



Ontario Police Arbitration Commission

Annual Report Fiscal Year 2022-23

Ontario Police Arbitration Commission

Annual Report

Fiscal Year 2022-23

Table of Contents

| | |
|--|----|
| Table of Contents..... | 1 |
| Message from the Chair..... | 1 |
| Executive Summary | 2 |
| Legislative Authority..... | 3 |
| Mandate..... | 3 |
| Role of the Arbitration Commission..... | 4 |
| Composition..... | 4 |
| 2022-23 Commission Member Appointment Terms..... | 4 |
| Staff..... | 5 |
| Conciliator and Mediator-Arbitrator Register..... | 5 |
| Organization..... | 5 |
| Financial Report | 6 |
| Services Breakdown | 6 |
| Appointee Remuneration | 6 |
| Overview of Programs and Activities..... | 7 |
| Conciliation Services | 7 |
| Mediation-Arbitration Services..... | 7 |
| Mitigation of Undue Labour Relations Strife - Strategic Direction..... | 8 |
| Distribution of Labour Relations Information | 8 |
| Performance Measures – Fiscal Year 2022-23 | 8 |
| 1. Core Business Function: Conciliation..... | 8 |
| 2. Core Business Function: Mediation/Arbitration..... | 9 |
| 3. Core Business Function: Maintain and Distribute Information & Research Materials..... | 9 |
| Appendix 1 | 10 |
| Activity Summary: Fiscal Year 2022-23 | 10 |
| Conciliation Activity Summary..... | 10 |
| Conciliation File Outcomes in 2022-23..... | 10 |
| Arbitration Activity Summary | 11 |
| Arbitration Hearing Outcomes 2022-23 | 11 |

| | |
|---|----|
| Appendix 2..... | 12 |
| Activity Summary – 10 Year Overview:..... | 12 |
| Conciliation Files..... | 12 |
| Arbitration Files..... | 13 |
| Total Files | 14 |

Ontario Police Arbitration Commission

Annual Report

Fiscal Year 2022-23

Message from the Chair

The Ontario Police Arbitration Commission (the Arbitration Commission) again fulfilled all legislated obligations pursuant to [Part VIII of the *Police Services Act \(PSA\)*](#) and all requirements set out in the Memorandum of Understanding between the Solicitor General and the chair of the Arbitration Commission. A list of competent conciliators, and a register of professional arbitrators have been maintained to ensure adequate conciliation and arbitration services were provided to Ontario police services and police associations.

All mandatory reporting requirements were satisfactorily completed. Specifically, the Arbitration Commission fulfilled its obligations to complete its annual report, business plan, compliance of attestation documentation, quarterly risk assessments, all financial reports, public information/website postings, and performance measures. All required service delivery timelines were met or exceeded.

During 2022-23, the Arbitration Commission continued to provide timely and effective conciliation and arbitration services to Ontario police services boards and police associations.

The Arbitration Commission continued to have intermittent discussions throughout 2022-23, about the impending proclamation of the *Community Safety and Policing Act (CSPA)* and its regulations.

As always, I sincerely thank all commission members, appointed from the Ontario Association of Police Services Boards (OAPSB) and the Police Association of Ontario (PAO), for their cooperation and helpful contributions. I thank ministry staff for providing administrative assistance allowing the Arbitration Commission to effectively meet all its mandated responsibilities. Collective cooperation is particularly valued and important as the details and planning of the Arbitration Commission's potential expanded mandate is being discussed and reviewed. As in previous years, and as chair of the Arbitration Commission, I again want to acknowledge and thank all our staff for their diligent work, loyalty, and professionalism.

The Arbitration Commission and its staff have, to the best of our abilities, planned for the impending implementation when the CSPA and its regulations are proclaimed. We collectively look forward to participating and ensuring a smooth transition.

Sig M. Walter
Chair

Executive Summary

During the 2022-23 fiscal year, the Arbitration Commission met or exceeded all mandated requirements set out under Part VIII of the *Police Services Act*.

The Arbitration Commission handled a total of 132 conciliation and 91 arbitration cases (refer to Appendix 1 for an activity summary for conciliations and arbitrations which occurred in 2022-23). The total number of conciliation and arbitration files, including carryover from earlier years, reached 223 compared to the 10-year average of approximately 209 files. The 10-year activity summary is in Appendix 2.

