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**Official Report
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(Hansard)**

A-4

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des débats
(Hansard)**

A-4

**Standing Committee on
Government Agencies**

Intended appointments

1st Session
43rd Parliament

Thursday 24 November 2022

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

1^{re} session
43^e législature

Jeudi 24 novembre 2022

Chair: Will Bouma
Clerk: Isaiah Thorning

Président : Will Bouma
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CONTENTS

Thursday 24 November 2022

Subcommittee report	A-23
Intended appointments.....	A-23
Ms. Gwen Croser	A-23
Ms. Caroline Fletcher-Dagenais.....	A-28

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Thursday 24 November 2022

Jeudi 24 novembre 2022

The committee met at 0900 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Will Bouma): Good morning, everyone. The Standing Committee on Government Agencies will now come to order. We are meeting to conduct reviews of intended appointments. We are joined by staff from legislative research, Hansard, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants—and I have to slow myself down—speak slowly and clearly. Please wait until I recognize you before starting to speak. As always, all comments by members and witnesses should go through the Chair.

The first item of business will be the adoption of a subcommittee report, which was distributed in advance. First, we have the subcommittee report dated October 27, 2022. Could I please have a motion? Member Coe.

Mr. Lorne Coe: Chair, I move adoption of the subcommittee report on intended appointments dated Thursday, November 10, 2022, on the order-in-council certificate dated November 4, 2022.

The Chair (Mr. Will Bouma): Member Coe has moved the subcommittee report dated October 27, 2022. Any discussion? Seeing none, are the members ready to vote? All those in favour? Any opposed? Carried.

INTENDED APPOINTMENTS

MS. GWEN CROSER

Review of intended appointment, selected by government party: Gwen Croser, intended appointee as member, Ontario Land Tribunal.

The Chair (Mr. Will Bouma): We will now move on to our review of intended appointments. Today we have Gwen Croser, nominated as member of Ontario Land Tribunal.

You may make an initial statement at your discretion. Please come forward. Following this, there will be questions from the members of the committee. With that questioning, we will start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take will be deducted from the time allotted to the government.

Thank you very much. Please go ahead, and welcome.

Ms. Gwen Croser: Good morning, everyone. My name is Gwen Croser and I am truly honoured to be here today to discuss my nomination for appointment to the Ontario Land Tribunal. I'm going to use this time to provide the committee with a summary of my background and experience. In doing so, I will highlight some of the soft skills I have developed along the way, as well as touching upon my credentials, all of which will enable me to succeed in this role at the OLT.

I am an immigrant. I came to Canada by myself; the rest of my family still resides in Scotland. I received permanent resident status in 1998 and became a proud Canadian citizen in 2014. Since coming to Canada, I have earned two university degrees, founded and operated a successful small business, volunteered with different organizations, changed careers to become a lawyer, and also found time to become a parent. This appointment is my opportunity to serve the province that has given me so much.

My first job in Ontario was working as a racehorse caretaker in the harness racing industry, and racing took me all over the province. I met and worked with people from all walks of life. While a great experience, working as a racetrack groom is precarious employment. I left the backstretch to work as an accounting clerk for a CMA, while taking evening classes in business and accounting.

I then started my own business, which I operated for 17 years, providing bookkeeping and office management services to individuals and businesses working within the racing industry. My business thrived, as I had a reputation for being fair and reasonable and providing timely service. Success required a strong work ethic, time management skills, attention to detail and the ability to communicate effectively with clients and other parties. These are also essential skills for any adjudicator.

I also led seminars for several years on the economic implications of racehorse ownership, a dull subject if ever there was one. Leading these seminars required breaking down quite complex tax matters into accessible language. This is a very necessary skill for an OLT member, especially when self-represented clients appear before the tribunal. During this time, I was also a district-certified soccer referee.

Managing conflict while remaining objective, professional and respectful to all parties are interpersonal skills that I have used with great effect throughout my career. These are qualities that I will continue to utilize as a member of OLT.

While operating my business, I enrolled at the University of Guelph and graduated with a bachelor of arts, honours with distinction, degree in history and political science. I then decided to change careers and went to law school at Western. During my legal studies, I continued to operate my business on a scaled-back basis to assist with the cost of law school.

After I graduated, I articulated with the Ontario Lottery and Gaming Corp. Working at a crown corporation was a great experience and I enjoyed working as a team with different departments on lottery and gaming products.

After my call to the bar, I worked as a litigation support lawyer before being hired as an associate with Rodrigues Paiva LLP, where I practised municipal and planning law. The firm merged with two others in January of this year to form Unified LLP, a boutique law firm in Toronto and Kitchener, where I continue to practise primarily municipal and planning law.

As a lawyer, I have appeared before the Superior Court, Divisional Court and Ontario Land Tribunal. I have been involved with several files involving expropriation, as well as taking part in negotiations and mediation. My experience with planning law and expropriation matters will ease my transition to a role as a member of the OLT, as I understand the process, the rules and the procedure of the tribunal.

As a lawyer, I review, interpret, and apply relevant legislation. I have experience in a wide range of legal matters and a solid understanding of both the law and the legal process in general. As a business owner and now as a lawyer, I have always been an active and engaged listener. I understand the difference between listening and simply waiting for your time to talk. I will treat every person who uses or seeks to use OLT services with the same level of professional courtesy and respect that I have extended to all others throughout my career.

In closing, given my credentials, I believe I will be an asset to the OLT. I thank you very much for your time.

The Chair (Mr. Will Bouma): Thank you very much for those opening comments. Welcome to Canada, and thank you for everything you've done. I feel unworthy to be sitting in this chair before you.

We will begin with the government questions. You have about nine minutes and 50 seconds left. Member Coe.

Mr. Lorne Coe: Through you, Chair: Welcome to the committee this morning. I was so impressed when I read your background and your application for this particular appointment. In your opening statement, you talk about, "This appointment is my opportunity to serve the province that has given me so much." I'd like you to elaborate about that particular statement, and when you provide your response, speak also about the importance of public service to you, please.

