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**Official Report  
of Debates  
(Hansard)**

**Tuesday 1 September 2015**

**Journal  
des débats  
(Hansard)**

**Mardi 1<sup>er</sup> septembre 2015**

**Standing Committee on  
Government Agencies**

Intended appointments

**Comité permanent des  
organismes gouvernementaux**

Nominations prévues

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Tuesday 1 September 2015

Mardi 1<sup>er</sup> septembre 2015*The committee met at 0902 in room 151.*WITHDRAWAL OF INTENDED  
APPOINTMENTS

**The Chair (Mr. John Fraser):** Good morning and welcome back, folks. It's great to see you all again. We've got a busy day ahead of us.

I'd just like to read this statement with regard to some intended appointments: I'd like to advise the committee that the nominations of four intended appointees who were selected to appear before this committee have been withdrawn. The intended appointees are: Darryl Tempest, nominated as member of the complaints committee and the discipline committee of the Council of the Registered Insurance Brokers of Ontario; Suzanne Peterson, nominated as member of the Shelburne Police Services Board; Donald Paul Ayotte, nominated as member of the Central East Local Health Integration Network; and Kathleen Elliott, nominated as member of the Animal Care Review Board, the Fire Safety Commission, the Licence Appeal Tribunal, the Ontario Civilian Police Commission and the Ontario Parole Board. Their nominations will not be considered by this committee.

## SUBCOMMITTEE REPORTS

**The Chair (Mr. John Fraser):** I'd like to move to subcommittee reports. We have five subcommittee reports today.

I'd like to get a motion with regard to the subcommittee report for June 4, 2015. Can I have someone put that forward? Mr. McDonell?

**Mr. Jim McDonell:** I move adoption of the subcommittee report on intended appointments dated Thursday, June 4, 2015.

**The Chair (Mr. John Fraser):** Any discussion? All those in favour? Opposed? Carried.

I'd like to get a motion with concern to the subcommittee report for June 11, 2015. Mr. McDonell?

**Mr. Jim McDonell:** I move adoption of the subcommittee report on intended appointments dated Thursday, June 11, 2015.

**The Chair (Mr. John Fraser):** Any discussion? All those in favour? Opposed? Carried.

I'd like to get someone to put forward the subcommittee report for July 2, 2015. Mr. McDonell?

**Mr. Jim McDonell:** I move adoption of the subcommittee report on intended appointments dated Thursday, July 2, 2015.

**The Chair (Mr. John Fraser):** Any discussion? Those in favour? Opposed? Carried.

The subcommittee report dated July 30, 2015—Mr. Gates?

**Mr. Wayne Gates:** I move the adoption of the subcommittee report on intended appointments dated Thursday, July 30, 2015.

**The Chair (Mr. John Fraser):** Any discussion? All those in favour? Opposed? The motion is carried.

The subcommittee report dated August 20, 2015—Mr. Gates?

**Mr. Wayne Gates:** I move the adoption of the subcommittee report on intended appointments dated Thursday, August 20, 2015. I'd like a recorded vote on that one, please.

**The Chair (Mr. John Fraser):** Any discussion?

**Mr. Jim McDonell:** Is that July 15—is that the one we're talking about now?

**The Chair (Mr. John Fraser):** Pardon me; sorry?

**Mr. Jim McDonell:** Which one are we talking about right now?

**The Chair (Mr. John Fraser):** August 20. Any discussion?

**Mr. Jim McDonell:** No.

**The Chair (Mr. John Fraser):** It's a recorded vote.

## Ayes

Ballard, Dhillon, Gates, Hoggarth, Lalonde, Malhi, McDonell, Pettapiece.

**The Chair (Mr. John Fraser):** Okay—

**Mr. Wayne Gates:** I just want to make sure everybody could raise their arms first thing in the morning.

**The Chair (Mr. John Fraser):** Your hand was—

**Mr. Wayne Gates:** I was watching all the votes; nobody was waving their hands.

**The Chair (Mr. John Fraser):** Mr. Gates had his hand up, too.

*Interjection.*

**The Chair (Mr. John Fraser):** There we go. Thanks for getting everybody—

*Interjections.*

**Mr. Wayne Gates:** I just noticed nobody was, so I just thought, you know what, we're going to be here all day, we might as well—

**The Chair (Mr. John Fraser):** It was a good point. We will. I'm looking forward to it. Mr. Gates has a point. It's going to be a long day. We have 14 intended appointees today, so we have a lot of work ahead of us.

#### INTENDED APPOINTMENTS

##### MS. JILLIAN SWARTZ

Review of intended appointment, selected by third party: Jillian Swartz, intended appointee as member, Wilfrid Laurier University board of governors.

**The Chair (Mr. John Fraser):** I'd like to start with our first appointment of the day. Our first appointment is Jillian Swartz, nominated as member, Wilfrid Laurier University board of governors.

Ms. Swartz, would you come forward. Thank you very much for being here today.

**Ms. Jillian Swartz:** Thank you, Mr. Chair.

**The Chair (Mr. John Fraser):** You will have an opportunity to make a brief opening statement and then members of each party will have 10 minutes to ask you some questions. Any time that you use will be taken from the government's time. Our question begins with the official opposition. You may proceed.

**Ms. Jillian Swartz:** Thank you, Mr. Chair. It's an honour and a privilege, really, to be here this morning. It's quite an experience. I understand many university appointees, historically, have not come before this committee, so this is all new ground for me. It's pretty exciting.

I will give you a bit of a brief introduction about me and then I understand the floor will be open for questions. I'm a lawyer, so I apologize in advance. We try to be brief, but we're not always that brief.

I'm currently a partner in the law firm of Allen McDonald Swartz LLP. You will notice when I submitted my application, in the package that you have, that I was a partner at Blake, Cassels and Graydon LLP. I had been there since 1992, so for over 23 years. As of August 18, I've made the move to a boutique firm that practises corporate law, capital markets transactions and securities law. I think it's a terrific opportunity but it is a mid-career jump. I think it's going to be pretty exciting. I practise corporate law. I practise mergers and acquisitions, technology and not-for-profit. I've been advising charities and not-for-profits in the area of governance for almost 20 years.

Let me give you a little bit more about my background. I graduated from Wilfrid Laurier University in 1991, with distinction, with a bachelor of business administration.

After Laurier, I immediately went to law school at the University of Toronto, just up the street, and graduated with my bachelor of laws degree in 1994.

I'm married to Robert; I have been for over 20 years. We have two kids: Matthew, who is almost 14—in a couple of weeks—and Sarah, who's 11.

I've been on the Laurier board since July 1, 2012, and subject to appointment by cabinet, I'll be serving as the vice-chair. I also serve as the chair of the buildings and property committee and I sit on the executive and governance committee.

##### 0910

During my three years, I've also acted as chair of the real estate working group. I was a member of the Human Resources and Compensation Committee, a member of the pensions committee, and I was also on the evaluation committee for the dean of the faculty of education.

As these members will know, the post-secondary education sector is under significant challenge. There have been a lot of changes in the sector. The demographics are not going our way. The pool of candidates between 18 and 24 is shrinking—which is great for my kids, who will probably get into university, although I try not to tell them that—but there's also a tighter fiscal environment, and you are very familiar with that, probably better than I.

The funding formula: My understanding is that it's under review, and each of the universities has been asked to sign strategic mandate agreements to make sure that they have a vision, that they have a plan to reach that vision, that they're using their resources in a very responsible way and focusing on where they can really be excellent.

In addition, as you all will know from reading the newspaper, including this week and last, the universities are coming under much more public scrutiny. We are on the front page of the newspaper on a regular basis.

I think the board has a very important mandate. We have basically three mandates, although you can argue there are many more. One is to make sure that the university meets its strategic goals. The second one is to make sure that the university is fiscally responsible and can keep its budgetary requirements. The third is to make sure that the president of the university, the head of the university, is held accountable to meet those things. We have a very strong board at Laurier, and I've been delighted to be a member there for the last three years.

I think you can see from my brief CV and introduction that I'm very dedicated to Laurier. It has a special place in my heart. It always has. When I went there in 1987, it was a warm, small university where the professors all knew who you were. They knew you by name and they took an interest in your success. I think we're still that same university. We're a little bit bigger, but still a very personal university and really a great institution.

I'm familiar with the challenges of the sector and of the university in particular. These include things that are right across the sector: large pension deficits, deferred maintenance problems, tighter financial controls. Laurier has a special area of concern, that there seems to be a lot of press attention about whether there really is room for a liberal arts education. That can be debated. It's not a debate we're probably going to have today. But Laurier is coming under a significant amount of pressure as a result of where it believes its core strengths are.

As a result, I think I'm qualified to be on this board and I would be honoured to continue to serve for the next three years.

That's the end of my opening remarks. Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Swartz. Mr. McDonell?

**Mr. Jim McDonell:** Thank you for coming out today. Just to elaborate a little bit more: You talked about the university coming under significant pressure recently. Maybe just expand on that somewhat?

**Ms. Jillian Swartz:** Sure. I think there has been a lot of information in the press—and some things that I'm privy to that I can't share here—that the government is trying to keep restraint on the finances. My understanding is that they have budgetary goals, to reach certain budgetary surpluses at a particular period of time. That means, for example, 0% mandates as to wage increases—wages are about 80% of the budget for universities—and that makes it difficult. That makes a difficult negotiating environment with the unions, of course. It makes it difficult to continue to expand. The funding formula, as you know, has historically been a “bums in seats”-based formula, and so universities have significant desire and incentive to continue to expand. But there have been a lot of financial pressures.

Laurier, I think, has done, frankly, a terrific job in responding to these by doing and undertaking on its own—not being mandated by government—an IPRM process which looks at what the resources are being used for and prioritizing them. The goal wasn't necessarily to cut certain things or necessarily to cut at all. But I think it really dovetails very nicely with the strategic mandate agreements, and seeing what we do well and what we don't do as well, what we should be doing and maybe what we shouldn't be doing, and prioritizing those things and making sure that we're using our resources appropriately.

**Mr. Jim McDonell:** I know that enrolment in our elementary and secondary schools has been dropping, and of course that is hitting the universities. There's that will or that desire that universities continue growing with a shrinking population of students. May we just get your view on that and what you think the future direction should be? Is it time to shrink or is it time to—obviously, the pool of students is getting smaller. The universities aren't getting smaller. Everybody is trying to grow. It makes for a tough scenario.

**Ms. Jillian Swartz:** I think it's a very good question. I think that you need to consider a number of factors. One is the demographics, and as I mentioned right in my opening remarks, the demographics are not in favour of universities. But as it relates to other populations that can be served, I think there are a lot of other populations as well that can be served. There are international students who think it's a very good thing for their CV to come to Canada and to be educated in our excellent system. I also think that there are other areas where the universities can use the strengths and resources that they have, whether

it's professional development activities or other things. So those are areas where we can grow.

Frankly, I also think that education is becoming more and more important. I don't think that anybody here would disagree with that. When our grandparents or great-grandparents maybe went to grade 6, the next generation maybe to grade 8, the next one to high school—they all lived quite well. Now, some would argue that even a bachelor's is not enough and you need something post-bachelor. I think that the need for education is growing, even though our demographics are shrinking.

**Mr. Jim McDonell:** You also talked about a number of committees that you've worked on with the university. What would you think maybe your greatest contribution was through those committees?

**Ms. Jillian Swartz:** I think that my greatest contribution probably was on the real estate working group. This was a five-team group. It was created by the board of governors to look at how Wilfrid Laurier owns and manages its real estate. I was the chair of that committee, I selected the members of the committee and I was the ultimate author responsible for the report that was submitted to the board and was ultimately approved.

Laurier has always had all of its real estate in its own umbrella. What that means is that not only do we have the assets on our balance sheet, but we also have the liabilities that go along with those assets. Some of those assets are actually income-earning assets, not because they're businesses—because, of course, that's not permitted—but they would be ancillary services like the residences.

So you buy a residence—it's very important to students, very important to their parents that they have good places to stay, they're safe and they have all the life safety and all of the benefits. Those residences sit on the university's balance sheet, but so does the significant debt that comes with acquiring such a big portfolio. One of the considerations was, does it make sense to have those inside the university or in something else that the university still controls, of course, but could move that debt off the balance sheet and make things look more appealing both to the government, because the government did look at that when we submitted our capital expansion plan for Milton, and also, frankly, to rating agencies like DBRS?