The following strategic objectives, outlined in the 2022-23 Business Plan, were successfully met:

- Ensure timely delivery of professional conciliation and arbitration services
- Inform the deputy solicitor general and Solicitor General about important emerging labour relations issues in policing or within the Arbitration Commission
- Evaluate the potential implications of the CSPA, and consequential impacts on the Arbitration Commission's strategic objectives and operations
- Manage records, including the retention and/or destruction of out-dated core business and financial files
- Continue to implement the strategy to mitigate policing labour relations discord, with the agreement of the Ontario Association of Police Services Boards (OAPSB), the Police Association of Ontario (PAO) and the Ontario Association of Chiefs of Police (OACP)
- Review existing Arbitration Commission policies for amendments and identify new policies where required
- Continue to review arbitrator and conciliator registers as required in accordance with the *Police Services Act*.

The Arbitration Commission ensured the maintenance of high-quality conciliation and arbitration services. Additions were not required since the Arbitration Commission's registers continue to list a sufficient number of conciliators and arbitrators. The Arbitration Commission's budget for fiscal year 2022-23 was \$452,100, and the Arbitration Commission operated under budget with a total expenditure of \$415,082. The Financial Report section is found on page six.

Legislative Authority

The Arbitration Commission's legislative authority is set out under section 131 (1) of the *Police Services Act*, R.S.O. 1990, c.P. 15 as amended and statutory responsibilities are specifically set out in subsection 131 (5):

131 (5) The Arbitration Commission has the following responsibilities:

1. Maintaining a register of arbitrators who are available for appointment under section 124.
2. Assisting arbitrators by making administrative arrangements in connection with arbitrations.
3. Fixing the fees of arbitrators appointed by the Solicitor General under section 124.
4. Sponsoring the publication and distribution of information about agreements, arbitrations and awards.
5. Sponsoring research on the subject of agreements, arbitrations and awards.
6. Maintaining a file of agreements, decisions and awards made under this Part.

Mandate

The Arbitration Commission is an independent adjudicative agency whose mission is to provide for the neutral administration of the Labour Relations, Part VIII, of the *Police Services Act* in an effective and timely manner.

The Arbitration Commission's key responsibilities, as outlined in the Memorandum of Understanding between the Arbitration Commission and the Ministry of the Solicitor General, are to:

- Promote harmonious labour relations in the police community
- Administer the mediation/arbitration process for police contract bargaining disputes and rights grievances
- Provide conciliation services prior to arbitration
- Assist parties in negotiating a voluntary collective agreement
- Sponsor research with respect to police arbitration processes and awards.

Role of the Arbitration Commission

The Arbitration Commission was established in 1972 to facilitate effective and efficient processes to assist Ontario police associations and police services boards in resolving labour and contract bargaining disputes. There are four dispute categories:

1. “Rights” disputes involve the interpretation, application, administration or alleged violation of an existing collective agreement or arbitral award
2. “Interest” disputes involve amendments to an existing collective agreement, or establishing terms for a new collective agreement
3. “Duty of Fair Representation” or “DFR” grievances by individual officers may not be filed against a police services board. However, arbitral jurisprudence has allowed individual officers to bring a DFR grievance against a police association
4. “Section 40” of the *Police Services Act* deals with severance issues arising from the abolition or reduction of a police force.

In accordance with Labour Relations Part VIII of the *Police Services Act*, the Solicitor General, or their designate, appoints conciliators and mediator/arbitrators to resolve rights disputes. The Arbitration Commission chair appoints interest arbitrators only, and the Solicitor General appoints conciliators to interest disputes.

The Arbitration Commission does not influence nor interfere in the conciliation or mediation/arbitration process. The Arbitration Commission promotes harmonious labour relations to improve the effectiveness of policing in Ontario.

Composition

The *Police Services Act*, Section 131(2) sets out the composition of the Arbitration Commission. It consists of a chair and two representatives of police services boards, recommended for appointment by the OAPSB, and two representatives of police associations, recommended for appointment by the PAO. The Solicitor General must consult with, or attempt to consult with, the bargaining agents or employers’ organizations prior to a chair being appointed to the Arbitration Commission.