Ms. Gwen Croser: It is difficult to get into that with such a short time frame. I could spend hours listing all of the ways that I'm in love with this province. It baffles my mind that Ontario covers two time zones. You can fit Scotland 14 times in the size of Ontario. It's just a wonderful place. I have travelled to Fort Frances; my

partner has family up there. I've been to Ottawa, Cornwall—I've really seen a lot of the province, and I got to see a lot of it through racing. Racing took me to racetracks in Windsor, Sudbury, Ottawa, all over the place. That, to me, was how I started to see the province, and really, it has provided me with so many great opportunities.

I went to the University of Guelph. I walked in, I spoke to the admissions person and said, "I'm going to work full-time, and I want to get my degree in four or five years." She looked at me and said, "Okay. I think that's a stretch, but okay," and I was able to do it.

I went to law school. I had my daughter during the second year of law school, and I went to the student dean and I said, "Listen, I'm going to have a baby, but I still want to finish my second year and third year with the rest of my class." She said, "Okay, we'll find a way to make that happen for you," and I did. Everyone has been so accommodating to me on this journey, from the people who believed in me when I first set up my own business to the people who believed in me as a lawyer and clients. So the people really have believed in me, and I want to show them that that trust was well earned.

I know people from all walks of life and all different perspectives, and I think it's important that these voices are heard and valued before a tribunal, especially for self-represented clients. I feel that's where I will be of the most benefit, because I'm very good at breaking down complex things into more accessible language without dumbing it down, and I really feel that's where I will be an asset.

Mr. Lorne Coe: Thank you so much for that response.

Through you, Chair, to MPP Billy Pang.

The Chair (Mr. Will Bouma): Member Pang.

Mr. Billy Pang: Thank you for your presentation and putting your name forward. You shared about a lot of your volunteer experience. I really want to know, what made you put your name forward for this post today?

0910

Ms. Gwen Croser: I first came across the post on the OLT website because I'm just such a nerd. I'm always looking to read more and learn more. I came across the vacancy, so I went to the public services secretariat and I looked it up and I read about the tribunal. Obviously, I have appeared before the tribunal before. I think it's a good fit with my skill set and experience. I'm a problem solver. While advocacy is the act of persuasion for your client, this is an opportunity to look at and work with the big picture and to consider different perspectives. I'm really motivated to work with others to assist with resolving matters, or the issues within them, and exploring and finding common ground for resolution.

Mr. Billy Pang: When you're in the position, what do you think you can help to facilitate your role in the tribunal?

Ms. Gwen Croser: I'm very good with people management and interpersonal skills. I understand that everyone is coming at it from different passions and different perspectives, and everybody needs to feel that they've been heard. Even though the decision may not eventually go in their favour, when people appear before me, I want them to know and understand that I've listened and

they've been heard. Hopefully, my decisions will be written clearly enough that they'll be able to understand why, perhaps, the decision did not go in their favour.

Mr. Billy Pang: Thank you very much.

The Chair (Mr. Will Bouma): Anyone else for the government? Member Jones, go ahead.

Mr. Trevor Jones: Good morning. Through you, Chair: Thank you for that superb introduction. Now I feel I know a little bit more about you and your tenacity, dedication, time management and career of service. If you can share with the committee what sort of engagement you have in your community, so volunteer work—I know you've mentioned some involvement in soccer and, of course, racing, but what sort of other volunteer work have you had? What did you learn from that, and how will that help inform your work on this tribunal?

Ms. Gwen Croser: I have volunteered with the Canadian Cancer Society in an administrative capacity—I've done that a few times—and, obviously, as a soccer referee in the Guelph area. I did new owner workshops with Standardbred Canada and Grand River Raceway and assisted with various charity runs in the Guelph area.

I will admit that since starting law school, I have had less time for community involvement. My first child was born in the second year of law school and my second was born just a few months after I was called to the bar. I'm hoping to become more involved in the community now that my children are both in school. I am a member of the Wellington family health services and I'm hoping to get more involved that way.

To me, volunteering is such a great learning experience. Sometimes even a small change or gesture can make a big difference. As I touched upon in my opening statement, I think volunteers really helped me hone my interpersonal and communication skills.

Mr. Trevor Jones: Thank you very much.

The Chair (Mr. Will Bouma): Further questions? Member Gallagher Murphy.

M^{me} Dawn Gallagher Murphy: I think that takes a lot to leave your home and your family and come abroad. So thank you very much for making that journey.

COVID has presented a little lot of significant challenges for operating the OLT, particularly with limitations around in-person hearings. How do you think the OLT can adapt, number one; and number two, do you have any concerns about not being able to conduct in-person hearings?

Ms. Gwen Croser: I think the move towards online portals, filing documents electronically and appearances via a virtual platform was a long overdue step forward into the 21st century for courts and tribunals. For a lot of people, virtual hearings alleviate stress and travel time and they reduce costs for all parties involved.

The Ontario Land Tribunal's mission statement says that it is there to provide "modern, fair, responsive, accessible, effective and efficient dispute resolution services..." That first word is "modern," and I feel that it came first for a reason. We need to move forward with technology, and I think that technology is opening doors

and creating greater accessibility. While there is a learning curve with the transition to working effectively on virtual platforms, people are getting better with the technology. I would have no issues with hearings continuing in a virtual manner.

The Chair (Mr. Will Bouma): Thank you. About one minute and 40 seconds left. Member Sandhu.

Mr. Amarjot Sandhu: Thank you so much for your presentation. Your presentation shows that you have had a wide range of professional experiences in your career. Could you please share with the committee how these experiences prepared you for your work with OLT?

Ms. Gwen Croser: I've worked with people from all different walks of life. I respect that people have different interests and perspectives, and I respect diversity and inclusion to maintain a fair and transparent process while maintaining high professional standards. I don't know if it has come across, but I consider myself to be someone with very high standards.