That was my role at the committee. We had five long meetings. The committee was a combination of myself, two members from the finance community and two members from the real estate community. So we had a really nice, well-rounded committee. It was also diverse. There were two women—I was really pretty proud of that—out of a five-person committee. We created quite a detailed report with the help of lots of outside experts, as you can appreciate. We submitted it to the board, and it was accepted. That was a pretty significant contribution, I think.

**The Chair (Mr. John Fraser):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** I would like to get back to the international students you had mentioned previously. I

am going to speak to the experience that I have in my riding with the public school board. The Avon Maitland District School Board—and I'm sure that this goes on throughout Ontario; I'm just going to speak to my riding—encourages international students to come to the high schools. It does a couple of things: It allows these students to experience our education system, but it also brings in much-needed money to the public school board. This is one of the ways they've been trying to get around some of the fiscal restraints that they've been encouraging.

0920

I wonder if it's time, or maybe this is happening right now, that universities—and as we get down the line, universities, colleges, whatever, down to the public school system—should be working together on something like that to encourage those students not only to stay here for their education in the public school system, but maybe encourage them, with programs or whatever you use, to continue on in the universities and stay in this country, because I don't think all of them do. They might go back to their own country and go to university in some other country or their own country. I wonder if that's something that could be looked at as far as the universities go?

**Ms. Jillian Swartz:** I think that's a very interesting idea. Certainly Laurier is very well connected with the communities. For example, through the faculty of education program, they put their students in the schools right away. It's a very different sort of approach than some of the other faculties of education where you have to be in the classroom for a certain period of time. It's called immersive education. There's jargon for that as there's jargon for lots of things. I think that's a good way for our students to get right into the school system, and maybe a bit of a read to figure out how to make more of a partnership that way. But I think if you talk to university administration, and I won't pretend to be an expert on that, there is a lot of community engagement within their immediate community. I wouldn't be surprised if that kind of conversation isn't already happening.

I do know at Laurier, in particular, they're working with the public school board to try to figure out how to repurpose a school in their district to make sure that it's effectively used and doesn't just get taken over by developers who are going to make very large developments and change the look and feel of the community. Laurier wants to have an impact on the community around them, because it's very important. If you have a mixed community, that brings vibrancy for sure, but it also brings some other challenges, so I think community engagement at all levels is very important. It's something we could certainly consider.

**Mr. Randy Pettapiece:** Is it time yet?

**The Chair (Mr. John Fraser):** One minute.

**Mr. Randy Pettapiece:** Okay. Another reason that this program is so exciting: I come from a rural riding, and we have faced school closures, perhaps more so than the urban community has, although that's certainly happened there too. It does help fill the schools up. I think

this is a win-win situation. Instead of a certain segment, a university or college going in their own direction, they kind of mould together a little bit more. I understand what you say, that this may be happening right now.

To build the system, instead of going off in three or four different directions, it might be more of a benefit to Ontario, certainly, than what the alternative is.

**Ms. Jillian Swartz:** I think that makes a lot of sense. At the end of the day, it's all coming from one pool of funds, isn't it?

**Mr. Randy Pettapiece:** That's correct. Thank you, Chair.

**The Chair (Mr. John Fraser):** Mr. Gates.

**Mr. Wayne Gates:** Good morning, Jillian. How are you?

**Ms. Jillian Swartz:** Very well. Thank you for having me.

**Mr. Wayne Gates:** My pleasure. A couple of things: One, my wife, Rita, is a graduate of Wilfrid Laurier, and she's just retired as a principal. She obviously enjoyed her time there, and I can tell you that your communication skills with my wife are extremely good. I see the letters come all the time. They're always asking for funds.

**Ms. Jillian Swartz:** That's good. We need funds.

**Mr. Wayne Gates:** I'm just putting that out there. Not that I read my wife's mail that often, but that's certainly something that I notice. But the thing that is interesting—my daughter this year is 18, and she's obviously going to post-secondary education. She's going to Brock, another good school in our area. You talked about the pie getting smaller between 18 and 24, but I think some of the reasons may be different than what you've said this morning.

I think—I'd like you to talk about this—the cost of post-secondary education on the families is certainly having a negative impact on kids going to school. You said, like I agree, for a society to become competitive, particularly in Canada, they have to get a lot bigger degree than what I had to get when I was young. So I'd like to maybe have you say a few words around the cost of post-secondary education because I think that has to be attacked as well. I think there's a lot of kids out there who want to go to universities but their parents can't afford it.

**Ms. Jillian Swartz:** Well, cost is definitely a factor. I can tell you that when I went to school, I came from a middle-class or lower-middle-class family, and I was relying on OSAP. It's very important to have those additional supports in place, and without those supports I certainly wouldn't have been able to go because my family couldn't have afforded to send me. So it's very important to have those supports in place.

I think the government policy frames the tuition. There are levers on the universities, as you know. There are a number of levers that government uses: There's the tuition framework, of course, and the funding formula, and so tuition can only be increased by so much. My understanding is right now we're at 3%. Some would say

that's too high because it's higher than inflation; some would say costs are increasing faster than that so it's not enough. I think it's probably up for debate. But I think in addition to the tuition, we need to focus on scholarships and bursaries, and make sure there are enough funds there so that students who have the desire, the motivation and the smarts to go, get to go, because I think it would be an absolute shame for people not to be able to go.

I currently mentor a university student who's at the University of Toronto. I met her through the LAWS program at Blakes when she was in grade 10, so I've known her for five years. She certainly couldn't afford to go on her own. Her family has not got the means to do it, and she's relying on OSAP and bursaries to make sure that's she's able to go.

So I think you have to look at the whole package. You have to look at tuition, you have to look at the OSAP regime, you have to look at bursaries, and you have to look at scholarships. The universities need to continue reaching out to their donors and their alumni to make sure that they have enough funds so that qualified students can go.

**Mr. Wayne Gates:** I guess where I'm going is that—and I'm sure you've seen it at the school, where young kids would come in, they get to university, but at the end of their four or five years, whatever they do, they basically have a mortgage that they have to try to pay off and try to go to work, either start a family or try to get a home. I think if we're going to do anything, we have to get some answers to make sure that nobody gets left behind on that.

The other thing is, I've noticed that you're a lawyer.

**Ms. Jillian Swartz:** I am.

**Mr. Wayne Gates:** So you've had a very successful short career. Have you done any bargaining? Because I saw that you talked about the funding formula, and they have to maintain zero wage improvements—it takes up 80% of your budget. So maybe elaborate just a little bit on when the contracts are up, and have you ever been involved with the bargaining process, either through being on the board already or as a lawyer?

**Ms. Jillian Swartz:** No, I haven't been involved in union bargaining at all. I've been on the executive committee in the board where we have to approve recommendations that come to us, but I haven't been involved in the bargaining process myself.

**Mr. Wayne Gates:** So you've never been in that room to the side, waiting to hear what they're doing at the table?

**Ms. Jillian Swartz:** No, I haven't.

**Mr. Wayne Gates:** Okay. Just a couple of other questions: You've done this for how long now?

**Ms. Jillian Swartz:** At Laurier or as a lawyer?

**Mr. Wayne Gates:** No, at Laurier.

**Ms. Jillian Swartz:** I just completed my first term, which was three years.

**Mr. Wayne Gates:** Okay, so my next question would be why would you like to continue? I think that's—

**Ms. Jillian Swartz:** How long do we have?

**Mr. Wayne Gates:** Well, that's why I ask the question, because a lot of times people get on boards and they do it for different reasons, but after the three years they're running for the door: an "I've done my obligation" type of thing. That's why I asked. It would be interesting to hear why you want to stay on it, because I think the reasons are probably quite good.

**Ms. Jillian Swartz:** Oh, thank you. Well, there are a lot of reasons. One is I haven't quite finished what I started. I have some future plans, subject to cabinet approval, about what I'd like to do and how I'd like to contribute. I think giving back is incredibly important, and I'm very involved in volunteerism in different ways, but this is an institution that has a piece of my heart, and always has. This is a great place for me to exercise that responsibility, obligation, passion—all of those things.

**0930**

It's really fun to be involved in a university. When you go on campus, you can just feel the energy. You just stand there and it gives you a bit of shivers, frankly. Kids have their whole life in front of them, and they're just so optimistic, thinking about what their future holds. It keeps you young. I'm not that old, but it does kind of bring you back to the place where you were.

It's very important. I'm not sure that there are things that are much more important than education, whether you talk about a teacher in the classroom or you're talking about a professor. These are people who create legacies and leave things behind. I've been very fortunate in my career. I've made a reasonable amount of money, so for me writing a cheque is pretty easy. Giving time is harder. You have to give till it hurts. When you give time, that's when you're really giving something that's harder to give, frankly, than to write a cheque.

**Mr. Wayne Gates:** Have I got time for—

**The Chair (Mr. John Fraser):** Yes.

**Mr. Wayne Gates:** A couple of things on volunteering: We actually need young people like yourself, and even younger, to continue to volunteer. A lot of our service clubs, whether it be in Legions, whether it be in the Knights of Columbus—it doesn't matter what they are—they're hurting for volunteers. So to your point—actually when you said that, I wrote down, "Keeps you young," being around the kids, right?

**Ms. Jillian Swartz:** It does.

**Mr. Wayne Gates:** So it's kind of interesting.

The last point I'd like to make, because I think it's important for all of us to hear it and certainly maybe hear from your point: We have a problem with school closures—to my colleague's point—in rural Ontario. I believe that our schools in rural Ontario are very important; they're the heart of the community. If you continue to close schools and have to bus young kids for miles to go to school, I don't think that's helping their education at all. I don't think it's the way we should go as a province. I'd just like to hear your comment on that. You can decide not to answer it. I think rural schools are very important to the overall makeup of Ontario.

**Ms. Jillian Swartz:** I'll take that one on. I haven't given it a tremendous amount of thought, except as a parent. I can tell you: Schools are the heart of the community. Unfortunately, we do have negative demographics, we have real funding issues and real monetary issues, and we have to be responsible about it. But nobody wants the school in their neighbourhood to close. It's okay for somebody else's school to close, but no one wants a school in their neighbourhood to close.

In Toronto—and I've lived here almost my entire life, except when I went off to university for four years—we have schools closing too. What we have are some schools that are really overburdened. They have portables. They have requirements to bus outside the jurisdiction. We're building condos where the kids who live in those condos—because lots of kids live in condos now—can't even go to school in their neighbourhood. There are a lot of issues around urban planning and so forth. I'm not an expert in that, but it is a very important issue.

**Mr. Wayne Gates:** Thank you.

**The Chair (Mr. John Fraser):** Thank you very much.

Mr. Ballard, you have about four minutes.

**Mr. Chris Ballard:** About four minutes. Thank you very much for being here and for giving your time back to the community. I think, as the other questioners have said, volunteerism really is at the heart of what makes our communities and our province so good.

I will declare a bias up front. My middle daughter is a graduate of Laurier and had a very good experience during her time there.

You had talked about one of the big projects you worked on in terms of real estate. I'm just interested, if you can blue-sky a little bit: What are some of the tasks that are not yet complete? Where do you see, for example, Laurier going over the next five or 10 years in terms of an academic focus? Will it be more on—I know you've grown the BCom.—will it be more on that? Will it be a balance with liberal arts? I'm just interested in your thoughts.

**Ms. Jillian Swartz:** Laurier is definitely a liberal arts school, and its strength is there. It also has some other programs that are outside the liberal arts that are fantastic. The BBA is one of them—I'm a graduate from there—and it has significantly grown. In fact, if you go up University Avenue, and if you go there next week—actually, a week today—there is a large event and there's a naming opportunity. As you may know—I'm hoping members of the government and the media are coming—the Global Innovation Exchange, which is our brand new building, is going to be named. It's going to be named after a very significant donor and a great member of the community, and I'll be there. That's a very exciting thing. So definitely the BBA program is growing.

