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Regulating Short-term Rentals: A Federal Circuit Roundup

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DAY IN THE LIFE

WENDY WALBERG,
City Solicitor, Toronto, Canada
Interview by Avery Morris, IMLA Editorial Staff

Hi Wendy-thanks for giving IMLA the opportunity to learn a bit more about you, beyond serving on the IMLA Board of Directors and your current role as City Solicitor of Toronto. Why don't we start with where you were born and raised?



I'm from Thunder Bay, in Northwestern Ontario, which is quite far away from Toronto, actually. Toronto is southern and central, about 900 miles away from where I grew up.

And how did you end up in Toronto?

I first went to school in Ottawa for journalism for a couple of years. Then I decided that I wanted to become a lawyer, so I applied and came here to Toronto for law school at Osgoode Hall. I didn't necessarily plan to stay, but here I am!

Well, Toronto is a tremendous city, so it's easy to imagine why you'd want to make it your home. But what was your path to working for rhe city?

After being called to the bar I took a job as a judge's law clerk. It's a short-term new lawyer job; you can do it for one or two years. As that was wrapping up, I looked for jobs in litigation because I was working in the courts and was interested in being a litigator. Working for the judges was a great experience. You sit with them and talk over their cases, do the research and write briefs for them. It gave me lots of exposure to the court system. There was an ad for a lawyer doing general litigation for the regional government in the Toronto area, so I applied for that position and ended up doing general litigation for a while. That included some appeal and judicial review work, employment law work, human rights work, a little bit of everything.

At one point, there was an assignment for a lawyer to work on the Regional Official Plan, and I was asked to take that on. That was a full-time commitment, and I found that I really liked land use planning. The assignment got me exposure to the land use planning documents in all of the regions of Toronto. Toronto is an amalgamated city, so there were many smaller municipalities prior to that, and they each had their own zoning regulations and official plans. I got to meet lawyers who worked on those files and became familiar with those documents. After amalgamation, I became an employee of the City of Toronto. I moved into one of the general municipal jobs, where I was doing a wide range of solicitor's work. For many years, I gave advice on municipal elections, which I really enjoyed. I also really enjoyed working with the City Manager's Office and lawyers from the provincial government on the City of Toronto Act. That was another full-time assignment. I worked on that for a year and a half coordinating all of the legal advice. It touches on everything the city does, so I had to be a bit of a generalist to do that. I always tell people I'm a master of nothing, but I know a little bit about everything. After working as a legal team lead for quite a few years, I applied for the City Solicitor's position—and have served in that role for almost eight years now.

That's quite a time span. How have your responsibilities changed over the eight years?

They certainly changed during the pandemic. My job was very focused on providing advice on managing that situation. I was on the Strategic Command Team for the city. At first, there were several meetings every day to address the crisis. Then we whittled it down to one meeting a day, but that was still a very big change in my job for a couple of years. I've also now become part of the senior leadership team of the city. So I really wear two hats; first, I'm the head of the legal department, but second, as a member of the senior leadership team, I do bring my legal knowledge and my legal lens to the conversations, but I'm also asked to weigh in with my opinion as a member of the senior leadership team, taking my lawyer hat off. That change happened a couple of years ago, and I really enjoy it.

Do you want to tell us a bit about your law department? How is it organized, and how do you divide responsibilities within it?

Sure! We have six practice groups, each with a number of lawyers, law clerks, paralegals, and legal assistants, and then there's my office. My office includes administration, budget, my executive assistant, my assistant, HR, our IT group, all of that.

Each practice group has directors, and each director will have a team of lawyers reporting to them. There's also a deputy city solicitor for each group. There's a litigation group, an employment law group, a land use planning group, a general municipal law group, a real estate group, and a prosecution group. The prosecution group is a little different from the others in that they have many paralegals who handle a lot of the prosecutions, and a smaller number of lawyers who handle the more complex prosecutions.

Do you feel that there are unique characteristics of municipal legal activity in Toronto?

With three million people, Toronto is a really large city. That means there are some legal issues that we have that maybe other places don't. There's a surprising overlap, though, between municipalities in the legal issues they deal with, big and small. I always find that when I go to IMLA or the Municipal Law Departments Association of Ontario.

That being said, in Toronto we probably deal with the provincial government more. Provincial government has an interest in some of our transit projects and development projects in the city. We have large events; we're going to be one of the hosts of the FIFA World Cup, we have large concerts, we have large sporting events, and that brings with it various issues. The city owns various agencies that operate theaters, a soccer stadium, a zoo, transit--that sort of thing. We also have very large elections. Toronto is often consulted when the province is considering amending legislation.