I have worked with planners who specialize in rural matters and ones who focus on social and cultural matters, as well as big-city planners, land use appraisers, business evaluators, structural engineers, accountants, air quality control, environmental consultants. I've worked collaboratively with so many outside experts, as well as internally with lawyers, that I'm very familiar and comfortable with the language used by such people, and that really comes across in a lot of hearings. It's often a battle of the experts, so to speak. I'm very comfortable with that, and I think that's really going to help prepare me for working at the OLT. Plus, I'm just super excited.

Mr. Amarjot Sandhu: Thank you.

The Chair (Mr. Will Bouma): Very good. Twenty seconds left. Member Ghamari.

Ms. Goldie Ghamari: How will your previous work and experience assist you in being a fair and impartial adjudicator on the OLT?

Ms. Gwen Croser: Despite what coaches and spectators may have said on occasion ever so gently during soccer matches, both teams always receive the same treatment from me. I am fair. As a business owner, I was always very—

The Chair (Mr. Will Bouma): That's a good place to wrap up. I apologize, but that concludes the time for government. We slipped one more in there. Thank you, Member Ghamari.

I will now turn to the opposition members for their questions. You have 15 minutes. Member West, go ahead.

MPP Jamie West: Did you want to finish what you were saying?

Ms. Gwen Croser: No, that's fine.

MPP Jamie West: Okay. I know you talked about it briefly, but how did you decide to apply for this appointment?

Ms. Gwen Croser: I think it's a good fit with my skill set and experience. I think I have what it takes to be an effective member of the tribunal in terms of my analytical ability and being able to approach a problem or an issue in a solution-focused manner and from different angles. I'm

well organized. I have the ability to remain objective and impartial, and I think I've got good written and verbal skills. So parties will be confident not just in my ability to adjudicate but also the process is being managed effectively and efficiently.

I was looking to transition from private practice into something else. I really feel, having appeared before the Ontario Land Tribunal on more than one occasion, and the BON, that this was going to be a good fit for me.

MPP Jamie West: Thank you for that. I want to congratulate you—I don't know if that's the right word, but the story about being pregnant while going to law school and continuing through it is really impressive. I felt solid that I was just awake when my kids were born. I know how difficult law school is.

When you were a lawyer with Unified LLP, you participated as co-counsel, like you had talked about, for a few hearings. During your experience as co-counsel for a party before the OLT, what was your perception of this functionality?

Ms. Gwen Croser: I'm sorry; do you mean before I appeared before the OLT?

MPP Jamie West: When you were going. What's your impression?

Ms. Gwen Croser: I prefer being before the OLT rather than being before the courts. It's not because I had more success appearing before the OLT before I was appearing before the courts; I found that it was slightly more informal and it put people more at ease. There was less rigidity, if I can describe it that way.

Mediation is something that can be entered into at any point during an OLT matter, right up until the point just before the decision is handed out. I think that provides enormous flexibility in order to find solutions and maybe problem-solve and narrow issues in scope that you don't really see so much in court.

MPP Jamie West: Do you feel like the changes that are proposed in Bill 23 will have an impact on the education of hearings at the OLT?

Ms. Gwen Croser: I'm sorry; they will have an impact on what?

MPP Jamie West: Adjudication of the hearings at the OLT.

Ms. Gwen Croser: Well, Bill 23—we still don't know its final form, I suppose, because it's only had its first hearing on October 25. I know it's a bill to increase the housing supply, and any changes that are made to the Ontario Land Tribunal Act, which will impact its rules and procedures, I'm sure I will be provided information on once I am onboarded.

0920

MPP Jamie West: Okay. Were you encouraged to apply for the position by anybody?

Ms. Gwen Croser: I applied by myself. As I say, I saw the advertisement on the website, and I also spoke to my boss about it. A selfish boss holds you back; a good boss propels you forward, and he encouraged me to apply.

MPP Jamie West: My final question: Have you ever been a member of the PC Party of Ontario?

Ms. Gwen Croser: No, I have not.

The Chair (Mr. Will Bouma): Very good. There are 11 minutes left. Who would like to go next? Member Rakocevic, go ahead.

Mr. Tom Rakocevic: Congratulations on being here and congratulations on all of the achievements that we heard about in your presentation and what we have read. I just wanted to ask a couple of questions—obviously, you're not at the OLT right now, but just around your thoughts about OLT.

Under its previous incarnations under different names, there have been many who have said that the OLT was really, in many cases—and I've heard this many times—a rubber stamp for developers. In the city of Toronto, you have developers that will make a presentation or a request to the city to develop, and rather than pursue going through the city of Toronto, they just immediately go, as soon as possible, to the tribunal, feeling that they will get a better result there. What are your thoughts and what do you bring to the OLT to make people feel that it is a balanced place for decisions to be made?

Ms. Gwen Croser: I think I'm fair. I've always had the reputation of being firm but fair, and I can be objective and impartial, and consider the big picture and all of the different perspectives and the different viewpoints to reach that point. As I was mentioning in my comments earlier, I really feel I have an ability to make people feel that they have been heard. I feel that in my decisions, whether it goes in their favour or not, that will come across.

Mr. Tom Rakocevic: In some of your experiences or your knowledge of the OLT—and under its previous names, OMB and whatnot—for instance, developers will be applying for a certain level of density that a municipality will think is within reason in a community and that they're able to service, and they will go to the OLT now—the OMB, in the past—and come away with much higher densities. Did you find that this was the case? This is what furthered the concept of it seeming that the deck was stacked when it came to developers getting the decisions they were hoping for, versus communities, municipalities and others.

Ms. Gwen Croser: Every time I've appeared before the Ontario Land Tribunal, I have always been impressed by the members' ability to reason and look at and listen to everybody. I've never experienced anything that would lead me to think there's a stacked deck.