Laurier has recently undertaken—and I mentioned this earlier in response to a question—an IPRM, an integrated planning and resource management exercise, which is a priority-setting. The idea behind that is, we understand there are fixed resources, and we want to use those

resources in line with where we think we are excellent and we can differentiate ourselves from other universities, because it doesn't make sense for every university to just be the same. I think universities can be different but equal. It's not all about the very, very large, research-intensive universities. They have a role to play. I went to one. They're incredibly important. But the smaller universities also have a big role to play, and I'm convinced that I would not be the person I am today without my attendance at Laurier. I had professors who were incredibly interested in me. I keep in touch still, after all these years, with two of them. They have mentored me and guided me and supported me when things were tough. It's just a terrific school.

**Mr. Chris Ballard:** Very good. I know that one of the benefits of Laurier, of course, is the size. It's one of the main reasons that my daughter said, "I want to go to this university." You can walk across the campus in 10 minutes. I know it has grown since she left, but certainly size is big, and that size allows students to get to know their professors, unlike in so many other larger institutions, which, for her, like for you, has been instrumental in guiding her career and getting her launched. So thank you for that.

Are we just about out of time, Mr. Chair?

**The Chair (Mr. John Fraser):** You have about a minute.

**Mr. Chris Ballard:** A minute. Okay.

In under a minute, what would be sort of the primary task you see, going forward, in your new role? What's the number one job, in your mind?

**Ms. Jillian Swartz:** At a big-picture level or on a more detailed level?

**Mr. Chris Ballard:** A big-picture level. We only have about 45 seconds.

**Ms. Jillian Swartz:** I think, from a big-picture perspective, it's financial responsibility. We have challenging times and we have to make sure, as a board, that we're using our resources appropriately.

One of the former chairs of the board had an excellent expression, which I told him I would steal, and he has given me an implied copyright licence to do so: "Noses in and fingers out." So we have to focus on the big issues; we can't focus on every little thing. We can't be questioning every implementation that administration has to do and what's happening in the classrooms. Our goal is to focus on what's happening in the big picture, guide the strategic vision and make sure we're meeting our financial commitments. That's not so easy at universities anymore, with pension deficits, with deferred maintenance, with zero-based budgeting. There's a lot to do.

**Mr. Chris Ballard:** Very good. Thank you very much, and thanks again for your time on that board. That's so important.

**Ms. Jillian Swartz:** It has been my absolute pleasure. As they say, and it sounds cliché, I've certainly gotten much more out of it than I've given. It's been a great experience.



**The Chair (Mr. John Fraser):** Thank you very much, Ms. Swartz. That concludes our time for the interview. Thank you for coming and appearing before us this morning.

**Ms. Jillian Swartz:** Thank you, Mr. Chair and the committee.

MR. LEIGH LAMPERT

Review of intended appointment, selected by official opposition party: Leigh Lampert, intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

**The Chair (Mr. John Fraser):** Our next intended appointment is Leigh Lampert, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal. Mr. Lampert, can you come forward?

**Mr. Leigh Lampert:** Good morning.

**The Chair (Mr. John Fraser):** Thank you very much for joining us this morning. You'll have time to make a brief opening statement. You'll then be asked questions by members of all parties, about 10 minutes for each party. Any time that you use for your opening statement will be deducted from the government's time, and the questioning will begin with the third party.

Mr. Lampert, you may begin.

**M. Leigh Lampert:** Merci, monsieur le Président et les membres du comité. Bonjour. Je suis très heureux d'être ici ce matin et honoré de rencontrer les membres du comité.

Je suis ici aujourd'hui pour offrir mes services comme vice-président à temps partiel du Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail.

Thank you, Mr. Chair and members of the committee, and good morning. I'm pleased to be here this morning and honoured to meet the members of the committee. I'm here to offer to serve as a part-time vice-chair of the WSIAT and to briefly outline my education and experience, and to answer any questions that you might have.

0940

I'm a lawyer by training and a member of the Law Society of Upper Canada. In addition to my law degree, I hold an undergraduate degree in social sciences from the University of Ottawa and a master of business administration from Dalhousie University. I recently, in 2013, completed a certificate in adjudication for administrative agencies, boards and tribunals through Osgoode Hall Law School at York University.

I work as in-house legal counsel to a large Canadian retail corporation, and I also serve as an adjunct professor of business law at Ryerson University and an adjunct professor of international business and human resources at York University. I've also practised law in the private sector, and after graduating law school I worked in the federal government for a few years. I've previously been a member of both the Canadian Bar Association and the Ontario Bar Association, and the American Immigration Lawyers Association.

I'm very committed to public service. In terms of my volunteer, community and other work, I'm a member of Ryerson University's law practice program corporate counsel advisory board and a member of the discipline committee of the Association of Professional Engineers Ontario. I've also served as a member of the Toronto Licensing Tribunal, and from 2011-13, after being appointed by Toronto city council, I served as a member of the Yonge-Dundas Square board of management. I have also served on the boards of directors of a summer camp and two schools that our children attend or have attended. I'm married, and we have three young sons.

I believe that through my training as a lawyer and my work experience, and in particular my work as a lawyer and a member of both the Toronto Licensing Tribunal and the Professional Engineers Ontario discipline committee, I have the requisite experience to serve as a vice-chair of the WSIAT.

As you're aware, in order to come before this committee, I first had to complete a comprehensive written test and go through an in-person interview, and it's only after apparently doing okay on those that I'm here today.

I believe that tribunals such as WSIAT require decision-makers who are independent, fair, transparent and who understand the sanctity of the tribunals process and the principles of fundamental justice. I would respectfully submit that I am very well suited for this appointment.

It would be a pleasure to answer any questions that you might have or to expand upon anything I've said. I'd like to thank you in advance for considering this appointment.

Je serais heureux de répondre à vos questions, ainsi que de vous fournir plus de détails. Je vous remercie d'avance pour votre examen de cette nomination proposée.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Lampert. Mr. Gates.

**Mr. Wayne Gates:** Good morning. How are you?

**Mr. Leigh Lampert:** Good morning. Well, thank you.

**Mr. Wayne Gates:** Thanks for coming.

**Mr. Leigh Lampert:** Thanks for having me.

**Mr. Wayne Gates:** I understand you're a lawyer.

**Mr. Leigh Lampert:** Yes.

**Mr. Wayne Gates:** How familiar are you with compensation, workplace injuries and that kind of stuff in your field, as a lawyer?

**Mr. Leigh Lampert:** I haven't worked in the field of workers' compensation. There's no doubt it would be a steep learning curve in terms of the substance of the law. Having said that, the WSIAT has a very comprehensive and robust three-phase training program for new members, so I'm committed to overcoming that steep learning curve very quickly. I've also, I would suggest, through my past experience, overcome steep learning curves very quickly.

Out of law school, I went to work in Ottawa for the defence minister knowing nothing about the Canadian Forces, and I was a quick study. I then worked for the

immigration minister knowing nothing about immigration law, and I learned fairly quickly. I then worked for the justice minister, and although I had a legal background, I dealt with issues that were totally foreign to me. I practised in a small firm in Toronto for a couple of years knowing initially very little about immigration law, and I practised in the field of immigration law. Then I joined my current employer, which, as I mentioned, is a large Canadian retail corporation where I practise corporate commercial law, and I knew very little about that when I got into it. So with each of these steps, I've overcome, I would say, a steep learning curve fairly quickly. Again, through the training program here and through self-learning, I'm committed to overcoming that learning curve quickly.

**Mr. Wayne Gates:** Okay, I'll follow up on that. What do you know about workmen's compensation?

**Mr. Leigh Lampert:** That's a pretty broad question.

**Mr. Wayne Gates:** That's why I've got 10 minutes.

**Mr. Leigh Lampert:** In preparation for the exam I had to write, I reviewed the legislation. I focused specifically on the mandate of WSIAT, because that's the body, of course, to which I've applied for the appointment. It is, as I'm sure members are aware, the appeal venue for matters that come before the WSIB. I'm aware of some of the issues that are discussed, quite often publicly, with respect to the system. Funding, of course, is always an issue. At WSIAT, I know, the chair has spoken publicly—and I know previous intended appointees to WSIAT have come before this committee and have been asked about things such as the backlog and the number of cases at WSIAT. So I'm aware of these things. Obviously, funding is beyond what anybody on WSIAT would deal with; that's for the policy-makers in government.

I'm not sure if that answers your question.

**Mr. Wayne Gates:** Well, I'm glad you touched on the 9,000 active cases in backlog: a 19% increase since 2013. I don't know about my colleagues on either side of the House—quite frankly, it goes across all party lines. People go to work to earn a living and come home and see their family, and when you do get hurt, there should be some form of quick policy that gets results.

What's happening—and I'm going to give you an example: I had a young man come to my office with his wife just last week, in tears. He works in the hotel industry, non-union. He blew his shoulder out. It happened in May. They received no money until August 16. Anybody who knows people who work in the hotel industry knows they do not make a lot of money so they struggle. He was having surgery on his shoulder. The claim was denied until the day he got the surgery. To me, that is a real problem. He's now getting some funding that was going to start on August 16, I think it was. For two months, he got no money for him and his family and whatever. The second part of that is, guess what they have to do now. They've got to go through the system and end up in the appeal process, when you have a backlog that goes on for sometimes years in the appeal process.

So there is a real problem, and with no disrespect, I don't think we need people who want to learn how to train. We need to put experts in so we can get rid of the backlog, so we can make sure that families aren't being hurt. I can appreciate the fact that you're a very smart man, obviously. You're a lawyer. You've done a lot of great things in your young life. You've got a nice family. But at the end of the day, the most important thing is that when people go to work, they want to come home safe to their family. Unfortunately, in the province of Ontario, people get hurt on the job, and they shouldn't have to fight to get compensation; they shouldn't have to wait for an appeal process that is broken. That's not completely your fault, but I'm just saying that when we're looking at appointing people, I think it would make a lot more sense, quite frankly, to appoint people who understand it, who have lived it over a number of years, so they don't have to get on-the-job training; they can take it into this appointment and do some stuff.

I know the Conservatives will probably go in a different direction than me—but we have to fix the process. We have to make sure that the appeals are gone. You can blame it on funding, you can blame it on whatever you want, but you're talking about real lives.

So I appreciate the fact that you want to do it, I appreciate the fact that you're extremely smart and you can pick up stuff, but WSIB is not where I think you should be getting on-the-job training.

**The Chair (Mr. John Fraser):** Ms. Malhi?

**Ms. Harinder Malhi:** Can you talk a little bit more about the interview process involved for this board?

**Mr. Leigh Lampert:** Sure. First, there was the application process, which was done through the Public Appointments Secretariat. I can't remember the timing exactly, in terms of how long it took. I know there's a screening process that we're not privy to. Then there was the written test. Again, it was a while ago, so I can't remember what the nature of it was. I know we had to deal with facts and errors etc. Then, probably a few months later, there was an in-person interview with the chair, where we talked about some of the issues facing WSIAT and where he presumably assessed what he thought were the skills required of a vice-chair. That was a few months back, and then we're here today.

**0950**

**Ms. Harinder Malhi:** What kind of issues did you discuss with the chair?

**Mr. Leigh Lampert:** He has been very public in talking about, as Mr. Gates has mentioned, the backlog—he used a Stanley Cup analogy, and we're familiar with that, of course—of roughly 9,000 cases in a system designed for more than half that. We talked about that a bit. Really, what I said to him and I am happy to say publicly is that if appointed, I'm committed to doing my part to eradicate the backlog.

Of course, as one person, I can't tackle 9,000 of them, but through my experience, for example, with the Toronto Licensing Tribunal, where we deal with Toronto city licence-holders who own restaurants, who drive

taxi, who drive tow trucks—we have hearings. I've always pushed my panel colleagues, whether I'm chairing that panel or whether I'm a side-member on the panel, to render quick decisions, verbally on the day of and then followed by written decisions. I think that that commitment to quick decisions, including the written reasons, is important. Again, that backlog was one of the main topics we discussed that day.

**Ms. Harinder Malhi:** Thank you very much. I know it has been a very lengthy process.

**Mr. Leigh Lampert:** Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Malhi.

Mr. McDonnell?

