

Ontario Review Board Business Plan 2026-2029



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Mandate

The Ontario Review Board (ORB or Board) is a unique adjudicative tribunal that forms a critical component of the Canadian justice system. Although the ORB has jurisdiction only within the province of Ontario, it was created pursuant to and is governed by the *Criminal Code of Canada*.

The role of the ORB is defined in Part XX.1 of the *Criminal Code* as follows:

“A Review Board shall be established or designated for each province to make or review dispositions concerning any accused in respect of whom a verdict of not criminally responsible by reason of mental disorder or unfit to stand trial is rendered, and shall consist of not fewer than five members appointed by the Lieutenant Governor in Council of the province...”

While the role of each Review Board is the same in every province, the *Criminal Code* provides that “a Review Board shall be treated as having been established under the laws of the province.” The efficiency and effectiveness of each province’s Board hinges on its connection to the province’s psychiatric facilities and mental health delivery system.

The ORB’s procedures are established solely by the *Criminal Code* and the *Public Inquiries Act*. Unlike adjudicative agencies that are created by provincial statute, the ORB is not subject to the provisions of the *Statutory Powers Procedure Act*. Appeals from decisions of the ORB are made to the Court of Appeal for Ontario.

Jurisdiction

The ORB has jurisdiction over individuals, referred to in the *Criminal Code* as “accused,” found by Courts in Ontario to be either unfit to stand trial (unfit), or not criminally responsible on account of mental disorder for the commission of a criminal offence (NCR).

Individuals found to be unfit to stand trial continue to be subject to the jurisdiction of the ORB until it finds them fit to stand trial. At that time, they are returned to the court and if the court confirms the Board’s determination, their cases proceed in the normal course.

In dealing with accused found not criminally responsible on account of mental disorder, the ORB’s responsibility is to hold a hearing and to make a disposition for each accused under its jurisdiction, taking into consideration the “*need to protect the public from dangerous persons, the mental condition of the accused, the reintegration of the accused into society and the other needs of the accused.*”

These complex factors must be considered at each hearing conducted by the ORB. They affect both the liberty of individuals and the safety of the public. The importance of the ORB’s decisions as they relate to these basic human rights is further underlined by the fact that appeals from the ORB’s decisions are made directly to the Court of Appeal for Ontario.

Following a hearing, the ORB renders one of three dispositions:

- 1) An absolute discharge (available only for NCR accused);
- 2) A discharge subject to conditions; or
- 3) Detention in a hospital, subject to conditions.

For those detained in hospital, the ORB issues a warrant for detention as provided for in the *Criminal Code*.

Other than absolute discharges, dispositions of the ORB must be reviewed by the Board at least once every twelve months. An absolute discharge brings the Board's jurisdiction over an NCR accused to an end.

Parties to a hearing typically include the accused, the person in charge of the hospital in which the accused is or may be detained or to which the accused reports, and a representative of the Attorney General. Other persons who have a substantial interest in protecting the interests of the accused may be made parties if the ORB is of the opinion that it is just to designate such persons as parties.

Board Composition

The *Criminal Code* stipulates that the Chairperson of the Review Board (the Chair) must be a judge of the Federal Court or of a provincial superior, district or county court, or a person who has retired from or is entitled to be appointed to such a judicial office. The Chair may designate any other member of the Board as an "Alternate Chairperson" (Alternate Chair) to act on the Chairperson's behalf. In Ontario, the Chair appoints Alternate Chairs who are lawyers with at least 10 years' experience in the practice of law, judges or retired judges.

The *Criminal Code* also provides that a quorum for a Board hearing must include the Chair or an Alternate Chair, a Psychiatrist member and at least one other member. The ORB usually sits in panels of five consisting of the Chairperson or an Alternate Chairperson, two Psychiatrists or one Psychiatrist and one Psychologist, a Legal Member and a Public Member.

Board Hearings

An initial hearing, held after an individual has been found unfit to stand trial or not criminally responsible on account of mental disorder for the commission of a criminal offence, is usually conducted in the hospital where the accused is detained or directed to attend. In most cases, the ORB is required by statute to hold an initial hearing within 45 days following the verdict of the court.

After an initial disposition has been made in respect of an accused, an annual hearing is required so long as the accused remains subject to the ORB's jurisdiction.

Board hearings are open to the public and conducted in the provincially-designated psychiatric facility where the accused is detained or is required to report.

Those who are declared to be unfit to stand trial must be represented by counsel at ORB hearings, and most accused persons found not criminally responsible on account of mental disorder for the commission of a criminal offence are also represented by counsel. At each hearing, evidence from the hospital where the accused is detained or to which an accused is required to report is considered along with any other evidence that is adduced. Following deliberation by the panel that conducted the hearing, a written disposition and written reasons for that disposition are issued

Organizational Structure

The Lieutenant Governor in Council appoints the Chair and each member of the Review Board by Order-in-Council. The *Criminal Code* requires the Board to have no fewer than five members, including at least one member qualified to practice psychiatry. In the event that there is only one such member, there must be one other member who has “training and experience in the field of mental health and is entitled to practice medicine or psychology.” Members of the Ontario Review Board must be residents of Ontario.