Mr. Tom Rakocevic: Okay. There are changes that have been proposed under Bill 23 and things that have happened under the last session of Parliament with regards to the OLT—for instance, eliminating third-party appeals. Do you feel that upper-tier municipalities and conservation authorities don't deserve a broad right to appeal to the OLT?

Ms. Gwen Croser: As I mentioned before, this act has only had its first reading, and I'm sure there would be amendments to that act. I don't feel it would be fair for me to comment, considering that we don't know the act's final form.

Mr. Tom Rakocevic: Okay, but it's still being proposed as is. The idea that third-party appeals are being

removed, as a concept: Do you think that this is a good way forward for the OLT?

Ms. Gwen Croser: I have every confidence that the OLT will continue to render decisions properly and accurately based on all of the information before them.

Mr. Tom Rakocevic: Another question is that cost penalties are now going to be—in the past, if you made an application, and let's say there's a developer and you have a community that is facing them, obviously developers have, generally, a large upper hand in terms of access to justice, lawyers and certainly money. Now they're going to be awarding costs to parties that don't succeed at the OLT. Do you think that this, if this moves forward and this happens, disadvantages individuals who don't have money, communities, versus wealthy developers?

Ms. Gwen Croser: I have always found that the OLT has a way of weeding out appeals that have no merit or are unfair or vexatious or made in bad faith. If someone moves forward with their appeal, then consequences could follow. That happens with private civil litigation, and it's perhaps a way of ensuring that people are motivated by the proper reasons for bringing forward an appeal.

Mr. Tom Rakocevic: Okay, well, I'm satisfied with that question.

The Chair (Mr. Will Bouma): Six minutes left. Member Begum, go ahead.

Ms. Doly Begum: Thank you very much for being here today and for sharing your story. I think your passion for what motivated you to apply for this—and I agree with Member West; I think it shows a lot of strength as a woman for coming forward.

One of the things that I got a chance to learn about you from your background is that, during your time in the Unified LLP, you were co-counsel for hearings that went to the OLT, if I'm—

Interjection.

Ms. Doly Begum: Okay, perfect. And so, I wanted to understand, or I wanted to just hear your thoughts in terms of the functionality of the Ontario Land Tribunal and what your thoughts were as a counsel member.

Ms. Gwen Croser: I think it's fantastic. We had the online portal, so all your documents were uploaded, and you had access to everything. You had it all in the computer rather than stacks and stacks of paper to go through. The hearing I did in March of this year was conducted virtually, which was fantastic. We were all able to be on, and it worked, and it went smoothly. I imagine in Zoom meetings in March 2020, there was a lot of, "Yes, you're on mute. Yes, you're still on mute. Oh, no, we've lost that person." And I feel like we've really moved beyond that. In March 2022, the functionality of a virtual hearing was quite flawless and seamless. Everyone had access to the information. It was a lot easier to make pinpoint references to certain points, so your arguments flowed better because it was easier for the member to find that pinpoint in the 700 pages' worth of material that were perhaps filed. So I think it's great. I'm a huge fan of the virtual platform, and I really hope that we progress and continue with this platform.

Ms. Doly Begum: Thank you very much for that.

My next question is related to something that we're expecting to happen, so I'll give you a scenario in terms of any sort of hearing that takes place in the past. I'm sure you know of this, and it's something that my colleague talked about, in terms of the ability for third parties to appeal, which will be removed soon through Bill 23. I know it hasn't taken effect, but one of the things is the expectation that a lot of conservation authorities have told us: the removal of their ability to come forward and appeal. We know the current landscape and what's happening with a lot of lands that are protected and the risk that we face and the threat that we face in terms of—in fact, just earlier this week, we heard about a piece of land that was disputed. A lot of conversation took place, a lot of, I think, rallying took place to save that land, and about 80%, 90% of that wetland has now been paved over for development. But that's just an example that I'm giving you.

In terms of the ability for third parties like a conservation authority to come forward and appeal when a hearing takes place, what are your thoughts in terms of the ability for that to happen?

Ms. Gwen Croser: I believe conservation authorities have the influence when official plans are being formulated. I think that's where their input comes from. The greenbelt is a protected area of two million acres—I believe it's the world's largest—and it is part of the greater Golden Horseshoe plan. Unfortunately, land is in finite supply. The greater Golden Horseshoe area has two thirds of Ontario's population and almost 25% of Canada's population, so we have to be mindful of our land and make sure it's used properly for the benefit of all.

Ms. Doly Begum: Thank you very much for that. And a follow-up to that would be, what are your thoughts in terms of the elimination of third parties being able to appeal on decisions of the OLT?

Ms. Gwen Croser: I believe that the OLT will continue to make fair decisions based on all of the information put before it.

0930

Ms. Doly Begum: Once a hearing takes place, do you believe that having an appeal process is something that's necessary or not?

Ms. Gwen Croser: The OLT exists to provide dispute resolution services in accordance with mandate. There will continue to be appeals, not just planning appeals, but also environmental matters, natural features, mining, expropriation. The OLT does not just do planning appeals. There will always continue to be appeals.

Ms. Doly Begum: Thank you very much for that. I just have one final question. I think I have—

The Chair (Mr. Will Bouma): One minute.

Ms. Doly Begum: Perfect. My final question, Ms. Croser, is: Are you a part of any other tribunals, or have you applied for any others?

Ms. Gwen Croser: I applied to the OLT and I applied to the Animal Care Review Board. I applied to both at the same time.

Ms. Doly Begum: Thank you very much for your answers.

Ms. Gwen Croser: Thank you.

The Chair (Mr. Will Bouma): Okay. Thank you for the questions, thank you for the discussion and thank you so much for appearing before committee. If you would like, you can stay and listen in, or you are free to go also. Thank you very much. And again, welcome to Canada. It was a pleasure having you here this morning.