**Mr. Jim McDonnell:** Sure. Your background seems to be in immigration and business law, including working for the federal Liberal ministers. Could you expand on your experience with adjudication in the tribunal environment and what it has to do with the board, and just where your experience comes from?

**Mr. Leigh Lampert:** Sure. Probably the example I'll expand upon is my time with the Toronto Licensing Tribunal. As mentioned, it's an adjudicative tribunal that handles applications from anybody holding city licences. As mentioned, it includes taxi drivers, probably the most common licensees or applicants we would see before us. These are people who, typically, had applied for a licence or a renewal of their licence and were denied by the city officials. Maybe it's because they had a certain criminality in their past, or other issues related to their conduct. The licensing tribunal is a body that adjudicates those requests for licences.

It's in a quasi-judicial setting. You would have, typically, a panel of three of us. We would hear from the licensee or the applicant, and he or she would have the right to legal counsel. The city of Toronto would be represented by Municipal Licensing and Standards, which would be represented by legal counsel.

In a room much like this one, relatively informal compared to a courtroom, we would hear both sides. There would be evidence. There could be experts' reports from time to time, including, sometimes, medical reports.

We would hear the evidence. We would have to weigh the evidence. We would have to then confer as a panel in private, discuss the case before us, interpret the relevant legislation, apply it to the facts and then render our decision. As I mentioned, we would typically render it verbally that day. Then, in keeping with generally accepted legal principles, we would issue a written decision at some time to follow. In doing so, we're always conscious of a few things; number one, that parties want to be heard in court; they want to have their right to a day in court. We want to make sure that our decisions are written not in complex legalese but in plain, simple language, while at the same time ensuring they're legally sound so that if there's an appeal, the court would look at it and understand, hopefully, the reasons for the decision and make its decision.

In many ways, it's analogous to WSIAT. Again, the substance to Mr. Gates's point would be different—different legislation, obviously, and a different level of government—but the adjudicative process, I think, is sort of the same. We have different parties, legal counsel, expert reports, evidence, and, ultimately, written decisions that are subject to review by the courts.

**Mr. Jim McDonnell:** I guess we see your experience, starting in 2013, when you received your certificate, and your experience doesn't seem to be in the same field as the workplace safety group is, and yet you apply for the group and you're assigned vice-chair. You would almost think you might sit on the board a while. It's a fairly significant position. I'm just wondering: Why the jump? Not being on the board, how can you feel that you can jump into the vice-chair's job?

**Mr. Leigh Lampert:** You're right that the certificate that you referred to is something I did in conjunction with my appointment to the Toronto Licensing Tribunal. Having said that, I graduated from law school in 2002 and was called to the bar, after a few years in politics, in 2005, so I've been practising law for the better part of 10 years. Many of the skills that I use as a lawyer are those that would apply here. I've appeared in courts before. Certainly, reviewing and interpreting legislation is something I've done for the better part of 10 years. Dealing with evidentiary issues, reading, and then, more recently in the context of my TLT role, writing decisions that are subject to court review or that come before the courts in the case of decisions I've read—those are some of the things. Making difficult decisions: With WSIAT, you're dealing with people's lives. Mr. Gates articulated quite well, in the case of one of his constituents, what this individual is facing, and that's all too common in the worker safety system. Dealing with complex issues, complex information—

**Mr. Jim McDonnell:** One comment: With the backlog increasing almost 20% over the last few years, generally you would think that an avenue might be to take somebody who has been on the board and has seen what's going on as vice-chair. It just kind of surprised me with the appointment.

Anyway, I know Mr. Pettapiece has some questions.

**The Chair (Mr. John Fraser):** Mr. Pettapiece: about five minutes.

**Mr. Randy Pettapiece:** Five minutes? Oh. This was going to be a short question, but anyway.

I'd like to go back to a topic that was brought up by my colleague Mr. Gates here. I know a fellow who's a truck driver. He fell off his trailer and broke two ribs, applied for workers' compensation and was denied the claim. The reasons for denying the claim were not his fault; at least, I feel they weren't his fault. One of the reasons was that the company didn't offer him another job to do other than truck driving, like sweeping floors or something like that. They already had floor sweepers, so do you put that guy out of work to let this guy have a job? The other issue was, when the doctor filled out the forms, he said that this guy could work. He should have

said on it that he shouldn't be allowed to drive or he shouldn't be working as a truck driver. I don't know whether you've had broken ribs in your life, but it's very painful. If I knew somebody was driving down the road with broken ribs, I don't think I'd want them to be driving one of these big trucks, because you are bouncing around. The trucks have gotten better over the years—but it is a painful, painful experience.

The employee was asked these two questions: “Did your employer offer you another job?” Of course, the answer was no. Then they said, “The doctor said that you could work.” “Well, I can't work as a truck driver.” “The doctor didn't put that down.” Then all of a sudden, the person on the other end of the line said, “Your claim is denied. Have a good day.” End of story.

You've got down here about being an adjudicator. You can see through problems or help people work through problems. I think one of the basic problems with the worker safety business is that they have such a goal of trying to get their financial house in order that the ordinary person who doesn't know how to work the system is denied these claims. I don't think that's fair. I think the person on the other end of the phone who was working for WSIAT should have helped this person work through the problem instead of being on the other end of the phone with the determination to deny the claim. That's the way it was.

The person had no alternative but to quit his job because he couldn't drive the truck anymore. There were no floor-sweeping jobs available. He had to quit his job and find something else to do.

**1000**

This is an issue with some government agencies, and I think this agency is one of them, that should work with people, not against them. I think that's what has happened in this case. Your thoughts?

**Mr. Leigh Lampert:** First of all, to one of your earlier points, thankfully, no, I've never had broken ribs, but I can't imagine it's pleasant. Working with broken ribs can't be pleasant.

Coming back to the other point you've raised, obviously I'm unfamiliar with that specific case other than as you've set out.

On the general topic, which are my thoughts on the people at WSIB or WSIAT working with people as opposed to sort of being obstructionist, we see in government and we see in the private sector from time to time companies and individuals who work in government who could be a little more co-operative. People have different personalities. Your general comment, which is that there should be more co-operation and people on the end of the phone—I guess what you're saying is they should be more helpful. I would agree with that.

**Mr. Randy Pettapiece:** My point is this—and I'm going to come to the defence of the employee of the government here. I think that person was mandated by their employer to do this: “Deny everything you can.” That's probably not what was said to them, but to me that seems to be what's going on here. So I'm going to defend the employee at the other end of the phone on that.

I think as someone who is going to help manage the system, you have to work with people, not against them all the time. It's just an adversarial thing when you deal with this organization. I've heard that from different people. They're afraid to call in a lot of the time and ask a question, in case they ask the wrong question and it costs them a few bucks because of that question. That's one of the things I see with this organization.

**The Chair (Mr. John Fraser):** Mr. Lampert, that's all the time we have for this morning. Thank you very much for being here today. We'll consider the concurrences at the end of the day.

**Mr. Leigh Lampert:** Thank you very much. Merci.

MR. UPKAR ARORA

Review of intended appointment, selected by official opposition and third party: Upkar Arora, intended appointee as member, Metrolinx.

**The Chair (Mr. John Fraser):** Our next intended appointment is Upkar Arora, nominated as a member of Metrolinx.

Mr. Arora, can you please come forward? Thank you very much for being here today. You'll have the opportunity to make a brief opening statement. Any time that you use will be taken away from the government's time for questioning. You'll be questioned by members of all parties. The questioning will begin with the government. You may begin.

**Mr. Upkar Arora:** Good morning. Thank you for the opportunity to meet with you this morning to review my candidacy for the board of Metrolinx. I'm going to take a few minutes to provide some colour from my CV, particularly where it might have relevance for your consideration regarding my proposed appointment.

I believe I bring to the Metrolinx board a unique confluence of skills, abilities and experiences that may be helpful as the organization continues to deliver on its bold, ambitious mandate of planning, building and operating an integrated transportation network that will reach nine million people by 2031.

By way of background, I'm a CA, having qualified with KPMG. After that, I spent about 15 years working in industry with organizations such as Nortel Networks; Olympia and York Developments; Reichmann International; TrizecHahn, which is an organization run by Peter Munk; and Onex Corp. I highlight these specific experiences because I've been fortunate to work with some of Canada's leading entrepreneurs and learn from them. This has included working, travelling and, in some cases, living abroad, which has reinforced my view that transportation is absolutely critical for cities to be world-class.

In the last 15 years, primarily through Illumina Partners, a boutique advisory firm I co-founded, we have specialized in providing operational, financial and strategic expertise, as a senior executive, adviser and principal, to a wide range of organizations in a wide variety of industries.

My community service and not-for-profit experience includes chair of the Canadian Arts Summit; a board director at the Institute for Canadian Citizenship; the University of Waterloo's School of Accounting and Finance, where I am both on the advisory council and teach a course; and the last seven years as a director on the board of trustees of the McMichael Canadian Art Collection, the past five as chair.

I am not a subject matter expert on transportation nor do I claim to be one. However, I do believe that I can add value by bringing a different perspective to provide strategic oversight or identify risks or opportunities that maybe others with a transportation background have overlooked.

Let me highlight three areas where I might be of value to Metrolinx. The first is enhanced quality of decision-making through financial and analytical discipline. There are significant similarities between the projects that Metrolinx engages in and the multi-billion dollar projects that I have been involved in, such as Canary Wharf in London, Torre Mayor in Mexico City and WestEnd City Center in Budapest, Hungary, where I worked for 11 years with a real estate development firm. Specifically, both of those situations involve: long-term time horizons; large capital outlays; multiple stakeholders and the need to build strong partnerships; the need for significant financing and innovative financing structures; specialized design, planning and development expertise; a requirement to deliver on time and on budget; a strong management team capable of great execution as well as an understanding of risk, risk mitigation and management strategies; and the fact that we're dealing with imperfect information and constantly changing variables.

Given the size of the expenditure profile over the next decade at Metrolinx, I believe that my finance and financial expertise and discipline can assist the organization to ensure that decision frameworks are robust; that methodologies are sound; that risks are identified, mitigated or eliminated; and that the value that the province of Ontario receives is consistent with expectations.

The second is my governance and board experience. When I became chair of the McMichael at the province's request in 2010, I would characterize our governance practices as adequate at best, and the level of engagement as low. In order to change that, I went back and educated myself about best practices by completing my Independent Corporate Director Designation at Rotman, and I evaluated several other boards and organizations to ensure that we were adopting best practices, through which we revamped all of our board and governance practices to a level that is a model for good governance, even for organizations a multiple of our size.

With this experience, I believe that I can be helpful at Metrolinx in maintaining the high level of engagement, accountability, transparency and healthy discourse that I believe already exists between the board and management to ensure optimal performance and achievement of the organization's mandate.

And the third: character and commitment. The things that I have been most proud of during my career have

been a result of working with and through other people and building confidence, trust and mutual respect, as well as demonstrating my genuine commitment to a shared goal. I believe that those same qualities would allow me to be effective in a board role at Metrolinx, and I'm committed to devoting the time necessary to do so.

Thank you, Mr. Chair. I will turn it over to you for questions.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Arora. Madame Lalonde, you have about five minutes.

**Mrs. Marie-France Lalonde:** Thank you very much for being here. I must say, quite impressive.

I have a very funny question as a start: Do you take public transit yourself?

**Mr. Upkar Arora:** I do. I live in Mississauga, in the Clarkson area. I've taken public transit when I lived in Bramalea and worked at Nortel. For the better part of the last 15 years, I've been taking public transit, so I experience the GO Train service every single day.

**Mrs. Marie-France Lalonde:** So you're an experienced person.

**Mr. Upkar Arora:** I am.

**Mrs. Marie-France Lalonde:** I know that you've highlighted three characteristics and some of the skills, but I would like to hear a little bit more when it comes to the financial aspect. I know you briefly touched on some of the projects you've worked on, but if you were to bring this financial expertise into the new role that you're seeking, can you tell me a little bit of where you see the link or the familiarity for yourself?