2022-23 Commission Member Appointment Terms

Ontario Police Arbitration Commission Chair

Sig Walter: November 1, 2017 to October 31, 2024

Ontario Association of Police Services Board Representatives

Patrick Weaver: January 15, 2016 to December 31, 2023

Lisa MacDonald: March 10, 2022 to November 17, 2022 (new member appointed on May 17, 2023)

Police Association of Ontario Representatives

Mark Baxter: April 5, 2017 to December 31, 2023

Tim Reparón: September 2, 2021 to December 31, 2023

Staff

The Arbitration Commission's staff consists of a manager & executive advisor and three full-time conciliation services assistants. Employees of the Arbitration Commission are appointed under Part III of the *Public Service of Ontario Act, 2006*. In 2022-23, the Arbitration Commission continued to use a temporary administrative position on an on-call basis. The position assists with the ongoing maintenance of the Arbitration Commission's database.

Conciliator and Mediator-Arbitrator Register

There were no new additions to the Conciliator and Mediator-Arbitrator Register.

Organization

Ministry of the Solicitor General

The Solicitor General

Deputy solicitor general, community safety (reports to the Solicitor General)

Associate deputy minister (reports to the deputy solicitor general, community safety)

Assistant deputy minister/chief administrative officer, Corporate Services Division
(reports to the associate deputy minister)

Ontario Police Arbitration Commission

Chair (reports to the Solicitor General and the deputy solicitor general, community safety)

Four Members (report to the chair)

- Two representatives of police services boards (recommended by the OAPSB)
- Two representatives of members of police associations (recommended by the PAO)

Manager & executive advisor (reports to the chair and the assistant deputy minister/chief administrative officer)

Three conciliation services assistants (report to the manager & executive advisor)

On call admin (reports to the manager & executive advisor)

Financial Report

Fiscal Year 2022-23 Budget: \$452,100

| Fiscal Year 2022-23 | Budget | Actuals | Variance |
|--------------------------------|------------------|------------------|-----------------|
| Salaries & Wages | \$182,000 | \$195,026 | (\$13,026) |
| Benefits | \$23,500 | \$31,307 | (\$7,806) |
| Transportation & Communication | \$40,000 | \$6,835 | \$33,165 |
| Services | \$192,600 | \$181,195 | \$11,405 |
| Supplies & Equipment | \$14,000 | \$719 | \$13,281 |
| Total: | \$452,100 | \$415,082 | \$37,018 |

See further services breakdown in the table below:

Services Breakdown

| Fiscal Year 2022-23 | Budget | Actuals |
|-----------------------|------------------|------------------|
| Conciliation Services | \$58,200 | \$51,689 |
| Arbitration Services | \$41,000 | \$35,878 |
| Other Services | \$93,400 | \$93,628 |
| Total: | \$192,600 | \$181,195 |

The Arbitration Commission's 2022-23 budget was \$452,100. Total expenditure for 2022-23 were \$415,082 which resulted in a surplus of \$37,018. Factors that affected the Arbitration Commission's expenditures were a drop in new conciliation and arbitration applications received.

Appointee Remuneration

Total remuneration for all the Arbitration Commission appointees for the 2022-23 fiscal year was \$78,104.

| Appointee | Total Annual Remuneration | Per Diem Remuneration |
|------------------------------------|---------------------------|-----------------------|
| Sig Walter, Chair (Part-time) | \$72,912 | \$744 |
| Mark Baxter, Member (Part-time) | \$1,416 | \$472 |
| Patrick Weaver, Member (Part-time) | \$1,416 | \$472 |
| Tim Reparón, Member (Part-time) | \$1,416 | \$472 |
| Lisa MacDonald, Member (Part-time) | \$944 | \$472 |
| Total: | \$78,104 | N/A |

Overview of Programs and Activities

Conciliation Services

If parties are unable to resolve their differences through negotiation, a police association, police services board, or an individual may request the appointment of a conciliator by applying to the Arbitration Commission under sections 121 (interest disputes) or 123 (rights disputes) of the *Police Services Act*. An impartial conciliation officer is appointed to assist the parties in resolving or reducing the number of outstanding issues. Unresolved issues may be referred to arbitration at the request of either party. The purpose of conciliation is to assist parties in reaching a mutually agreeable resolution without proceeding to arbitration, thereby avoiding expensive and potentially lengthy processes for all parties involved.

The Arbitration Commission uses the services of three experienced conciliators with schedules that allow them to accommodate same day meetings for multiple conciliation cases.