Ms. Gwen Croser: The pleasure was all mine. Thank you so much, everyone.

MS. CAROLINE FLETCHER-DAGENAIS

Review of intended appointment, selected by official opposition party: Caroline Fletcher-Dagenais, intended appointee as associate chair, Ontario Civilian Police Commission.

The Chair (Mr. Will Bouma): Next up, we have Caroline Fletcher-Dagenais, nominated as associate chair of the Ontario Civilian Police Commission. I believe she's joining us online. She is here. Welcome, Ms. Fletcher-Dagenais. We so appreciate having you here.

You may make an initial statement at your discretion. Following this, there will be questions from members of the committee. With that questioning, we will again start with the government, followed by the official opposition, with 15 minutes allocated to each recognized party. Any time you take in your statement will be deducted from the time allotted to the government. You are welcome to make your opening statement now.

Thank you for joining us.

Ms. Caroline Fletcher-Dagenais: Thank you, Mr. Chairperson, Mr. Vice-Chairperson and honourable members of the Standing Committee on Government Agencies. Good morning to you all. Bonjour. My name is Caroline Fletcher-Dagenais. It is, again, an honour to appear before the members of the standing committee this morning by video and present my background and updated qualifications for the position of associate chair of the Ontario Civilian Police Commission.

In my previous appearances before this committee, I informed members of my academic achievements, including a degree with honours in sociology and a legal studies minor from the University of Waterloo, and a master's degree in applied criminology from the University of Ottawa. My academic background has provided me with a good grounding for my professional roles I have assumed in the justice system here in Ontario, including as a former front-line parole probation officer.

I have extensive experience as an adjudicator, primarily on the Ontario Parole Board over two decades ago, again in 2020, and in 2021 I became the vice-chair of that agency. I also have adjudicated at the Criminal Injuries Compensation Board and with the Parole Board of Canada.

I became the acting associate chair of the Ontario Civilian Police Commission in November 2021 and have led the adjudicative arm, ensuring a complement of skilled adjudicators who hear appeals of police conduct and

police services matters pursuant to the Police Services Act. I engage with the tribunal members to ensure training objectives have been met and that they have what they need to exercise the board's mandate. I provide day-to-day oversight of the tribunal, and I manage all the overall scheduling requirements for adjudication. I monitor service demands and performance targets. I am well acquainted with government agencies and partners at the provincial and federal level and community resources across Ontario as well.

I understand the legal imperatives of ensuring dates are met when making decisions, and I'm fully aware of the independent nature of the adjudicator, whose task is to render fair, unbiased well-written decisions that ably withstand the scrutiny of appeal and, in the case of the OCPC, judicial review. These core values of fairness in our hearings and the decisions that I render, core values of my work with both the OCPC and the parole board, ensure I maintain transparency, accessibility, integrity and independence in our decision-making, and I've applied these principles throughout my professional career.

I have been guided by elders and the Indigenous people to gain a better understanding of the First Nations, Inuit and Métis peoples. I've applied the Gladue principles in authoring court reports and parole decisions, and I have also participated in elder-led Aboriginal Circle Hearings within correctional settings. Importantly, I am receptive to all knowledge that improves our understanding of the Indigenous people and all the diverse members of our province.

Throughout my long justice career, I would interact directly with police officers or review police reports for risk assessment, or to inform the court. I have a good understanding of the important role played by police in society and respect those who are on the front lines of justice in our communities. I have stated on the public record that I recognize the crucial importance of police interacting with members of the community in an appropriate and professional way and, by doing so, building and maintaining the trust of members of the community they serve.

While I have this foundational understanding, I'm committed to the impartiality and neutrality that forms the basis for adjudication. I listen to all sides, hear the evidence before me and deliver a fair decision. I believe my experience with the tribunal, my organizational abilities and my governmental knowledge will assist this process and help to ensure a continuation of effective police oversight in Ontario.

To conclude, my academic credentials, extensive adjudicating experience at both provincial and federal levels of government, and ongoing leadership bring me before the committee today. I have a long-standing interest in and commitment to the safety and respectful service of your constituents and all the people of Ontario, and I thank you for giving me the opportunity to present my remarks to the committee today via Zoom.

The Chair (Mr. Will Bouma): Thank you so much. It's good to see you again. I think you have as much experience on this committee as I do.

We'll start with the government. You have about 10 and a half minutes. Member Coe.

Mr. Lorne Coe: Thank you, Chair. Through you to our applicant: Thank you very much. Yes, I was on the committee the last time you appeared. I'd like you to elaborate beyond your opening statement on what motivated you to apply for this position. Was this the only position that you applied to?

Ms. Caroline Fletcher-Dagenais: Thank you. As the committee may know, I am also on the Ontario Parole Board; I'm vice-chair there. I started there a few years ago. It was a return engagement for me, because I had been on the parole board over two decades ago and made sure that I learned everything I could about adjudication at that time. I followed along with that in my career and have gained experience in other tribunals.

Along with sitting on the parole board, I am also on the Ontario Special Education Tribunal. I've only just started on that. But I heard that the OCPC would require an associate chair. I've been in the acting position now over the last year, approximately, and—as does everybody that applies to these positions—I found the qualifications on the portal, on the Internet. I went through the qualifications for associate chair and I felt confident that I ticked those boxes, so I put my application in through the portal.

Mr. Lorne Coe: Thank you for that response. Chair, through you, to MPP Dawn Gallagher Murphy, please. Thank you.

The Chair (Mr. Will Bouma): Member Gallagher Murphy, go ahead. Thank you.

M^{me} Dawn Gallagher Murphy: A question to you: Given your tribunal experience, what are your observations in terms of what it takes to be an effective member of the tribunal, specifically as it pertains to the OCPC?

Ms. Caroline Fletcher-Dagenais: Well, I think it's very helpful that I've had the long-standing adjudication experience. With well over 15 years at tribunals, the ability to use my skills in administrative law really transfers to the different tribunals, and has to the OCPC.