**Mr. Upkar Arora:** Sure. By way of background: After I left public practice, I worked at Nortel as a financial analyst. My career has really been driven by a solid grounding of financial experience and financing experience. When I worked for Paul Reichmann, I would consider ourselves to have been the most innovative financing firm in the world. The core of that was, because the development projects and the existing assets like First Canadian Place were long-term assets, always to ensure that we plan five, 10, 15, 20 years into the future. If you go back to Paul Reichmann's investment in Canary Wharf in 1988, today it has 150,000 people working there.

My core strength has always been about the numbers: the discipline behind the numbers, ensuring that we have got a robust methodology that tries to anticipate what could go wrong, dealing with that in a way, providing adequate cushion, and then presenting the story related to the numbers in a way that's meaningful, relevant and persuasive.

**1010**

**Mrs. Marie-France Lalonde:** I have to say, it was a very sad passing—to lose Mr. Reichmann. I had the pleasure of working in my previous life in the Central Park Lodges Retirement Residences, so I was sad to hear.

**Mr. Upkar Arora:** I certainly share your view. I considered him a mentor and a father figure, so I was deeply affected by his passing.

**Mrs. Marie-France Lalonde:** A visionary, I would say.

I know right now you hold two appointments. Would you be seeking renewal of the McMichael appointment, your board there?

**Mr. Upkar Arora:** My term comes up in March 2016. That will have completed eight years at the McMichael, six years as chair. I advised the ministry about two years ago that it was opportune for a new chair to take on the role. We embarked on a formal succession planning process with two members of our board: the head of our HR and another member of our board who's on the nominating governance. We've now completed the process for identifying a new chair. We still have to advise the ministry of our recommendation. Obviously it's up to them as to whether they accept, post or otherwise choose a different chair for the role, but I am not seeking extension or renewal of that appointment.

**Mrs. Marie-France Lalonde:** Thank you very much for your time here today.

**The Chair (Mr. John Fraser):** Mr. McDonell?

**Mr. Jim McDonell:** Thank you for coming before us today. Your experience seems to be in diverse companies, focused on efficiencies and regaining profitability. Metrolinx has often been seen in the media as—you know, tensions for expensive procurement and dubious sponsorships. What, in your experience, are the basic steps for tackling some of the inefficiencies with Metrolinx?

**Mr. Upkar Arora:** I think I would start with how the organization is about 3,000 people, and really, it is a team that has highly specialized and capable expertise—planning, design, build, construction expertise. They're dealing with, I believe, about nine different transit agencies and 30 municipalities. The scope of their projects are both large in terms of dollars and very long. Those types of projects always involve a degree of rigorous methodology and an analytical framework to try to anticipate what could go wrong, and also to try to assess the interdependencies between those various projects. I think the nature of the beast is, in and of itself, always going to be subject to criticism, because no one can predict the future, but we need to ensure that we manage the process of trying to incorporate variables that could be different from expectations.

I think it's a fundamental element of—analytical frameworks need to be robust. We need to do, as we continue to do, value-for-money audits. We need to have oversight and we need to have scrutiny. The board provides an important role to ensure that all relevant risk factors are considered and anticipated, and we can do our best to manage and mitigate those risks. So it is a combination of a strong management team, which I do believe they have; strong board oversight; strong external third-party validation, which is to engage in such as value-for-money audits; and again, looking for innovation and creativity to improve the efficiency and effectiveness of operations.

**Mr. Jim McDonell:** One example is the Presto card system that was integrated. I think by 2012, the projected

cost had tripled. I know in the city of Ottawa, there was some talk that they were strong-armed into accepting that system. They had huge issues: They didn't meet the dates and it was a lot more expensive than they had projected. When you look around the world, there are many different cities that are using these automated card systems and don't seem to have the problems. Does it not make sense, when you have a system that's working, that maybe you go and repurchase that versus trying from scratch? Is that an issue with Metrolinx?

It's something we saw again in eHealth. There are systems around the world that work. This government seems bent on redeveloping everything from scratch and they've been dismal failures. Any comments on that?

**Mr. Upkar Arora:** Great question. My understanding from the Presto project is that the organization did, in fact, look at various systems—travelled and looked at systems, including, for example, the Oyster system in London. That was actually supported and looked at by the TTC as well. Certainly with Andy Byford's background, he would have strong, relevant expertise to that end.

I know personally, I asked the same question, and I was advised that a lot of international systems were, in fact, examined. And then I asked the question personally to a friend of mine who lives in London when he visited a few weeks ago, and he actually remarked that the Oyster system, which is highly regarded, went through a tremendous amount of growing pains at its outset for a number of years, to the point where they had to make radical changes to that system with respect to implementation and methodology.

The answer to your question, in short, is: I believe that Metrolinx did in fact look at other systems to try to embody and embrace and to bring in without the need to re-create one. Those systems were not consistent with the requirements of the various communities. Fair integration is an absolute core objective of the Big Move, so it's certainly essential that municipalities and agencies get on board. I think they chose a route that was the best solution based on the knowledge at the time. Could there be improvements and could there be greater enhancements? Absolutely yes, but I think that's where we serve in terms of our capacity at the board.

**Mr. Jim McDonell:** I think I also get from your question, though, that these systems had gone through the growing pains, they had solved the issues and were working. Most of these cases were much bigger systems than we're dealing with in Toronto—bigger cities. Metrolinx took on the new project and went through their own growing pains. What other systems were available where those problems had been solved?

There is no question that when you start something from scratch, there are big problems. That's one of the advantages of buying an off-the-shelf software, in this case, or something that works. I guess that's really the question. We had options where large companies had solved the issues and the systems were working well, yet this government chose to start from scratch again and had

the same problems. In the case of Ottawa, they were trying to opt for another solution but it was kind of tied in with grant money, so they had no choice.

Gridlock is a major problem around the city. I had the bad luck of having to drive into Toronto a number of times this summer. Unless you're driving in the middle of the night, the roadways—it's a problem. What would be your three main solutions or ideas on where they might go to get rid of the gridlock?

**Mr. Upkar Arora:** Maybe I'll try to focus on those that probably affect Metrolinx more directly, because I'm sure the TTC is much more capable of answering your question about gridlock within the city itself. I would indicate to you that the regional express rail and the plans for that and the electrification, I think, are going to be very, very fundamental to improving the efficiency and operation of the integrated transportation network. I would tell you that, working collaboratively with the city of Toronto, the TTC specifically, in dealing with things like the Yonge subway and the relief line and the enhancements that the TTC is putting in place with respect to the control systems are going to be very helpful in relieving some of the congestion.

But I do believe, and I have seen it from past experience, that it does take time for the implications of changes to take hold with respect to changing behaviour of people who use transit. Therefore, to try to adopt short-term, interim band-aid solutions I don't believe is the right fix. I think it's to actually fix the system, the infrastructure, the payment integration and the network that we've created to deal with the solutions to provide the right long-term solution.

I look at UP Express and I say that we've been talking about that for 25 years and we can criticize that all we want about various things, but it's done, it's working, it's efficient, people are taking it and we've got a tremendous, unique asset there that will benefit Toronto as a city for decades to come.

**The Chair (Mr. John Fraser):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** Thank you. You're well aware that the government plans to sell part of Hydro to pay for transit, which we certainly have issues with. Also, their pension plan system that they want to bring out, which we also have issues with, is going to be used for this type of thing.

Back in November 2013, the Premier was in my riding—and I come from a rural riding. The biggest town I represent has about 30,000 people. The rest are all pretty much rural, and it's up Stratford way. She was in the riding. Let me see: Her words were, "Two-way GO service is a priority, and expanding GO service is a priority," when she was asked the question by people in Stratford and in Perth–Wellington, because we are getting our train service cut off. Via Rail is being shut down and GO service is not coming our way. This was during the heat of battle in an election campaign, and she said this statement. We are currently busing in people to work in the riding from the cities, because people tend to live where transit is, especially those who want to live in

an urban setting. Now we have employers having to hire buses to bring people into the riding to work in their factories, and then they're gone.

**1020**

We have an issue in rural Ontario right now with being cut off from public transit. The only public transit we have in rural Ontario, if you think about it, is our roads. That's it. We have no bus service, trains or whatever else, because they're shutting these things down.

So I would ask the question: If you are appointed to this type of system, have you thought about rural Ontario? Have you thought about the issues that we're having in rural Ontario with being cut out of transit, and no plans to put enhanced transit in rural Ontario, even with the billions of dollars this government is throwing at it from the silly plans they've got?

**The Chair (Mr. John Fraser):** You have about 40 seconds, Mr. Arora.

**Mr. Upkar Arora:** Okay. I have thought about that. I have looked at the Big Move and the next-wave priorities. I do know that in 2016, as a result of the Metrolinx Act requiring a 10-year review of the transportation plan, many organizations, cities and communities will have the opportunity to provide input as to whether there should be a reallocation or a change in the priorities for the next 10 years. That might be a good venue to try to reinforce the importance of the rural transportation strategy in the competing priorities and objectives for the next decade.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pettapiece. You have no time left. Sorry.

Mr. Gates.

**Mr. Wayne Gates:** Just when it was getting interesting.

**The Chair (Mr. John Fraser):** It's getting more interesting now.

**Mr. Wayne Gates:** I'm sure it is.

Thanks for coming. I'm going to go through a series of events that have been provided for me. If any of them aren't accurate, certainly you can jump in and say it.

It's my understanding that you are a court-appointed chief restructuring officer for iMarketing Solutions. Is that accurate?

**Mr. Upkar Arora:** That was accurate. That engagement, through Illumina Partners, the core firm, has now ended. That was a specific project or contractual relationship through Illumina Partners.

**Mr. Wayne Gates:** Okay. Do you still have a relationship with the company?

**Mr. Upkar Arora:** With the company? I do not.

**Mr. Wayne Gates:** Okay. Just for the record, iMarketing had a subsidiary called Responsive Marketing. In 2011, this was the main fundraiser and voter contact for the Conservative Party of Canada. It was linked to the robocalls scandal, which I'm sure everybody here is aware of, in which several voters were directed to the wrong polling stations during the last federal election.

I understand you were not at the company during the robocalls scandal. Is that accurate?

**Mr. Upkar Arora:** That's accurate.

**Mr. Wayne Gates:** Although, during the restructuring, you worked alongside Andrew Longhorn—

**Mr. Upkar Arora:** Langhorne.

**Mr. Wayne Gates:** —who was a senior executive at the firm in 2011 and is now the CEO. I believe—was it your job to oversee the company as it declared bankruptcy in 2013?

**Mr. Upkar Arora:** I was appointed, as you said, as a court-appointed officer, as the chief restructuring officer. I was brought in by the primary stakeholders, who were Argosy and Shotgun, to try to restructure the company. That's the normal course of what Illumina has done for the last 12 years in numerous other engagements, where we're called in by banks or other stakeholders to try to find a solution to the company's financial problems.

We did that. We facilitated a sale. The bankruptcy court approved that sale. That sale took place approximately 12 or 14 months ago.

My involvement with the robocalls—by the way, iMarketing and Responsive Marketing Group were cleared of any wrongdoing in all of the public filings. I had zero involvement in that. My responsibility was effectively as the person responsible for facilitating a sale of the company, which was completed.

**Mr. Wayne Gates:** Okay, thank you. This is interesting to me, in a way, and maybe to my colleagues. I notice that iMarketing, although it went bankrupt, is now known as IMKT Direct Solutions, and it was in the news last month, when the Ottawa Citizen reported that the company seems to be back to its old tricks with callers identifying themselves as from the Voter Outreach Centre, creating some confusion among voters about whether the calls come from Elections Canada or from the Conservative Party.

The point I'm trying to make is that while at iMarketing, you seem to have worked in an extremely partisan political environment at a company that served the needs of the Conservative Party of Canada. Are you affiliated with the Conservative Party of Canada?

**Mr. Upkar Arora:** Not in any way.

**Mr. Wayne Gates:** No party?

**Mr. Upkar Arora:** I'm not affiliated with the Conservative Party in any way, shape or form.

**Mr. Wayne Gates:** So by saying that, even though you worked for a company that was, or did some work for them, will you be able to keep your partisan interests, in your role with Metrolinx board as a member, away from it?

