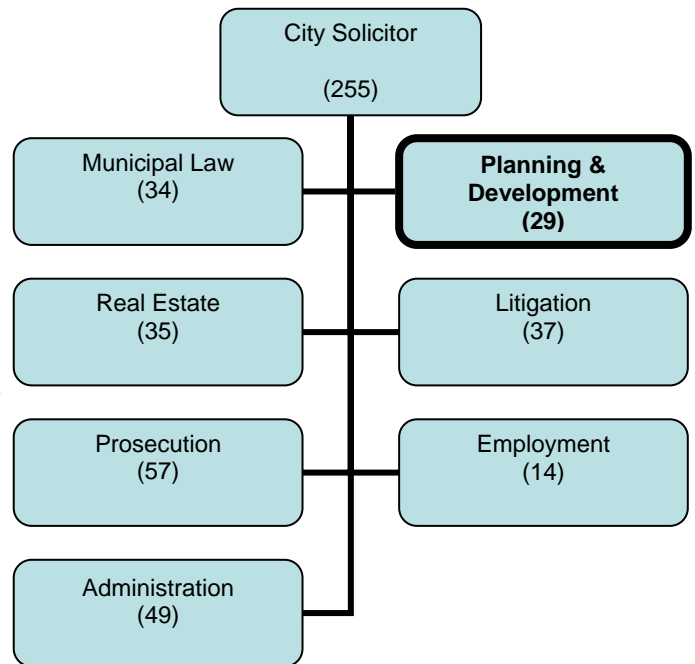
## Program: Legal Services

### Service Area Description:

Planning and Administrative Tribunal Law section provide legal services to City Council and staff regarding the use and development of land and policy related matters such as the City's Official Plan and the redevelopment of the waterfront. They represent the City at hearings before a wide variety of tribunals including the Ontario Municipal Board and the Alcohol and Gaming Commission of Ontario.

### Service Levels provided

- 4078 hours attending the OMB and other administrative tribunals

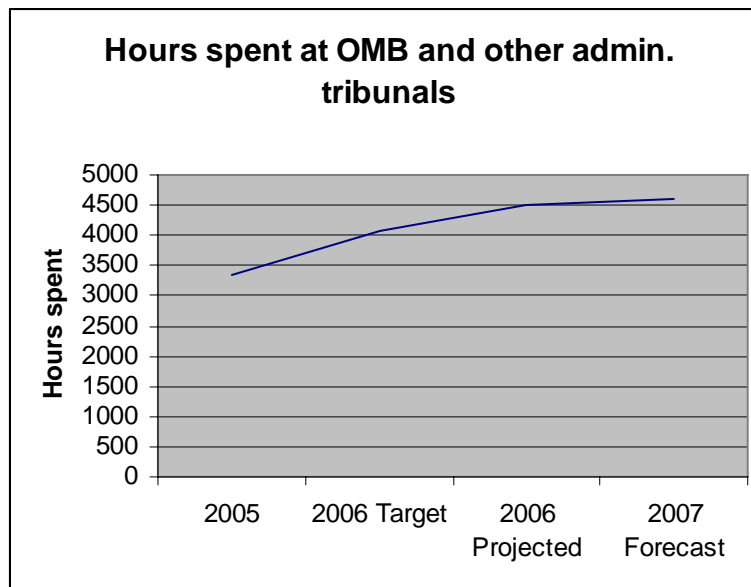


### Emerging Challenges and Opportunities:

- Complete outstanding Official Plan appeals;
- Represent City's position on West Bayfront OMB hearing which is expected to last 3-4 months;
- Provide strategic advice and representation to preserve City's cultural and employment districts;
- Provide strategic advice with respect to Development Review Steering Committee and Task Force;
- Manage increasing number of OMB hearings with resources available.

---

**Key Performance Measures:**



**Trend description**

Number, length and complexity of matters appealed to OMB continues to increase stretching resources.