I've worked in the community, on the front line, in a protection mandate, in public safety. I've worked alongside a lot of people who are involved in the justice system, and not just police officers, but also people that are involved in mental health, immigration or those types of areas that do interact in the justice system. I feel that I'm capable to lead because of all my experience, and I also play a role as a mentor and teacher at the parole board.

At the OCPC I share a lot of the functions, in terms of the work that we do, with very skilled adjudicators. Leadership is necessary in setting the agendas, making sure that the hearings are set and held in a timely manner, that all the documents are there and that my tribunal members, my adjudicators, have everything that they need to make these decisions. That is my role.

M^{me} Dawn Gallagher Murphy: Thank you.

0940

The Chair (Mr. Will Bouma): Going to member Ghamari now. Go ahead.

Ms. Goldie Ghamari: I'd like to thank you for being here today and joining us. Can you please share with the committee what sort of experience you have in engaging with your community, whether it's through work or volunteering, what you've learned from those community experiences and engagements, and how that would benefit your work on the Ontario Civilian Police Commission?

Ms. Caroline Fletcher-Dagenais: Of course, I didn't say this in my opening remarks, but I'm a mother, and I will be a grandmother to three very soon. I've spent a lot of time in my community, particularly when my children were growing up, as a hockey mom and so on, and I was active in my community, active in civics. I think that's important, that you know what your community is all about. I've worked in Ontario for my entire career.

I've also had the benefit—when I was a front-line parole probation officer, of course you're working with the community. You're out there making sure that people are safe. You're making sure that services are brought to the table. If you have somebody who needs some help, you have to be able to reach out to members of your community. That's very important to be a success in government, I think across the board, is that you're able to work with others and know what resources are there in the community.

But in my most recent days and during the pandemic, I didn't have volunteer work per se, because I was working at looking after aging parents, who needed me. That took up a lot of time. But I feel that together with all my past experience in the community, actively volunteering and working with people, I have a pretty good sense of my communities: my home community, obviously, of the Ottawa area but across Ontario. I've also travelled with past business, so I've had the benefit of getting around the province. That will be helpful.

Ms. Goldie Ghamari: Thank you very much.

The Chair (Mr. Will Bouma): Member Pang, go ahead.

Mr. Billy Pang: Thank you, Mr. Chair. May I know how much time I have?

The Chair (Mr. Will Bouma): Four and a half minutes.

Mr. Billy Pang: Oh, four and a half—that's plenty. Okay.

Good morning, Caroline. Thank you for putting your name forward again. Congratulations on your promotion to very soon becoming a grandma.

As we know, COVID presents some significant challenges for operating OCPC, particularly with limitations around in-person hearings. How seamlessly have tribunals adapted to this change, and do you have concerns around limitations to in-person hearings?

Ms. Caroline Fletcher-Dagenais: Thank you for the question. The OCPC has adapted very well to the government's Digital First program. Actually, that's very timely, because during the pandemic, we relied on that almost wholly to conduct our hearings.

I have personally adapted. I'm a little north of 60. I didn't do a lot of work over Zoom before, so I quickly pivoted to that at the beginning of the pandemic, learned

initially with the parole board how to conduct hearings by Zoom and so on. But at the OCPC, we do rely on it. We found that there has been continued access to our tribunal with that. All our board members are skilled on the Zoom platform, and we endeavour to continue with that. There is an ability to seek accommodation if there was an issue where somebody had to be seen in person; we'd certainly will take a look at that. We also can deliver our decisions by paper. It is not a regular thing, but we have that ability.

But we haven't found a barrier to doing the business of the board, the tribunal. Because of the Zoom platform, we've found that it actually helps facilitate the timeliness of the hearings.

Mr. Billy Pang: Thank you very much for your answer.

The Chair (Mr. Will Bouma): Two minutes left for the government. Member Jones.

Mr. Trevor Jones: Through you, Chair: Good morning, Caroline. Thank you very much. You briefly outlined your experience on other tribunals and boards and committees. How will that past experience inform your current work in this new role at OCPC?

Ms. Caroline Fletcher-Dagenais: Thank you. In the work with the parole board, or even the parole board before or at the federal level, I'm working with some very impressive people, skilled professionals. In my OCPC world, there are skilled lawyers, there are litigators there. They are very impressive people who have a firm knowledge of the work in front of them. The ability to manage the professionals, make sure that they have what they need—I think it served me well that I have done that, and not only in the tribunal world but also back in the community. I've held leadership roles in various areas that I've done, and including with the federal parole board when there was some legislative change and they required me to make the first decisions of its kind under new law, that sort of thing. I think this prepares me well in my past for whatever I have to deal with at the OCPC.

Mr. Trevor Jones: Thank you for your answer.

The Chair (Mr. Will Bouma): Very quick questions, 50 seconds. Member Sandhu.

Mr. Amarjot Sandhu: Thank you so much for your presentation. You have been recommended for an appointment as associate chair to the OCPC in addition to your other appointments. How can you ensure you stay on top of the caseload issues that may arise from being appointed to several tribunals?

Ms. Caroline Fletcher-Dagenais: Thank you so much. Of course, in my entire career, I'm used to working on a full-time basis. You may be aware that these positions are part-time adjudicative positions. We don't have the high demand, high volume, that some of the other tribunals have. We have a smaller number of applications to process. That being said, I've been able—

The Chair (Mr. Will Bouma): I apologize, but that concludes the time for the government. Thank you very, very much.

We'll now turn to the opposition. You have 15 minutes for your questions. Member West.

MPP Jamie West: Caroline, thanks for joining us. I don't know if you want to finish your comments.

Ms. Caroline Fletcher-Dagenais: I was just going to say I've been able to pivot between the roles quite easily, and I keep on track of what is coming in, so I've been able to divide my time based pursuant to what the needs are of each of the tribunals.