**Mr. Upkar Arora:** The short answer is absolutely. I am not politically active with any party, federally or provincially, and I don't believe that enters into the equation with reaching best decisions at a board level for what is good for the people of Ontario.

**Mr. Wayne Gates:** Okay. Now, I noticed that you talked a lot about discipline around financial and how you're going to finance. As my colleague said, we're selling off a public asset to pay for transit, which, obviously, our party as well as other parties think is the wrong thing to do, and probably 90% of Ontarians think

it's the wrong thing to do. But when you talked about financing it, you talked about finding alternative ways to finance the projects. My question to you is: Do you support P3 models?

**Mr. Upkar Arora:** I support alternative finance and procurement models, I do. By legislation, any projects over \$50 million have to be evaluated for whether that solution makes sense for the people of Ontario in terms of managing risk and cost.

**Mr. Wayne Gates:** The keywords there are "makes sense," right?

**Mr. Upkar Arora:** That's correct.

**Mr. Wayne Gates:** We found out, in our last sitting in Parliament, that it costs Ontario taxpayers \$8 billion more to do P3 funding in the province of Ontario. So if it makes sense, do you think it makes sense to spend an extra \$8 billion on P3 projects rather than having them publicly funded and publicly delivered?

**Mr. Upkar Arora:** I'm not sure of the projects you're referring to but I don't believe they relate to Metrolinx, so I can't really comment on the specifics. What I can tell you is, based on what I've seen at Metrolinx, the process for AFP has resulted in bids coming in lower than expected, analysis and evaluation of risk being shifted to a private party, as well as a necessary requirement before proceeding for a third-party validation through a value-for-money audit. So I believe there are checks and balances to ensure that the right decision is made as to whether to go with an AFP model or a different model. There are different approaches being taken on different projects that do make sense or that in other cases do not make sense.

**Mr. Wayne Gates:** Okay. The other thing I want to ask you about, because it's—I actually believe that in Ontario, not necessarily across the country, the biggest question for us as elected reps, for my kids and for my grandkids—do you believe that we should be selling off Hydro to pay for transit in the province of Ontario?

**Mr. Upkar Arora:** I think I'll defer on that question. I don't think it relates directly to my appointment to the board of Metrolinx.

**Mr. Wayne Gates:** Well, it actually does, because the financing is going to come from the sale of Hydro.

*Interjections.*

**The Chair (Mr. John Fraser):** Order.

*Interjection.*

**Mr. Wayne Gates:** It absolutely is a political question, just to your point. I don't mind answering anybody. It is a political question, but at the end—I have time left, I have the chair—

**The Chair (Mr. John Fraser):** Yes, you have some time.

**Mr. Wayne Gates:** I understand that the Liberal Party would not like me asking these types of questions, and maybe you don't like asking these questions, but at the end of the day—

*Interjections.*

**The Chair (Mr. John Fraser):** Can I have order?

Mr. Gates, can you continue with your questioning, please?



**Mr. Wayne Gates:** Okay. I guess the thing that is concerning me—obviously, I'm against selling off Hydro, in case you guys are wondering. I don't think it's a good thing to do. I think there are other ways that we can certainly pay for transit. But it's interesting when we look—and I actually—

*Interjections.*

**Mr. Wayne Gates:** Oh, I could tell you how.

I actually believe that, very similarly to somebody who was here before you, sir, we don't seem to look to appoint people who have backgrounds in, for this particular thing, customer service, transportation planning. I think we have to really take a look at Metrolinx and how we go forward. The reason why I'm saying that is that you've mentioned Toronto a number of times around transit. My colleague from rural Ontario would like to have some of those investment dollars. Have you taken a look at transit outside Toronto, into rural Ontario, maybe down into Niagara?

I'm just asking, because he's going to be on the board.

1030

**Mr. Upkar Arora:** I grew up in London, Ontario, which is in southwestern Ontario. I went to school at Waterloo. I go back to Waterloo to teach and for advisory council meetings. I'm very, very sensitive to transportation needs. I understand that the province has committed about \$15 billion of the \$31.5 billion to projects outside of the GTHA as part of its demonstrated commitment to improving transportation in other communities, including rural communities. So I think there is adequate focus being placed by the province on addressing those needs.

I will just focus on those areas where Metrolinx has, as part of its Big Move and next wave of priorities, important decisions to make with respect to the projects on its plate.

**Mr. Wayne Gates:** Okay, thanks.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Gates.

**Mr. Wayne Gates:** My pleasure.

**The Chair (Mr. John Fraser):** Mr. Arora, thank you very much for being here today. You may step down. We'll consider the concurrences at the end of the day.

**Mr. Upkar Arora:** Thank you.

#### MR. PETER THOMPSON

Review of intended appointment, selected by official opposition party: Peter Thompson, intended appointee as member, Ontario Energy Board.

**The Chair (Mr. John Fraser):** Our next intended appointee is Peter Thompson, nominated as member, Ontario Energy Board. Mr. Thompson, can you please come forward?

Thank you very much for being here today, Mr. Thompson. You may make a brief opening statement. Any time that you use will be taken away from the government's time for questions. You will receive questions from all parties, and the questioning will begin with the official opposition.

**Mr. Peter Thompson:** Thank you, Mr. Chair and members. It's a pleasure for me to appear before you today and be considered for appointment to the Ontario Energy Board. In the past, I've made many court and tribunal appearances on behalf of clients. This, however, is my first appearance in front of a legislative committee, and it's a genuine honour for me to be here.

I would like to take this opportunity to elaborate on the factors that I believe qualify me for appointment to the board. I propose to do this by providing my understanding of the tasks which board members are expected to perform. I will then briefly touch on the features of my experience which enable me to competently perform these tasks.

The primary role of the board members is to hear and determine matters in issue at public hearings. These hearings are held to determine utility rates or to grant other regulatory approvals which utilities require.

To be effective in this position, one must be a competent adjudicator with a desire to make a constructive contribution to utility regulation in Ontario in a fair and equitable manner. This desire, along with an interest in working inside an adjudicative and mediation sphere of activity, prompted me to apply for this position at this point in my career.

With some 48½ years of practice as an advocate before various public-interest administrative tribunals and the courts, I know what it takes to be a competent adjudicator. Key qualities include an ability to carefully listen to all sides of a matter in issue with an open mind. Disputed issues are then fairly determined by applying the appropriate guiding principles to the facts of the case in a manner which best serves the public interest.

I am a good listener. I am fair and I am equitable. These qualities are demonstrated by the fact that for some 25 years, from 1971 to 1996, my professional colleagues in Ottawa enlisted me to be their managing partner. One has to be perceived by his peers to be a good listener, transparent, equitable and fair to be asked to serve in such a position for so many years.

From my resumé you will have seen that I have some 42 years of experience in appearing in proceedings before the Ontario Energy Board. My mandate has been to advocate the interests of general-service and large-volume consumers of rate-regulated utility services. Since 1973, I have continuously appeared to represent consumer interests in hundreds of rate and other regulatory approval applications brought by Union Gas, Enbridge Gas Distribution and their predecessors. Since 2008, my colleagues and I have represented ratepayers in the electricity distribution and transmission rate applications brought by Hydro One Networks. We have done the same in the several proceedings brought by Ontario Power Generation for approval of the amounts to be paid by ratepayers for most of its hydro and all of its nuclear electricity generation.

My involvement has been with the large gas utilities—Union Gas and Enbridge—and on the electricity side, with Hydro One and OPG. Except for Hydro One, I have

had little or nothing to do with any of the other 71 electricity distributors and four electricity transmitters which the board regulates.

For many years, several lawyer evaluation publications have annually recognized me as one of Canada's leading energy regulation lawyers. In 2009, my energy regulatory law peers selected me as the recipient of the prestigious Energy Bear Award for lifetime achievements in that field of endeavour.

My role throughout has been that of a consumer advocate. As a result, I am intimately familiar with the requirements of all classes of ratepayers. They need safe, reliable and efficiently operated infrastructure providing utility services under the auspices of rates which are reasonable, sustainable and affordable. I'm well versed in matters of cost allocation and rate design. These topics relate to the setting of just and reasonable rates for different classes of ratepayers. I am also familiar with additional regulatory measures which can be implemented to protect the interests of consumers with respect to the prices for utility services, as well as their adequacy, reliability and quality.

Moreover, as a result of my many years of probing numerous rate, leave-to-construct and other applications made by Enbridge, Union Gas and OPG, I understand and appreciate the requirements of utility owners. Their needs must be addressed to enable them to maintain, expand and effectively operate their systems. I am very familiar with the facts and principles that are germane to a determination of a revenue requirement which provides each and every utility with the opportunity to earn a fair return.

With my lengthy experience in proceedings before the board, I bring to the adjudicative task at hand an extensive knowledge of the board's precedent decisions. I am cognizant of the board's existing and emerging policies to enhance the opportunity for consumers to be heard.

I believe that all of these attributes will enable me to competently serve as a board member.

In closing, let me say that I am committed to making a constructive contribution to utility regulation in Ontario. I am looking forward to working with existing and new OEB members, many of whom I have appeared before as counsel or who are otherwise now known to me. I am eager to join them in responding to the challenges the board faces in continuing to fulfill its public interest mandate.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Thompson. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming before us today.

The Auditor General highlighted in the 2011 annual report that although the OEB sets the regulated electricity rates, it only has control over about half of the bill's charges. Items such as the global adjustment or the debt retirement charge are outside the board's mandate.

We receive lots of questions in our office about hydro, as you can imagine. Rates have tripled over the last 12

years. People don't understand this. How would you recommend that the components that make up the electricity bill are better communicated to the public?

**1040**

**Mr. Peter Thompson:** My understanding is like yours. The global adjustment is something beyond the control of the board, so it's an educational issue to make consumers understand all of the components of the bill. I believe the board has undertaken some initiatives recently and is continuing to attempt to educate consumers and to make them more fully informed as to all of the items that go into the electricity prices that are on the bill, some of which are regulated, but the bulk of them are not.

**Mr. Jim McDonell:** As an example, a small business in my colleague's riding of Cambridge—the company had sent a bill in. The cost of energy was around \$3,500. Transportation was around \$3,500. The global adjustment, with taxes, was almost \$67,000, well over half the cost of the job. That's the difference between the cost of energy and the price of what they're paying for. His comment was, "This is a fee that I didn't pay just a few years ago, and it's putting me out of business." You can imagine trying to be competitive when you've got a component of your energy to that extent. How do we get that under control?

**Mr. Peter Thompson:** I'm not so sure that the board can solve that problem. There are a lot of tensions in energy pricing these days. The board is obliged to follow government directives. It's obliged to adhere to government policies. It has an obligation to protect consumers. It also has an obligation to make sure there's an efficient utility system and that the utilities are able to access capital on reasonable terms. So the board is faced with a lot of pressures, and I think it's doing as best it can to both inform consumers and to balance all of those competing interests when setting the rates over which they do have control.

**Mr. Jim McDonell:** Currently, utilities that wish to alter their rates are subjected to an expensive and time-consuming process, including paying all presenters' travelling expenses regardless of the presentation's relevance to the question. We see from the Auditor General's report that many of these expenses that the board is forced, by the mandate, to allow are nothing to do with the companies that are doing the work. They're provincial guidelines or provincial policies that have really hurt our economy and hurt the cost of power. But they're forced to go for regulation changes to up their rates to cover these costs. How can we streamline that process? Really, we're talking about fee increases that have nothing to do with the distributor itself. It's forced to pass on the costs, but they have to go through a very lengthy and expensive process, which really is—the board has no choice but to offer the increases anyway.

**Mr. Peter Thompson:** I don't know that in my pending adjudicative role I can comment on the politics of controlling the prices, but what I can say is that the board looks very carefully at the costs over which it does have jurisdiction and does a very effective and, I believe, balanced job in addressing those concerns.

**Mr. Jim McDonell:** I know that the Premier has talked about the recent review of the energy pipeline and the identification of whether it's in the best interests of Ontario or not. We look at Atlantic and Quebec refineries that are forced to buy oil from international countries at market value, yet our oil is being sold to our competitors in the States at a \$20 discount. That's still in effect today. The price of oil is around \$50; our American customers are paying \$30.