As of December 31, 2025, the Ontario Review Board had 147 part time members. In addition to a full time Chair, the Board’s members included 27 Alternate Chairs, 27 legal members, 51 psychiatrists, 20 psychologists, and 22 public members.

Risk Identification, Assessment and Mitigation Strategies

The Ontario Review Board (ORB) proactively identifies and manages risks to ensure the integrity of the adjudicative process and the safety of the public. Reporting of these risks is in addition to regular risk reporting under the Agencies & Appointments Directive (AAD).

Adjudicative Integrity and Public Safety

The primary work of the Board involves the complex task of determining whether an accused person poses a "significant threat" to public safety, and if so, what restrictions should be imposed on that person’s liberty taking into account the safety of the public. As a quasi-judicial tribunal, the Board relies on clinical evidence and member expertise. Deficiencies in the quality of the evidence or the expertise of members increases the risk of erroneous decisions being made. This not only impacts the liberty and treatment of the accused but also creates potential safety risks for the public. It also increases the likelihood of decisions being overturned on appeal, which in turn results in additional costs for new hearings.

The Board mitigates this risk by ensuring that every panel is composed of a legally trained chairperson and forensic specialists, including psychiatrists and psychologists, as mandated by the *Criminal Code*. The Chair of the Board facilitates mandatory

orientation and training sessions for new members. Members are not permitted to sit until their training is completed. In addition, the Chair and Legal Counsel to the Board provide practice bulletins to members. They also monitor Court of Appeal rulings to identify trends and provide updates to members on case law in the mental health realm, forensic psychiatry, and procedures to maintain high adjudicative standards.

Membership Stability and Statutory Quorum

As noted, the *Criminal Code* specifically provides that there must be a legally trained Chair or an Alternate Chair, and at least one member of the Board qualified to practice psychiatry, on each hearing panel. When there is a shortage of qualified legal members or psychiatric members on the Board, hearings must be delayed, resulting in the Board not meeting its mandate.

The Chair and the Board's management team review a number of psychiatric membership appointments regularly to determine which regions of Ontario require an increase in psychiatric membership. The Chair makes appropriate recommendations to the Minister of Health to ensure new psychiatrist members are appointed and where applicable, existing members are reappointed prior to OIC expiration date.

Statutory Timelines

As noted, in most cases the Board is required to schedule hearings within 45 days of a court verdict, and every 12 months thereafter. Failure to meet these deadlines could result in increased appellate oversight, unwarranted intrusion into the liberty of the accused, or risks to public safety due to delays.

The Board manages these pressures by utilizing a specialized case management system and a dedicated team of Case Coordinators and Board Order Administrators who prioritize workload and address backlogs. This process is monitored through the use of hearing reports and weekly caseload scheduling reports, which management reviews with staff to verify that hearings are scheduled within the appropriate timeframe, and dispositions and reasons are issued within the Board's standard.

Operational Continuity and Digital Proceedings

The Board must maintain the ability to conduct hearings even when in-person attendance at hospitals is restricted due to health outbreaks or other disruptions. However, even in urgent circumstances, the Board does not presently have the legal authority to require accused persons to appear electronically without their consent. If these operational and legal challenges are not managed, the Board's ability to fulfill its mandate while prioritizing public safety could be compromised.

To mitigate these risks, the Board maintains a robust audio-visual platform as a contingency to convene hearings remotely when necessary. Monitoring is handled on an ad hoc basis, with the Chair holding the authority to approve virtual hearings whenever necessary to protect the Board's mandate and public safety.

Management of Case Complexity and Appellate Obligations

Hearings are becoming increasingly complex and appellate decisions continue to impose new legal obligations on the Board in the conduct of its hearings. While most hearings are still completed within the allotted time slots, the overall trend toward longer and more complex proceedings, which in the majority of matters involves parties represented by counsel, can strain administrative resources. Guidance from the Court of Appeal continually clarifies the Board's statutory mandate and articulates court expectations, but these decisions also increase the operational obligations placed upon the Board, particularly regarding the need for timely hearings where restrictions of liberty have resulted. Additionally, legislative amendments since 2006 have significantly increased the administrative time required to manage responsibilities toward victims, as the database of notified victims now exceeds the number of accused persons under the Board's jurisdiction.