2022-23 Conciliation Highlights

- 52 new applications for conciliator appointments
- 132 conciliation files were handled in total, including carryover from previous years
- 61 conciliations heard over 49 hearing days

Including carryover files, conciliation activity in fiscal year 2022-23 exceeded the Arbitration Commission's 10-year averages. New conciliation applications filed decreased 44 percent from last fiscal year, reaching 52 new applications. However, due to a significant number of carryover files from previous fiscal years, the Commission handled a total of 132 conciliation files. The detailed conciliation activity report, which includes grievance types and outcomes, is available in Appendix 1 and the 10-year activity summary in Appendix 2.

Mediation-Arbitration Services

If parties are unable to resolve differences through conciliation and cannot agree on a joint appointment of an arbitrator, a police association, police services board or an individual may file an application for the appointment of an arbitrator.

2022-23 Arbitration Highlights

- 19 new applications for arbitrator appointments
- 91 arbitration files were handled in total, including carryover from previous years
- 25 arbitration files heard over 23 hearing days

Arbitration activity in fiscal year 2022-23 was below the Arbitration Commission's 10-year average. Due to a decrease of conciliation applications received in 2021-22, there was an expected decrease in new arbitration applications filed in 2022-23. The detailed activity report is available in Appendix 1 and the 10-year activity summary in Appendix 2.

Mitigation of Undue Labour Relations Strife - Strategic Direction

The Arbitration Commission has and will continue to use its statistical database to identify the frequency with which police services and police associations apply to the Arbitration Commission for conciliation services or for appointment of arbitrators. Where statistical analysis indicates 'out of the ordinary' increases in the number of applications for conciliation or arbitration, the Arbitration Commission will make its observations known to the OAPSB and the PAO. Subject to the outcome of discussion with the commission members representing the OAPSB and PAO, the chair may write to a police service and police association offering the Arbitration Commission's assistance if the workplace parties mutually agree.

Distribution of Labour Relations Information

The Arbitration Commission continues to provide information about its services to stakeholders and the public in a transparent and accessible manner. The Arbitration Commission's website (www.policearbitration.gov.on.ca) provides historic information on arbitration decisions and communicates policies, procedures and accountability documents to stakeholders, legal counsel, labour relations personnel in the broader public sector and the public. Individuals can freely access this information and use the awards, summaries and agreements as research materials. The Arbitration Commission's website complies with the [Accessibility for Ontarians with Disabilities Act, 2005](#). The Arbitration Commission has taken the necessary steps for its website to be fully operative and to comply with all regulatory standards.

Performance Measures – Fiscal Year 2022-23

The following performance measures outline desired results for meeting the Arbitration Commission's business objectives and strategies.

1. Core Business Function: Conciliation

The following statistics are used to ensure efficient response to applications for conciliation services. The expectation is that every application is acknowledged within the same business day, apart from complex applications that require further interpretation or direction from the chair. The results below indicate that the Arbitration Commission's five-year average response time is 1.0 day. In fiscal year 2022-23, the average response time was **1.0 day**. The Arbitration Commission achieved its objective.

| Objective | Outcome Statement | Measure | Result Achieved |
|---|---|---|--|
| Ensure timely delivery of professional services by qualified conciliators | Efficient delivery of conciliation services | At or below the previous five-year average number of days to respond from receipt of application to first contact of 1.0 day | Average number of days to respond from receipt of application to first contact: 1.0 day |

2. Core Business Function: Mediation/Arbitration

The statistics below are used to ensure an efficient and timely response to applications for arbitration services. As with conciliation, every application for arbitration is acknowledged within the same business day, with an exception for complex applications that require further interpretation or direction from the Chair. The results below indicate that the Arbitration Commission's five-year average response time is 1.0 day. In fiscal year 2022-23, the average response time was **1.0 day**. The Arbitration Commission achieved its objective.

| Objective | Outcome Statement | Measure | Result Achieved |
|---|--|---|--|
| Ensure timely delivery of professional services by qualified mediator/arbitrators | Efficient delivery of mediation/arbitration services | At or below the previous five-year average number of days to respond from receipt of application to first contact of 1.0 day | Average number of days to respond from receipt of application to first contact: 1.0 day |