One must wonder, especially with the dangers of transporting by rail and all the issues they talk about in transporting oil by water—this is coming in by huge ships from overseas. You'd have to wonder: How is this not in the best interests of the country, and Ontario in general, to somehow shorten that discount of \$20 a barrel so that we can actually compete? We're forced to buy this oil back at this higher rate where our American neighbours—they're good neighbours but they have benefited from almost a 50% discount on our oil.

**Mr. Peter Thompson:** You're talking about competitive forces at work, not regulatory forces at work. I don't think that I can elaborate on those points. But on the point about the Energy East Pipeline, the board did do a report on that project and made some observations about its pricing impact on Ontario consumers. Interestingly enough, shortly after the release of that report, TransCanada PipeLines and the eastern Ontario distributors entered into an agreement that responded—at least to the extent that I understand it—quite favourably to the board's analysis of some of the deficiencies on that project. That was a constructive outcome.

**Mr. Jim McDonell:** Being in rural Ontario, I know that one of the issues we have is that natural gas is considerably cheaper than propane or diesel fuel, yet it's very hard to get it extended. Personally, I myself am only a couple of hundred feet from a pipeline but can't even get a price to extend it. How can we make sure that our farmers are actually going to benefit from something that has become readily available around the world? Again, looking at costs that are more than 50% of traditional oil or propane costs—

**Mr. Peter Thompson:** If you're talking about natural gas, there are initiatives in Ontario to try to bring gas to more rural communities. I believe that there's funding that's available from the government for that kind of activity. If, once again, you're talking about oil prices and the competitive forces—distribution, getting the oil to the places where it's needed, and refining are important, but again, that's all outside the purview of the OEB.

**Mr. Jim McDonell:** I know that the pipeline companies are saying that they have no ability to extend their serving area under the current rules of energy policy in Ontario. That's their message to the municipalities.

**Mr. Peter Thompson:** Well, if you're talking about the rules for natural gas expansion, utilities have to demonstrate a certain productivity level, and you can't put in a long line expansion if there's only one customer at the end of the line. You have to have some economics

to support it. As I say, there are programs, though, to try and facilitate expansions into more rural areas, which are a relaxation of those rules.

**The Chair (Mr. John Fraser):** Mr. Pettapiece, you have a minute and 20 seconds.

*Interjection.*

**The Chair (Mr. John Fraser):** You just used five seconds.

**Mr. Randy Pettapiece:** Just a comment here: You suggested that reasonable, sustainable and affordable rates are something that you would certainly like to work on with energy costs, if you're appointed to this board. Is that correct?

**Mr. Peter Thompson:** Yes, that is my interpretation of the board's mandate, to set just and reasonable rates.

**Mr. Randy Pettapiece:** I wonder, sir, if you could teach this present government what those terms mean.

Anyway, my question: What's cap and trade going to do on energy costs? Have you any thoughts on that?

**Mr. Peter Thompson:** That's really out of my area of expertise.

**Mr. Randy Pettapiece:** Would you suspect that it's going to raise energy costs in Ontario, if this government goes ahead with those things?

**Mr. Peter Thompson:** I really don't feel competent to comment on that.

**Mr. Randy Pettapiece:** Okay, all right.

Thank you, Chair.

**The Chair (Mr. John Fraser):** Thank very much, Mr. Pettapiece.

**Mr. Randy Pettapiece:** You're welcome.

**The Chair (Mr. John Fraser):** Mr. Gates.

**Mr. Wayne Gates:** A pleasure. Mr. Thompson, how are you?

**Mr. Peter Thompson:** I'm well, sir. How are you?

**Mr. Wayne Gates:** Very good.

Just on the gas: I know it's not really your expertise, but you did mention about the refineries. I'm of the firm belief that we probably shouldn't have closed a number of our refineries, which would have kept us a little more competitive, kept the good jobs right here in Canada. That's not really your expertise, but that's how I feel about it, so I thought I'd get that out there.

Having represented Canadian manufacturing at the OEB—is that pretty accurate?

**Mr. Peter Thompson:** That's correct, yes. For the past eight years, I've represented Canadian Manufacturers and Exporters.

**Mr. Wayne Gates:** How have you found that?

**Mr. Peter Thompson:** I've enjoyed it, thank you very much.

1050

**Mr. Wayne Gates:** Well, I think it's good. That's why I'm saying that it's certainly not a negative.

In light of the recent Ontario Chamber of Commerce report, Empowering Ontario, which claims that soaring electricity rates would cause one in 20 Ontario businesses to close up within five years, what should the OEB do to

ensure a competitive economic environment for Ontario businesses?

**Mr. Peter Thompson:** That's a very good question. It brings into play all of the forces that are having an effect on electricity prices in Ontario, some of which the OEB can control and supervise, and others which are beyond their mandate. That's one of the challenges that the OEB has, I believe: to respond to the pressures from consumers with respect to prices but also respect government directives, government policies, and also balance those two pressures with the needs of utilities. It's a work in progress.

**Mr. Wayne Gates:** There is a lot of confusion. You talked a little bit about education on the bills. People get their bill and they don't understand it, quite frankly. There needs to be a lot of education around that; I agree.

When we ask a question at Queen's Park around rates going up, they basically say, "It's up to the OEB; they regulate prices." Yet, twice or three times in the last few minutes, you have said, "We're not in control of everything when it comes to prices." Can you elaborate on that so it's on record and people may be able to understand it—a little bit of education on how it would work?

**Mr. Peter Thompson:** On the gas side, the OEB regulates storage rates. They regulate natural gas distribution rates and they regulate natural gas transmission rates. The commodity prices for gas in Ontario are largely driven by competition. Consumers can buy direct from a marketer that is unregulated as to price. Utilities will buy gas but they buy it at a market price, and the cost of that market price gas gets adjusted quarterly under what is called a quarterly rate adjustment mechanism. So there's a mix of competition and utility regulation that affects the landed cost of gas at your furnace.

On the electricity side, it's somewhat similar. The OEB regulates electricity distribution. It regulates electricity transmission; in other words, the wires costs. In terms of the commodity it has some oversight in that area, but again, the global adjustment, which is an item that captures a whole lot of impacts that are outside of the OEB's jurisdiction, as one of the members mentioned earlier, is a very significant component of the electricity price. The OEB regulates all of the nuclear output of OPG. It regulates most of the hydroelectric output of OPG, but then, over and above that, there is a segment of electricity generation that is completely unregulated. Once again, it's an amalgam of competition and rate regulation. I hope that helps.

**Mr. Wayne Gates:** It's probably as clear as mud to most people, but at the end of the day I think those types of explanations should go to part of the education process on why we're at where we are and exactly what the OEB does control and doesn't control when it comes to our rates. I think it's important for people to understand that.

I believe that over the course of your 25 years, you've been a very good foot soldier for consumers. I think that's commendable on your part. I think it's important.

I want to go back to the Ontario Chamber of Commerce for a minute, if you don't mind.

**Mr. Peter Thompson:** No, that's fine.

**Mr. Wayne Gates:** On August 20, 2015, which was just 11 days ago, the Ontario Chamber of Commerce released a letter demanding that the Wynne government prove that the electricity rates will not go up as a result of the Hydro One sale. Given that the OEB's mandate under the Ontario Energy Board Act includes "To protect the interests of the consumers with regard to prices ... reliability and quality of the electrical service," which I think you've already said, do you believe the OEB should investigate the Hydro One question on behalf of the Ontario consumer?

**Mr. Peter Thompson:** Again having regard to the neutral position that I am striving to be appointed to, I would not be inclined to answer that question other than to simply say this: To the extent that Hydro One's costs are affected, and they may not be affected at all, those costs will be before the Ontario Energy Board when it regulates Hydro One's distribution rates. So I suspect that some of the tensions that you're describing, and perhaps other issues, will find their way to the board under the auspices of its obligation to set just and reasonable rates for Hydro One distribution and Hydro One transmission.

**Mr. Wayne Gates:** Well, I'm sure you've heard before, obviously, coming from the chamber, their concern—and I'm hearing it in my riding and I'm sure my other colleagues are; I'm not going to speak for them. The number one issue for them is hydro rates. I'm really concerned. When you take a look at the manufacturing sector, I believe one of the reasons why we've lost—and you can argue the number. It's either 300,000 or 400,000, depending on what party is putting the number out. We've lost manufacturing jobs.

In talking to decision-makers—as you may or may not know, I was president of a CAW representing General Motors and some of the bigger companies—they are saying, when they are making decisions, hydro is certainly one that they are looking at in the province of Ontario. There are a lot of concerns around it for the well-being of our province, our country, and, at the end of the day, for my kids and my grandkids so they'll be able to go to jobs when they graduate from university. Hydro rates are so important to the province of Ontario.

**Mr. Peter Thompson:** The number one concern is electricity prices, of which regulated rates is but a part. But I agree with you: It's a very major concern.

**Mr. Wayne Gates:** Then the last thing: You said there is a lot of tension these days, pressure at the board. Maybe say that again, because I think that's important to hear from somebody who has got the experience that you have.

**Mr. Peter Thompson:** Well, what I meant by that was that they are faced with pressures from different quarters and they have to respond within the ambit of their mandate. One thing I think the board has to strive to do is to preserve its independence because the public places such confidence in them to respond to all of these different pushes and pulls that are placed upon them concurrently.

**Mr. Wayne Gates:** I'll just finish by saying, if I've got enough time—are we okay?

**The Chair (Mr. John Fraser):** Yes.

**Mr. Wayne Gates:** I'll just finish by saying I think that somebody like yourself, with your experience and knowledge, certainly should be appointed to the OEB and hopefully help that board understand what some of the challenges are, whether it be in business, manufacturing or, quite frankly, for residents and seniors, and you've done that for a long, long time. I thank you for that.

**Mr. Peter Thompson:** Thank you very much for your support.

**The Chair (Mr. John Fraser):** Thank you very much.

Ms. Hoggarth, you have about two minutes.

**Ms. Ann Hoggarth:** Good afternoon, Mr. Thompson. Thank you very much for your presentation.

I'd like to say, Mr. Gates, that apparently we're on the same side in this matter.

You've made it very clear that you have a vast amount of experience. Forty-two years of experience with the regulation of natural gas and electricity utilities is very valuable in this position.

I also love the fact that you used the word “balance.” I'm a Libra and I believe that there should be balance. You have pointed out very clearly that there are two sides to the OEB and that you have to take into consideration not just consumers but providers. I'd like you—if you could share any specific examples of how in the past the Ontario Energy Board has responded to consumer advocacies and examples of when ruling on specific rate cases.

1100

**Mr. Peter Thompson:** That's calling on 42 years of experience. I could be a while.

**The Chair (Mr. John Fraser):** In about a minute.

**Mr. Peter Thompson:** I guess a recent example would be OPG's recent payment amounts case. OPG had very substantial compensation claims for its nuclear business, and the board scrutinized those claims very carefully and rejected a significant sum. It was some \$140 million, if I'm not mistaken. That case is under appeal. It has gone right to the Supreme Court of Canada. But that's one example of where the board considered very carefully the cost claims that a utility was seeking to recover and found that, having regard to the evidence and other benchmarks and OPG's own practices, these amounts were unreasonable and should be disallowed. So that was a response to a consumer concern that was posited by the OEB.

You see the same thing with hydro. Hydro One has had similar types of decisions, and on the gas side there are always some disallowances made in the amounts that the utility seeks to recover.

The other side is, when they're actually setting rates, if the rates reach a point where they're characterized as a rate shock, then the board will introduce some mitigation measures to smooth that out.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Thompson. That's all the time we have for today. We appreciate you being here today before the committee. We'll consider the concurrences at the end of the day. Thanks again.

**Mr. Peter Thompson:** Thank you very much.

MR. PREET BANERJEE

Review of intended appointment, selected by third party: Preet Banerjee, intended appointee as member, University of Toronto governing council.

**The Chair (Mr. John Fraser):** Our next intended appointment is Preet Banerjee, nominated as member, University of Toronto governing council. Mr. Banerjee, can you please come forward?