To mitigate these risks, the Board has implemented a more effective use of pre-hearing conferences, which serve to resolve many issues that would otherwise require lengthy litigation. This strategic use of pre-hearing sessions allows the Board to attenuate the trend toward longer hearings and maintain efficiency within allotted time slots. Monitoring is conducted through the ongoing review of appellate decisions to ensure fair hearings and compliance with evolving court expectations. Additionally, management tracks the Board's database and administrative workload related to victim notifications to ensure that these statutory responsibilities are met without compromising the Board's primary adjudicative functions.

Staff Support

The ORB is supported by 17 staff within the Ministry of Health (MOH). This staff is led by a Registrar and Senior Manager and includes an executive support team, case management team, finance team and information technology support, working alongside a full-time Chair appointed by Order-in-Council.

Operational efficiency is maintained by the case management team, which is responsible for the scheduling of approximately 2,000 hearings annually and issuing dispositions and reasons for all matters. This team includes four case coordinators, three board order administrators, as well as a distribution coordinator and clerk. This structure ensures that the administrative side of the Board remains organized, allowing for the timely processing of high-volume caseload.

The Administrative Unit consists of four staff members: a Coordinator of Business Operations, a Secretary to the Chair and Counsel, an Administrative and Financial Assistant, and a Receptionist. Supported by a systems Officer for IT-specific needs, this team focus on essential administrative tasks, including all finance-related duties.

The Board's office space is shared with other adjudicative tribunals within the MOH, including the Consent and Capacity Board (CCB), Health Professions Appeal and Review Board (HPARB) and Health Services Appeal and Review Board (HSARB).

Performance Measures and Annual Performance Targets

As mentioned, the core function of the Ontario Review Board is to conduct hearings and issue Dispositions in accordance with the *Criminal Code* within the strict legislated timeframes. Meeting these requirements represents the primary measure of the Board's performance and requires an optimal complement of part-time members who can accommodate fluctuating hearing demands. In most cases, an initial hearing must be conducted not later than 45 days after the court verdict is rendered. Once an initial Disposition has been made, the Board must hold a hearing within 12 months of the last hearing as long as the Board retains jurisdiction over the person.

To ensure statutory compliance, the Board focuses on the following key targets:

- Convene a hearing within 45 days of an NCR or Unfit court verdict and make an initial disposition
- Convene a hearing within 90 days and make a further disposition if the court makes the initial disposition
- Convene an annual hearing 12 months after the last disposition date
- Schedule a hearing as soon as practicable following a Restriction of Liberty (ROL) notification

The Board also continues to pursue initiatives that may assist in reducing hearing costs and facilitating the process, such as:

- Educating Board members on administrative issues;
- Making recommendations to the federal government concerning proposed changes to the *Criminal Code of Canada* to increase efficiency;
- Working with the province's designated psychiatric hospitals on measures to reduce overall hearing costs and to improve efficiency;
- Improving administrative efficiency through technology and streamlining processes; and
- Focussing on the four key target objectives identified above.

Information Management and Information Technology

The Board is committed to modernizing service delivery and enhancing transparency through strategic investments in Information Management and IT infrastructure. These initiatives focus on promoting accessibility for the public and the legal community, while also improving internal operational efficiencies. These initiatives include:

- Continue to provide dispositions and reasons for dispositions to legal research platforms including QuickLaw, WestLaw, and CanLii, allowing the legal community access to Ontario Review Board decisions and promoting the transparency of the process.
- Continue to update and expand its website to inform the public and the media about the Ontario Review Board.
- Continue to develop capacity for electronic communication with Board members and parties in an effort to increase efficiency.
- Continue to build a Member Resources section on its website which will include up to date legal support, member-accessible versions of Part XX.I of the *Criminal Code*, links to case law and Board dispositions, and an e-binder of significant decisions with a detailed Table of Contents and Member-supported tools, including informational Bulletins of legal and clinical interest.
- Continue its efforts to improve the use of technology and modernize service delivery with respect to the following:
 - Collaborating with I & IT staff to continue to enhance the process around DeliverySlip, the cloud managed solution which allows for secure messages to avoid travel via the internet and enables efficient and confidential exchange of information and collaboration between the Board, its members and parties.
 - Collaborating with Corporate Business Services Branch of the Ministry of Health regarding a new case management system. The Board's management team will have discussions with the developers and Ministry consultants to explain in full the Board's process and how a new case management system can be tailored/utilized to specifically meet the Board's needs.

Potential Efficiency Measures Being Developed

The Board is also actively developing several strategic measures to improve the quality of service and effectiveness of the hearing process. The Board does this by:

- Continuing to maintain and update a members' section of its website to permit members to easily access resources. This includes Practice Directions and Bulletins in order to enhance the fulfilment of the Board's mandate fairly, efficiently and according to law. Practice Directions are intended to ensure that members and parties are aware of and understand new Board policies. Bulletins are intended to ensure that Members are aware of developments in the case law and their implications.