MPP Jamie West: If I could just ask a question: Earlier, you were talking about some of your history. You said "front-line," and I don't know if it was the technology or my ears, but I didn't hear it. Was it "probation officer"?

Ms. Caroline Fletcher-Dagenais: Yes, parole probation officer in the province of Ontario.

MPP Jamie West: Oh, it was "parole probation"—okay. Sorry; I was making notes as we went along, and I couldn't hear one part.

I also wanted to just thank you. You made the comment about taking care of aging parents who needed you and not being able to volunteer as much. I think that's a very noble thing and something any of us would do for our parents or children. I think that's important as well.

In conversations I've had with police forces in Sudbury—I'm the member for Sudbury—recent conversations about the changing of policing. The police chief, for example, one day we were talking about how—he said it used to be a lot easier because, say, for opioid use, if someone broke the law, you put them in jail. You could connect the dots, and you did good work that day. He said there are a lot more layers to what the issues are and how to help prevent crime, how to prevent injury. I'm just wondering if you wanted to expand on that, on how policing has changed over time.

Ms. Caroline Fletcher-Dagenais: Yes, of course. When I was first in criminology, when I was even late teens and so on, I had done an undergraduate thesis on police discretion in Canada. So this is something that I've been attuned to for my entire career. Of course, as in other functions that work with the community, the police have had to adapt to whatever challenges have been put their way, even crimes on the Internet. Of course, when I first started, some of these matters, we wouldn't have dealt with. Just to let you know on how old I am, when I started that time as a student, we were putting computers in the cruisers. So it has been a long journey and a lot of change for the demands of policing, and they continue to adapt.

You mentioned fentanyl. Probably all the members around the table have heard of that dangerous drug. It certainly gets my attention. It is a killer. It's something that I take quite seriously when I review parole matters. I know I'm not here to discuss that today, but I'm very attuned to what the issues are in the communities, what the challenges are that the police face and how they must adapt, as well, with their services to make sure that they are protecting our streets.

0950

MPP Jamie West: Thank you for that. In any cases or investigations—I don't know what the term is—the OCPC takes on, how do they balance subconscious biases or

systemic racism and the needs of the community, versus—“versus” is probably not the right word, but in trying to apply justice and ensure good policing and good outcomes?

Ms. Caroline Fletcher-Dagenais: I can tell you that obviously all of the adjudicators take their job seriously, and I certainly do. We’re mindful of the important role that police play in our community, but we’re also very attuned to the fact that everybody requires a fair consideration in front of our tribunal. So we take great pains to make sure that people are heard and that we’ve received all the information that we need to make a decision.

If people come unrepresented, we will make sure that their voice is heard, that they get the opportunity to put forward whatever they can to assist us in our decision-making. So I think access and—the tribunal members themselves are very skilled at that, in making sure that the information is received that they need to make the decision, but that everyone is heard as parties to the hearings.

MPP Jamie West: My last question before I hand it off to my colleagues: One of the things you said that was important is ensuring that police officers interact with the community in a professional way. I’m trying to think of how to phrase this properly. How do we ensure this happens? When cases come before OCPC it’s after the fact, but how do we ensure that the outcomes of this ensure that future interactions are professional? Does that make sense?

Ms. Caroline Fletcher-Dagenais: Yes, I think I understand your question. Are you asking, how do we ensure the integrity of the police services?

MPP Jamie West: Yes. I think what I’m asking is, when you have challenges come forward, despite the outcome of the ruling of OCPC, how do you ensure that others will learn from this so that we don’t have similar complaints or concerns in the future for—

Ms. Caroline Fletcher-Dagenais: I understand. Of course, when these decisions come forward, largely, they form the basis of law, because they’re posted, it’s transparent and people can read what the outcomes are. Often, these matters are reported in the media, right? But certainly for individual police services, if a decision has been taken, I am confident—I can’t speak for them, but I’m fairly confident—that they would be reviewing the decision or any orders of our tribunal.

If it was a matter of something that was organizationally related or systemically related, I’m hopeful that they would be paying attention to that. The board also has a way of ensuring that these matters are followed through with. And of course, there is the public, to keep accountable, because all of our decisions are available to the media, and the message will get out.

But I understand what you’re saying: Is there follow-through to make sure these things happen? Definitely. We’re making decisions on issues of reprimand, forfeiture of time off, suspension, demotion and resignation. These are pretty serious decisions that we take.

MPP Jamie West: Thank you.

The Chair (Mr. Will Bouma): Going to Member Rakocevic now.

Mr. Tom Rakocevic: Chair, time?

The Chair (Mr. Will Bouma): Eight minutes.

Mr. Tom Rakocevic: Okay.

Thank you very much. Welcome. Congratulations for being here. I want to wish all the best, best of health and a lot of love to your new grandchild on the way, if I understood correctly.

Ms. Caroline Fletcher-Dagenais: Thank you.

Mr. Tom Rakocevic: Either that, or you’re having triplets.

Ms. Caroline Fletcher-Dagenais: No, I have two, and one is on the way.

Mr. Tom Rakocevic: Excellent. Well, I wish that new baby on the way all of the love and happiness in this world.

Ms. Caroline Fletcher-Dagenais: Thank you.

Mr. Tom Rakocevic: We’re heard very often from racially marginalized communities and from others that there have been challenges, sometimes a feeling of not being safe in interactions with police. What can be done to further improve the relationship between police and to build trust in many communities so that they feel safe in these interactions? Do you have any—

Ms. Caroline Fletcher-Dagenais: I thank you for the question. Of course, my role is one of an adjudicator. I think that, certainly, police services, on the whole, have their overall principles, mandate and way of doing the day-to-day. I’m on the public record, of course, as saying that it is important on the day-to-day that we recognize any issues of systemic racism. Any challenges by anyone that would be bringing an application that feels that their voice isn’t being heard, I absolutely am committed to making sure that people’s voices are being heard. I’ve done that throughout my adjudicative career. So as an adjudicator, I think that we can make a contribution to making sure that people are heard.

