



Member Evaluation Framework & Reappointment Process

PURPOSE OF THE EVALUATION FRAMEWORK

The Evaluation Framework serves as a guide to the Chair of the Condominium Authority Tribunal in evaluating Member performance, and for making recommendations to the Condominium Authority of Ontario’s Board of Directors for Member reappointment.

The Evaluation Framework can also be used by Members as a self-evaluative tool to identify strengths and opportunities for improvement.

The Evaluation Framework addresses six core areas:

1. Legislation, Policies, and Procedures	2
2. Conduction Proceedings – General	4
3. Conducting Proceedings – Stage 2 – Mediation	5
4. Conducting Proceedings – Stage 3 – Tribunal Decision	5
5. Decision Making	5
6. Order / Decision Writing	6

Each core area includes several competencies that Members are expected to demonstrate and on which their performance will be evaluated. Each competency has one or more descriptions to provide examples of how that competency is demonstrated.

Based on the nature of the proceedings to which Members are assigned, not all competencies or performance indicators may be applicable to all Members. Accordingly, Members will only be evaluated based on the competencies that they have had the opportunity to demonstrate.

A SELF-EVALUATIVE

As mentioned above, the Evaluation Framework can be used as a tool to identify opportunities for continual learning and development. Members are encouraged to

review the competencies descriptions to assess themselves throughout their appointment terms.

Where a Member identifies a competency that they wish to improve, they can consult with the Chair to develop a learning plan.

PERFORMANCE EVALUATION PROCESS

Once per fiscal year, the Chair will contact each Member to arrange a formal performance evaluation, to be conducted by the Chair. The performance evaluation will be scheduled on a mutually agreeable date and time (generally around the anniversary of the Member’s appointment date) and may occur either in person or electronically.

For each competency, the Chair will assess the Member’s proficiency and will decide what steps, if any, should be taken. For instance, where a Member demonstrates a high level of proficiency, they may be asked to mentor other Members; alternatively, where a Member does not demonstrate a competency, the Chair will decide if further training is needed.

Prior to the scheduled performance evaluation, Members are encouraged to perform a self-assessment using the Evaluation Framework.

MENTORS

The Chair may ask some Members to act as Mentors. Mentors can provide coaching to other Members, can assist new Tribunal Members, and may act as observers and / or coaches on cases.

REAPPOINTMENT PROCESS OVERVIEW

#	Step	Timing
1	CAT Chair consults with Members to determine if they are seeking re-appointment	Approximately 6 months prior to conclusion of existing term of appointment
2	Schedule evaluation	
3	Conduct evaluation	
4	Submit recommendation on reappointments to CAO’s Board of Directors	Next meeting of CAO’s Board of Directors

1. Legislation, Policies, and Procedures

Competency	Description	Rating (1-5)
Knowledge	Member has expert knowledge of the <i>Condominium Act</i> ,	

	1998, the <i>Statutory Powers Procedure Act</i> , the CAT's Rules of Practice, and other relevant legislation, regulations, policies and jurisprudence that apply to their work and the work of the CAT. Member seeks advice or clarification as required.	
Participation	Member attends and participates in CAT Members' meetings and CAT ongoing professional development.	
Proficiency	Member is proficient in conducting proceedings in the CAT Online Dispute Resolution system (CAT-ODR). If uncertain, Member seeks clarification before performing actions within the CAT-ODR system.	
Compliance with Framework	Member is aware of and complies with all applicable CAT and CAO policies, including: <ul style="list-style-type: none"> • The CAT Ethical Framework, consisting of: <ul style="list-style-type: none"> ○ The Memorandum of Understanding between the CAT and the CAO ○ The CAT Member Code of Conduct ○ The CAT Member Conflict of Interest Policy ○ The CAO Access & Privacy Policy ○ The CAO Public Complaints Policy • The CAO's Communications and Issues Management Policy • The CAO Computing Security and Privacy Policy • The CAO Social Media Policy 	
Privacy Protection	Member protects the privacy of CAT Users by: <ul style="list-style-type: none"> • Considering the privacy interests of individuals in the conduct of proceedings and acting to safeguard legitimate privacy interests, as appropriate. • Not sharing their passwords or CAT provided devices with anyone other than CAO IT Staff. • Safely destroying any personal notes including personal information after the conclusion of the Member's involvement in the case. 	
Honesty & Integrity	Member acts with honesty and integrity and treats those who appear before them, other Members and staff with courtesy and respect.	
Professional Conduct	Member conducts themselves personally and professionally in a manner consistent with the nature of their responsibilities and the maintenance of public	