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Day in the Life *cont'd from page 17*

Why don't you walk us through a typical day in your life?

I don't know if I have a typical day! I would say there are elements that are part of every day, but they might not happen in the same order. Every day I walk my dog. Every day I get some exercise, whether it's biking or a bit of yoga or an exercise video. In the winterI try to do some cross-country skiing on the weekend, that kind of thing. Every day I drink too much coffee. [Laughs]. Every day I read fiction to relax. I've been in the same book club for 30 years. I have three adult daughters, and I spend lots of time with my family. I have a cottage, so I spend lots of time there. I also bake every weekend.

At work, I touch base with the deputy city solicitors often. I will talk to at least a couple of them about an emergent issue every day. I have senior leadership team meetings twice a week, so I prepare for those. I'm on a couple of steering committees and advisory committees at the city. I enjoy that work; I work with other division heads on those steering committees or other members of the senior leadership team. I'm called upon to unstick issues; if there's a problem and it is escalated to me, it's usually because it's somehow stuck. I have to have a general knowledge of the law so that I can get briefed by my staff on whatever the legal issue is, but then take a look at the bigger picture, try to understand the client problem, why it's stuck, and talk to the right people to help resolve it. I do a lot of that. Through all of this, the most important thing, I think, is to have a positive attitude and to be calm. As lawyers, we tend to deal with conflict, we tend to deal with crises, we deal with problems and we're problem solvers, as all senior leaders are. You're only helpful if you can be calm. I have a positive attitude because we can fix anything, really. My department provides advice to all of the departments in the city and many of the city's agencies, such as the parks department, the finance department, public health, the police board, and the library board.

And then, of course, I have to run my own department. I have a budget, I plan training for lawyers, I meet with my management team regularly, and I also try to stay connected with the legal community. I hosted a Municipal Law Departments Association meeting in the spring, we hosted the IMLA in Canada in the spring, and I'm going to a talk at the University this week. I'm a mentor with the women's network, and I'm doing mentoring for the Canadian Corporate Counsel Association. I try to do those things too, but I have to say much of my time is spent dealing with the issue of the day for the city and trying to work through some of these problems.

A lot of my time is also spent at City Council, which meets for 2-3 days a month. I'm the point person at the meeting, so I have to spend quite a lot of time preparing for that: reading the materials, speaking to the lawyers, reading briefing notes from them--and then I attend the briefing for the Mayor. Then I sit with the City Manager and the Chief Financial Officer and the deputy city managers as well. I'm there for the counselors to talk to if they want to talk on the side about an issue or if they want to ask me a question on the floor, where I have a microphone. That's actually a very big part of my job, too.

Is there any one achievement that you're most proud of, either throughout your career or personal life?

In my personal life I am very proud of my three daughters. In my career, I'm really proud of the City of Toronto Act. I was the lead lawyer coordinating the legal advice on that and meeting regularly with the province. I think it's been good for the city. I'm very proud of some of the changes I've made in the legal department; they might seem small to others, but I think they've been beneficial to the team, and I really care about the team and the workplace environment in the legal department of the city.

Tell us more about the book club you're a part of!

As I mentioned, I've been in I've been in the same book club for all those years. It's funny how it's evolved; at first, we talked about the book a lot, and now–my goodness–we've seen each other through so many things over 30 years. We still read the book every month, we still talk about it, but we've also become good friends.

Do you have any books to recommend to us?

For a nonfiction recommendation, *Being Mortal* by Atul Gawande is an excellent book that I would recommend to everyone. It's brilliant.

Another book I really liked was *Demon Copperhead* by Barbara Kingsolver and *Tom Lake* by Ann Patchett were my favorites last year. *Cutting for Stone* by Abraham Verghese is a favourite. I really like Kent Haruf. I haven't read his books in a long time, but I really like them. His books are about life in a small town and community.

I suppose it's no surprise that I ended up working for a municipality. When I think about the workplace, the workplace community is really important. I think we find community in many places. We might find community in our neighborhood, we might find it at our workplace, and there are lots of other ways to find community, but I but I believe that engagement in a community is fulfilling; it's really important.

Well, that belief in community is evident in your work and your career. Thanks, Wendy, for giving us some book recommendations, and for a glimpse into your world.