With respect to individual police services, I know they have their overall mandates and so on and must be mindful of that. If anything appears in front of us and we must take a decision on it, we need to be live to some of these issues, and I am.

Mr. Tom Rakocevic: Thank you for your response. I understand that you are applying to be an adjudicator, but of course, we try to understand the minds and the ideas and the philosophies of people that are taking on these positions. I think it’s very important to understand where you’re coming from.

Furthermore, we’ve also heard situations where officers are interacting with people facing mental health challenges. I know that there have been moves, for instance, in Toronto, to have crisis response teams, where you have social workers and others that are able to respond. Do you have any thoughts in terms of the future? Do you think that this would, I guess, make a better and safer situation for both police and the people they’re trying to serve when we move in this direction?

Ms. Caroline Fletcher-Dagenais: Okay. Again, I’m here more for an adjudicative position, but I don’t mind

saying that, of course, if you're dealing with issues of protection and service in the community, you need to know who you're dealing with. You need to be sensitive to the issues that that brings.

I know that many police services have developed their own mental health teams. I have seen that in some of the major police services. I know that there is a major training component, too, for the police in Ontario to be aware of the challenges of mental health. And remember, please, that policing involves that service component. It's not always about arresting somebody. It's often about going to their aid, and I think sometimes that's lost on people.

So yes, obviously, the police have a very important role to play when they're dealing with people in the community that are challenged by mental health. But we are aware of these issues, and should matters come in front of us that involve that component, I'm happy to tell you that I have, of course, worked in the community with folks providing mental health services for several years on a regular basis.

Mr. Tom Rakocevic: Thank you for the response. I just mentioned about mental health in terms of the people that the police are trying to serve, but we know that the work of first responders is very difficult, very challenging. It must be very taxing on their hearts and minds, many times. And in cases, officers themselves may start to feel mental health challenges.

As an adjudicator, you will be overseeing disciplinary matters, and there will be times when individuals in policing might start to maybe be a part of something that was very difficult and then it has effects that move on. Do you think there is more that we can do to try to support our officers in terms of getting them the mental health they need, dealing with the stigma in first responders when it comes to seeing their own mental health? Do you think that that would help and would have any benefit moving forward?

Ms. Caroline Fletcher-Dagenais: Again, I'm focused on adjudicating, but that doesn't mean that I'm not aware of some of these issues. I would suggest and always support any further knowledge when it comes to dealing with mental health matters, whether it's an internal matter or out in the community.

You're right: People in policing have to see very difficult things. They have to deal with very difficult things, and it can impact on individuals. Remember, though, that the OCPC is there if it's a disciplinary matter. We have an investigative side. It's separate from the adjudicative side. But on the whole, I believe, obviously, and support any added information that would come to the police that would make them better at their roles.

Mr. Tom Rakocevic: Thank you for that. Again, I ask these questions because I think it is important to know where you stand on issues, as well, if you're going to come into a position of adjudication.

That leads to the last one. It is about the independence of members of the adjudicative justice system. Do you believe that it is very important to be independent from government, considering the government will be a party at many of these hearings at times?

Ms. Caroline Fletcher-Dagenais: The impartiality of the adjudicator is key. You must be able to independently make your decision and gather the information that you need to make that decision. I believe it's very important.

When I train board members, we talk about the independence of the decision-making. You have different parties that want to make sure that they are heard. It's an appeal, often, of very serious matters, and the results can be very serious and life-changing.

So the idea that we're impartial—myself, I've never worn a police uniform. Well, that might lead people to say, "You've never worn a police uniform, so how can you make the decisions?" I think it gives me a vantage point and that I understand policing partnerships that I've worked with in my community. But I can stand aside, take in all the evidence, and then render a fair decision. I think the independence of the adjudicator has been a very important part of the oversight.

The Chair (Mr. Will Bouma): Twenty seconds.

Mr. Tom Rakocevic: Twenty seconds left overall?

The Chair (Mr. Will Bouma): Fifteen.

Mr. Tom Rakocevic: Okay. Thank you very much for your time, and all the best.

Ms. Caroline Fletcher-Dagenais: Thank you, everyone.

The Chair (Mr. Will Bouma): I didn't want to cut anyone off. Thank you very much. I really appreciate the line of questioning.

That concludes the time available. Ms. Fletcher-Dagenais, very nice to have you back here. I really appreciated the conversation today. You're free to stay on the line as we move forward, or you can sign off. Again, thank you very much for your presentation.

We will now consider the intended appointment of Gwen Croser, nominated as member of the Ontario Land Tribunal. Member Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, I move concurrence in the intended appointment of Gwen Croser, nominated as member of the Ontario Land Tribunal.

The Chair (Mr. Will Bouma): Very good. We have the concurrence, moved by member Coe. Is there any discussion on the motion? Seeing none, are members ready to vote? All of those in favour? Any opposed? Seeing none, carried.

We will now consider the intended appointment of Caroline Fletcher-Dagenais, nominated as associate chair of the Ontario Civilian Police Commission. And I have a motion from member Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, I move concurrence in the intended appointment of Caroline Fletcher-Dagenais, nominated as the associate chair of the Ontario Civilian Police Commission.

The Chair (Mr. Will Bouma): Good. We have a motion to move concurrence by member Coe. Is there any discussion? Seeing none, are members ready to vote? All those in favour? Any opposed? Seeing none, carried.

Extensions: Moving on in the agenda, committee members, the deadline to review the intended appointment of Gareth Neilson, selected from the October 28, 2022,

certificate, is November 27, 2022. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Gareth Neilson to December 27, 2022? No, we do not have unanimous consent.

So, ladies and gentlemen, that concludes our business for today. This committee now stands adjourned. Thank you very much.

The committee adjourned at 1004.

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