- Continuing to provide new member training to prepare new members to appropriately contribute to the hearing process. This training is in the process of being revised and updated to make it more effective and more practical for members. In addition, refresher training is being developed to assist legal members to appropriately transition to the roll of Alternate Chair and take responsibility for the conduct of hearings.
- Continuing to provide troubleshooting to Alternate Chairs and training to new Legal Members, including with respect to the use of electronic exhibits. Electronic exhibit training is required because the Board no longer produces hard copies of hearing materials, and all physical files have been archived. Files are now stored electronically.
- Continue to meet with the Users Consultation Forum. The Board formally announced the creation of a Users Consultation Forum in 2023. The purpose of this forum is to give the Chair an opportunity to meet on an occasional basis with a representative group of counsel who appear regularly before the Board on behalf of accused persons, hospitals and the Attorney General, in order to benefit from the perspectives of those counsel on issues of concern to the work of the Board. Meetings were held in 2024 and 2025, and were seen by the participants as being useful. The Chair intends to continue to schedule these in the coming years.
- Integrating a multi-year initiative focused on READI (Race, Equity, Antiracism, Diversity, and Inclusion) principles through the delivery of specialized educational trainings. The Board will continue to incorporate expert-led sessions into its professional development and will look to continue these, or similar updates to its educational offerings (e.g., All-Member Education Sessions, New Member Training, etc.) in the future.

New Initiatives

As part of continuing to modernize its adjudicative framework, the Board is currently engaged in a comprehensive project to develop new Rules of Procedure. This would mark the first significant update to these guidelines since the early 2000s. Recognizing that legal and operational landscape has evolved significantly over the past two decades, the Board is updating these Rules to ensure they are constructed to ensure that every matter before the Board receives a just, expeditious, and fair determination.

By replacing the outdated protocols, the Board aims to provide a more responsive legal framework that reflects current judicial standards and ensures that the rights of all parties are determined through the most efficient adjudicative means. The Board anticipates that the new Rules will be completed in 2026-27.

Initiatives Involving Third Parties

- As one of the busiest Review Boards in Canada, the Ontario Review Board often assumes a leadership role. The Board will continue to support a collaborative relationship with other provincial Review Boards through increased communication and the attendance of its senior staff at the annual conference of Review Boards Canada.
- The Board will make itself available to field and respond to inquiries from judicial, legal, medical and academic communities across Canada about its mandate and jurisdiction.
- The Board will remain accessible to the judiciary for consultation on issues that may arise when an accused person is found NCR or unfit. This will endeavour to enhance the timeliness and quality of service provided to the criminal justice system and the community at large and will foster support for accused persons who fall within the Board's jurisdiction.
- The Board will work with the federal government and other provincial Review Boards to support research and recommend policy development, particularly by way of amendments to the *Criminal Code*.
- The Board will continue its efforts to rationalize and promote efficient hearings, especially in respect of initial hearings and restriction of liberty hearings. This may involve consultation with stakeholders and initiating pilot projects to test scheduling and hearing procedures. Pre-hearing conferences will continue to be convened for all initial hearings where the accused is either detained in jail or living in the community, in order to narrow issues, determine if an assessment is required, and whether witnesses need to be called. Where an accused is not connected to a hospital at the time of an initial hearing the ORB will ensure that there is sufficient information to conduct a hearing.
- The Board will support academic research projects that endeavour to produce statistical material for further development of the law in relation to the mandate of the board, and the improvement of our processes to enhance the fulfilment of our mandate. One such project is currently being undertaken by the forensic director of St. Joseph's Healthcare Hamilton.

Financial Budget

The Board's funding is allocated through the Ministry of Health. Based on recent trends, the Board does not anticipate significant fluctuations in short-term cost pressures related to caseload volume. However, the Board is seeing a notable increase in member-related expenditures, compared to previous years, driven by a variety of factors, including broader inflationary pressures on travel, accommodation, and regional logistics. The proposed budget below reflects remuneration rates set out in the AAD for appointees appointed to hold office on or after April 1, 2025.

Proposed Operating Expenditures

Standard Accounts	2025-2026	2026-2027	2027-2028	2028-2029
Salaries & Wages	1,374,582	1,388,328	1,402,211	1,416,233
Employee Benefits	236,615	238,981	241,371	243,785
Transportation & Communication	524,627	529,873	535,172	540,524
Services	5,633,611	5,802,620	5,976,698	6,155,999
Supplies & Equipment	5,174	5,226	5,278	5,331
Total	7,774,610	7,930,102	8,088,704	8,250,478

Inventory of the ORB's Artificial Intelligence Use Cases

The Board is committed to continuing to modernize its operations, including embracing the use of technology. The Board does not, however, use artificial intelligence in any fashion including in its operations or adjudicative decision making.