3. Core Business Function: Maintain and Distribute Information & Research Materials

The statistics below display the timeliness with which the Arbitration Commission posts arbitration awards/decisions on the website for public use. The Arbitration Commission has consistently met its requirement to publish and distribute collective agreement and arbitration award information. The results below indicate the Arbitration Commission's five-year average posting time is 1.1 days. In fiscal year 2022-23, the average posting time was **1.0 day** of receipt of the summary. The Arbitration Commission achieved its objective.

| Objective | Outcome Statement | Measure | Result Achieved |
|--|--|---|--|
| Improve stakeholder accessibility to the application process | Enhanced access to information on the Arbitration Commission's website | At or below the previous five-year average number of days for new awards to be published on the Arbitration Commission website from receipt of summary of 1.1 days | Average number of days for new awards to be published on website from receipt of summary: 1.0 day |

Appendix 1

Activity Summary: Fiscal Year 2022-23

Conciliation Activity Summary

| Results from Conciliation Appointments | Conciliation Files Processed | Rights Grievances | Interest Disputes | Duty of Fair Representation | Section 40 |
|--|------------------------------|-------------------|-------------------|-----------------------------|------------|
| Carryover of files from 2016-17 | 1 | 1 | 0 | 0 | 0 |
| Carryover of files from 2017-18 | 1 | 1 | 0 | 0 | 0 |
| Carryover of files from 2018-19 | 3 | 3 | 0 | 0 | 0 |
| Carryover of files from 2019-20 | 19 | 17 | 1 | 1 | 0 |
| Carryover of files from 2020-21 | 24 | 23 | 0 | 1 | 0 |
| Carryover of files from 2021-22 | 32 | 31 | 0 | 1 | 0 |
| New Conciliation requests 2022-23 | 52 | 49 | 1 | 2 | 0 |
| Total Conciliation Files: | 132 | 125 | 2 | 5 | 0 |
| Conciliation files heard 2022-23 | 61 | 56 | 1 | 4 | 0 |
| Number of Conciliation hearing days | 49 | 44 | 1 | 4 | 0 |

Average Conciliation Hearing Days Per Case: 0.80

Conciliation File Outcomes in 2022-23

| File Outcomes | Total |
|-----------------------------|------------|
| Withdrawn | 9 |
| Resolved | 10 |
| Unresolved | 38 |
| On Hold | 16 |
| In Process | 11 |
| Inactive | 48 |
| Total Files Handled: | 132 |

Arbitration Activity Summary

| Results from Arbitration Appointment | Arbitration Files Processed | Rights Grievances | Interest Disputes | Duty of Fair Representation | Section 40 |
|--------------------------------------|-----------------------------|-------------------|-------------------|-----------------------------|------------|
| Carryover of files from 2015-16 | 1 | 1 | 0 | 0 | 0 |
| Carryover of files from 2017-18 | 10 | 10 | 0 | 0 | 0 |
| Carryover of files from 2018-19 | 16 | 13 | 3 | 0 | 0 |
| Carryover of files from 2019-20 | 12 | 10 | 2 | 0 | 0 |
| Carryover of files from 2020-21 | 15 | 12 | 2 | 0 | 1 |
| Carryover of files from 2021-22 | 18 | 16 | 0 | 2 | 0 |
| New Arbitration requests 2022-23 | 19 | 16 | 0 | 3 | 0 |
| Total Arbitration Files | 91 | 78 | 7 | 5 | 1 |
| Arbitration files heard 2022-23 | 25 | 21 | 0 | 4 | 0 |
| Number of Arbitration hearing days | 23 | 19 | 0 | 4 | 0 |

Average Arbitration Hearing Days Per Case: 0.92

Arbitration Hearing Outcomes 2022-23

| Outcomes | Total |
|------------------------------|-----------|
| Inactive | 47 |
| In Process | 28 |
| Final Awards Delivered | 8 |
| Mediated Settlement | 4 |
| Withdrawn | 2 |
| Agreed to Own Arbitrator | 1 |
| Settled Prior To Arbitration | 1 |
| Total Files Handled: | 91 |

Appendix 2

Activity Summary – 10 Year Overview:

Conciliation Files

| Categories | 13-14 | 14-15 | 15-16 | 16-17 | 17-18 | 18-19 | 19-20 | 20-21 | 21-22 | 22-23 | Average |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| New Conciliation Applications | 100 | 106 | 103 | 84 | 131 | 70 | 100 | 234 | 93 | 52 | 107.3 |
| Rights Grievances | 84 | 94 | 85 | 72 | 118 | 62 | 83 | 228 | 87 | 49 | 96.2 |
| Interest Disputes | 11 | 7 | 15 | 7 | 9 | 3 | 11 | 2 | 0 | 1 | 6.6 |
| Duty of Fair Representation (DFR) | 4 | 5 | 3 | 5 | 4 | 5 | 6 | 4 | 6 | 2 | 4.4 |
| Section 40 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.1 |
| Total Conciliation Applications | 123 | 120 | 129 | 115 | 166 | 104 | 128 | 268 | 260 | 132 | 154.5 |
| Rights Grievances | 104 | 106 | 109 | 97 | 149 | 93 | 108 | 256 | 247 | 125 | 139.4 |
| Interest Disputes | 13 | 8 | 17 | 13 | 13 | 6 | 13 | 7 | 3 | 2 | 9.5 |
| Duty of Fair Representation (DFR) | 4 | 6 | 3 | 5 | 4 | 5 | 7 | 5 | 10 | 5 | 5.4 |
| Section 40 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.2 |
| Conciliation Cases Heard | 92 | 90 | 87 | 76 | 109 | 69 | 86 | 104 | 81 | 61 | 85.5 |
| Conciliation Hearing Days | 70 | 71 | 64 | 48 | 71 | 58 | 54 | 65 | 58 | 49 | 60.8 |
| Average Number of Days Per Conciliation | 0.76 | 0.79 | 0.74 | 0.63 | 0.65 | 0.84 | 0.63 | 0.63 | 0.72 | 0.80 | 0.7 |

Arbitration Files

| Categories | 13-14 | 14-15 | 15-16 | 16-17 | 17-18 | 18-19 | 19-20 | 20-21 | 21-22 | 22-23 | Average |
|---|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| New Arbitration Applications | 31 | 21 | 15 | 29 | 23 | 32 | 20 | 16 | 30 | 19 | 23.6 |
| Rights Grievances | 21 | 17 | 11 | 24 | 20 | 28 | 15 | 13 | 26 | 16 | 19.1 |
| Interest Disputes | 3 | 3 | 4 | 1 | 3 | 3 | 2 | 2 | 2 | 0 | 2.3 |
| Duty of Fair Representation (DFR) | 4 | 1 | 0 | 4 | 0 | 1 | 3 | 0 | 2 | 3 | 1.8 |
| Section 40 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0.4 |
| Total Arbitration Applications | 47 | 44 | 37 | 39 | 41 | 51 | 57 | 60 | 86 | 91 | 55.3 |
| Rights Grievances | 29 | 29 | 26 | 30 | 36 | 45 | 48 | 49 | 73 | 78 | 44.3 |
| Interest Disputes | 9 | 5 | 4 | 3 | 3 | 4 | 5 | 7 | 9 | 7 | 5.6 |
| Duty of Fair Representation (DFR) | 4 | 5 | 3 | 6 | 2 | 2 | 4 | 3 | 3 | 5 | 3.7 |
| Section 40 | 5 | 5 | 4 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1.7 |
| Number of Arbitration Cases Heard | 22 | 19 | 12 | 20 | 20 | 19 | 13 | 12 | 35 | 25 | 19.7 |
| Number of Arbitration Hearing Days | 35 | 36 | 18 | 18 | 22 | 23 | 13 | 12 | 33 | 23 | 23.3 |
| Average Number of Days Per Arbitration Hearing | 1.59 | 1.89 | 1.50 | 0.90 | 1.10 | 1.21 | 1.00 | 1.00 | 0.94 | 0.92 | 1.2 |

Total Files

| Categories | 13-14 | 14-15 | 15-16 | 16-17 | 17-18 | 18-19 | 19-20 | 20-21 | 21-22 | 22-23 | Average |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------------|
| Total New Applications | 131 | 127 | 118 | 113 | 154 | 102 | 120 | 250 | 123 | 71 | 130.9 |
| Total New and Carryover Applications | 170 | 164 | 166 | 154 | 207 | 155 | 185 | 328 | 346 | 223 | 209.8 |
| Total Cases Heard | 114 | 109 | 99 | 96 | 129 | 88 | 99 | 116 | 116 | 86 | 105.2 |
| Total Hearing Days | 105 | 107 | 82 | 66 | 93 | 81 | 67 | 77 | 91 | 72 | 84.1 |

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