	confidence in the administration of justice.	
Collaboration and Collegiality	Member contributes to a collaborative and collegial working environment and conducts themselves in a manner that supports and reinforces the integrity and professionalism of CAT. Member shares their knowledge and expertise with other Members and staff as requested / where appropriate.	

2. Conduction Proceedings – General

Competency	Description	Rating (1-5)
Responsive	Member checks the CAT-ODR daily and notifies Users in advance if they will be unavailable. Member is responsive to messages and User requests (i.e., Members respond to all messages and requests from Users within one business day).	
Impartial	Member approaches proceedings and all issues arising therein with an open mind and avoids doing or saying anything to cause any person to think otherwise	
Equal Treatment	Member treats those who appear before them equitably and without preference or prejudice.	
Informs Users	Member tells Users what is expected of them and notify them of all relevant deadlines (i.e., what they need to do and when they need to do it).	
Fair	Member complies with the principles of procedural fairness and natural justice and acts impartially in the conduct of cases.	
Proportional	Member conducts proceedings fairly, effectively and expeditiously, using techniques and methods that are appropriate and proportionate to the issues and circumstances of the dispute.	
Active	Member employs an active online Mediation / Adjudication approach by anticipating problems before they arise; managing User behavior; minimizing undue delay; helping clarify issues; promoting clear presentation of evidence and arguments, having regard both to efficiency and fair decisions.	

Timely	Member takes reasonable steps to ensure that proceedings are conducted in a timely manner and to avoid any unnecessary delays in accordance with the CAT's Rules of Practice and service standards.	
Clear	Member is clear, concise and relevant communicating with the Users.	

3. Conducting Proceedings – Stage 2 – Mediation

Competency	Description	Rating (1-5)
Focussing the Users	Member helps to identify and focus the Users on the issues in dispute that fall within the CAT's jurisdiction.	
Variety of Techniques	Member effectively uses a variety of mediation techniques based on the nature of the dispute, the circumstances of the case and the needs of the parties.	
Evaluative	Member evaluates the arguments and evidence of the Users and communicates those evaluations to the Users and proposes resolutions, as appropriate.	
Transparency	Member informs Users when they will be engaging in private messaging with another User.	

4. Conducting Proceedings – Stage 3 – Tribunal Decision

Competency	Description	Rating (1-5)
Opportunity to be Heard	Member ensures each party has an equitable opportunity to present their case without unnecessary interruption.	
Proactive	Member is proactive in managing the schedule and the hearing in the interest of expeditious resolutions.	
No Outside Communication	Member does not communicate directly or indirectly with any party to the proceeding except in the presence of all parties and their representatives.	

5. Decision Making

Competency	Description	Rating
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		(1-5)
Open-Minded	Member keeps an open mind and refrains from final judgement on an issue until all the evidence has been submitted and arguments presented	
Application of Law	When making decisions, Member applies the law to the evidence in good faith and to the best of their ability. Member does not consider any potential positive or negative response by any person, institution, or community when making their decisions.	

6. Order / Decision Writing

Competency	Description	Rating (1-5)
Compliance with Framework	Member ensures that orders/decisions are prepared in accordance with CAT's policies and guidelines.	
Reasonable	Member considers all relevant facts and evidence as well as the law, jurisprudence, policies, rules and guidelines and makes rulings that fall within a range of possible, acceptable outcomes which are defensible in respect of the facts and law.	
Clear	For decisions, Member writes reasons that are clear, concise and clearly support the conclusion. Where there is a dispute on the evidence, Member makes findings of fact and clearly explains why evidence was relied upon over other evidence.	
Timely	Member prepares and releases orders and decisions in a timely manner and in accordance with the CAT's service standards.	