**Mr. Preet Banerjee:** Good morning.

**The Chair (Mr. John Fraser):** Good morning. Thank you very much for being here today. You'll have the opportunity to make a brief opening statement. Any time that you use will be taken from the government's opportunity for questions. You will be questioned by members of all parties. Please, Mr. Banerjee, you may begin.

**Mr. Preet Banerjee:** Thank you very much, Chair, and thank you very much to the committee members. I'm honoured to appear before you today and privileged to have been nominated for an appointment to the University of Toronto's governing council. I'd like to take the opportunity to provide opening remarks relating to my background and any particulars that may be relevant to this appointment.

I currently work as a consultant to the financial services industry and I am a doctoral candidate at the Henley Business School at the University of Reading in the United Kingdom.

I have worked in various functions within the financial industry, previously as a financial adviser, originally as a mutual funds sales representative, and later as a full-service adviser at a full-service brokerage.

I also have experience with retail and institutional investment fund wholesaling. I hold a financial management adviser designation and a derivatives market specialist designation, and I am a fellow of the Canadian Securities Institute.

I currently serve on two boards: I'm a director with the Canadian Foundation for Advancement of Investor Rights, and serve on the campus council of the University of Toronto Scarborough campus. I'm also an honorary board member for A Better Life Foundation, which is an organization that seeks to improve food security in the Downtown Eastside of Vancouver, British Columbia.

I obtained my undergraduate degree in neuroscience from the University of Toronto Scarborough campus in 2001, and since that time I've been actively involved with the campus on a regular basis, having facilitated workshops on personal finance, participating as a speaker and moderator for three annual leadership conferences, and, as previously mentioned, I'm also serving as a campus council member there.

There is additional background information included in the document prepared by the research officer. I believe that my experience working with the campus council at the University of Toronto Scarborough campus coupled with my demonstrated history of being an active member of the alumni association would speak to the qualifications and motivations of wanting to continue to give back to my alma mater.

This concludes my opening remarks. I am now pleased to answer any questions from the committee.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Bannerjee.

Mr. Gates.

**Mr. Wayne Gates:** Good morning.

**Mr. Preet Bannerjee:** Good morning.

**Mr. Wayne Gates:** How are you, sir?

**Mr. Preet Bannerjee:** I'm well. How are you?

**Mr. Wayne Gates:** I'm great. You gave a little bit, but I'm going to ask you again: What motivated you to seek the appointment?

**Mr. Preet Bannerjee:** Sure. Since I graduated in 2001, I've been involved, I believe, every single year since 2001, working at facilitating workshops, participating in conferences at the request of the alumni association; student clubs would have me speak to their members. I've always felt that I've gotten so much from the University of Toronto, and I enjoyed having the opportunity to give back. I think that's the general nature of academic institutions, to foster innovation, learning and leadership. It's been an honour to do that. I don't think there's been a single request that I've turned down to participate in any programs that they have, and I'm happy to continue to do so.

**Mr. Wayne Gates:** And you're a true volunteer.

**Mr. Preet Bannerjee:** None of these positions have ever been remunerated.

**Mr. Wayne Gates:** I just wanted to put that out there, to make sure that everybody understood.

Now, what do you think are some of the issues at the university?

**Mr. Preet Bannerjee:** Well, with any large academic institution, especially the University of Toronto being the largest academic institution in Canada and one of the most well-respected in the world, there's a lot of pressure to continue with that. Fostering academic freedom, innovation and leadership, which is a critical function to the country as we go forward in a global economy, I think is imperative. Of course, with any large body, there are going to be challenges, but I don't think that the university at this time faces any challenges that are unique.

**Mr. Wayne Gates:** What skills and interests do you think you bring to the council?

**Mr. Preet Bannerjee:** I have a background in finance—so being a large academic institution with a very large budget, I believe, looking at the numbers, I have some experience there. There are a lot of numbers, a lot of departments, and having a critical eye cast on that is always beneficial.

**Mr. Wayne Gates:** This is a really tough question for you, but I'd like you to at least respond to it. Is there any way you can help the football team?

**Mr. Preet Bannerjee:** I could possibly volunteer as the water boy.

**Mr. Wayne Gates:** They've struggled the last few years, the football team, that's for sure.

**Mr. Preet Bannerjee:** That's right. There are struggles, but just like the Blue Jays, potentially there is the opportunity for a giant comeback.

**Mr. Wayne Gates:** And that was my next question. Everybody here knows I'm a big Blue Jays fan, but it's got to be enjoyable living in Toronto and even on campus right now. I go to a lot of games, and I've enjoyed—surprisingly, quite frankly, to myself—the number of young people who are following the Jays. If you watch the crowd when you watch the games at night, it's all young people. They're having fun, the music is loud—it's really an enjoyable event. It is being driven by young people, and a lot of them are university kids. It's kind of neat the way the Jays have really taken to young people. It's a little off the subject, but I just thought I'd raise it.

**Mr. Preet Bannerjee:** If only they could share that secret sauce with the Leafs.

**Mr. Wayne Gates:** Well, that's a whole other story.

*Interjection.*

**Mr. Preet Bannerjee:** That's true. There's hope. Hope abounds.

**Mr. Wayne Gates:** I don't want to see this in Hansard, but I can tell you that—

*Interjection.*

**Mr. Wayne Gates:** That's okay. It could be worse, trust me. The last time the Leafs won the Stanley Cup, I was in diapers, and probably the next time they win the Stanley Cup, I may be back in diapers. That's all I'm saying. I don't know if that's something you can—

**The Chair (Mr. John Fraser):** I take it that concludes your questions.

**Mr. Randy Pettapiece:** Point of order. Point of order on that one.

**The Chair (Mr. John Fraser):** Point of order?

*Interjection.*

**Mr. Wayne Gates:** I'm a Sabres fan. We've never won either.

**The Chair (Mr. John Fraser):** Mr. Pettapiece, that's not a point of order.

Thank you very much, Mr. Gates.

**Mr. Wayne Gates:** My pleasure.

**The Chair (Mr. John Fraser):** Mr. Ballard, please.

**Mr. Chris Ballard:** Sure, I can ask a question.

**The Chair (Mr. John Fraser):** You have about eight minutes.

**Mr. Chris Ballard:** The obvious question, Mr. Chair, is what's Oprah Winfrey really like in person, but you may not want to go on Hansard with that. It's a delight to have you here, offering up your time to work with the University of Toronto. As we've said to so many people who have appeared today, volunteering is really the

essence of what makes our community so strong, so thank you very much for that.

1110

Having said all of that, I know obviously the school year for some in university and college has already begun, if you can call orientation week the beginning. It is maybe—well, I guess it really is the beginning, isn't it? With the academic year about to start, as a financial consultant, what advice would you give to university and college students, and to their parents, about those who are starting their career or those who are anticipating their academic career? What sort of advice would you give us all?

**Mr. Preet Banerjee:** Sure. With respect to financial advice, I suppose there are two main categories. One would be that, if this is the first time that you've left home, this is where your real financial life really begins, and the lessons that you learn during this time can stay with you for a long time, or they can plague you for a long time.

A lot of students have to access student loans in order to fund their way through university; that's a reality. But that doesn't mean you can't run a budget. It doesn't mean that you can't try to minimize expenses. My advice to students from the respect of financial advice while they're in school is: Your budgeting needs to start now. When it's Friday night and you're out drinking, always buy the first round because, as the night continues, that's what everyone remembers: that you bought the first round. You won't have to buy a second.

With respect to long-term career planning, obviously there is a push—and I think it is well recognized within academic institutions—that there are certain career paths that are more lucrative down the road in terms of job prospects and income, and I think there is a move to recognize that, and I think that we don't give young students, young Canadians, enough credit to realize that. For people who want to study a career in fine arts, I think that's fine as long as you go in with your eyes open, and I think we don't recognize that a lot of people who do choose that understand the path that they're taking.

**Mr. Chris Ballard:** Very good. The comment about fine arts—coming from a liberal arts background, oftentimes there are so many skills there that are developed but it's oftentimes difficult to walk out of a university and into a well-paying job, but as it is in many jobs—many career paths or education paths.

I know with my three children having just completed their post-secondary education—fine arts, bachelor of commerce, whatever, it can all be difficult. I always put a plug in—and I know here you're looking to get on the governing council of a university—that sometimes a great finish to your post-secondary education is a college diploma that gives you the hands-on education that takes that academic work, shapes it nicely, gives you some hands-on skills, and then sends you out into the workforce. Sometimes some of these programs where colleges and universities are working together to give both a diploma and a degree I think are, in many ways—in many career paths, anyway—the way of the future.

I really don't have any more questions to ask than that, but thank you for your advice on both finance and on buying the first round. It probably applies to MPPs as well.

**Mr. Preet Banerjee:** Thank you.

**The Chair (Mr. John Fraser):** Mr. Dhillon, do you have a question?

**Mr. Vic Dhillon:** Yes, just briefly, Chair. Preet, thank you very much for all the work that you do. I know you're a regular co-host on a very popular radio show. I really believe that some of the financial concepts, or the way of financial literacy for today, are truly game-changers, and I just want to say thank you for all that you do. I wish you all the best.

**Mr. Preet Banerjee:** Thank you very much. I appreciate that.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Dhillon. Mr. McDonell.

**Mr. Jim McDonell:** Thank you, and thank you for coming out. It's great to see that, as a U of T alumnus, you're coming back to give back to your alumni. It's interesting to see—a BSc in neuroscience, became a race-car driver, and then a financial expert. The obvious question is: What drove you to these changes?

**Mr. Preet Banerjee:** No pun intended. Well, the neuroscience was sparked by an interest—a friend of mine in high school's mother worked in the neuro ICU, and she arranged for me to shadow the chief of neurosurgery one day. I became absolutely fascinated with the human brain. My father was a physician, and it seemed a natural conclusion for me to pursue the sciences, so I enrolled in this neuroscience program. Unfortunately, about halfway through the program, I realized that it was not going to be a lifelong passion. I decided to finish the program, and during that time, another friend of mine had introduced me to the world of auto racing. So I decided, when I graduated from university, that since I didn't know what I wanted to do with my life specifically, now was the best time to try and pursue a career in auto sports.

I enrolled in the Bridgestone Racing Academy, trained there for a year, continuing on with the school for another two years. The business revenue of that school: One third of it was corporate entertainment. Instead of spending \$12,000 to take 144 people to a golf course, you can take 12 people to a racing school. A lot of companies that went there were relatively well heeled, including a number of Bay Street brokerages. I got to know a number of people on Bay Street because of the racing school, oddly enough. One of them took me aside one day and said, "When you're done wasting your time, let me know. I think you'd do really well in my world." I ended up studying finance, and became a financial adviser.

I think, moreover, this speaks to the adaptability of the next generation of Canadians. When you study liberal arts, fine arts etc., that gives you a skill set, and coupled with the adaptability that we have, that opens up opportunities. I'm a perfect example of that. My background is in neuroscience and I ended up in finance.

Actually, the neuroscience has probably played more of a role in what I do as a financial commentator than anything else, because finances are about, as I say, 90% psychology and 8% math. The missing 2% is a testament to how unimportant the math is, because we know what we have to do; the problem is, we don't do it. That's the challenge.

**Mr. Jim McDonell:** As a Queen's graduate, we always enjoyed U of T being in the league. It was good to pick up the two points all the time. I like to see them with some consistency.

In a blog, you talk about where the money goes, and it's clear from the recent numbers and the latest budget in 2015. What would a savvy investor say when he's faced with the simple fact that \$9 billion is spent between training, colleges, universities, research, innovation, employment and economic development, and \$11.4 billion on our debt? Where is this going? We see that each year it's going up. We have the lowest interest rates in years, and it's interesting to hear Mike Harris say that when he came into government, they were actually paying more interest at that time with a debt that was probably a quarter of what it is today. There is a lot of speculation that—maybe not in the short term, but certainly over the next decade—there's a good chance that the interest rates will start to return back to the average.

**Mr. Preet Banerjee:** Right. Well, the line of questioning is probably not directly pertinent to the appointment, but so have a lot of other comments, so I will address this one since I have addressed some of the other comments. I think long term—and this is a long discussion. It cannot be answered in the span of a few minutes. Certainly, there is academic research to suggest that when interest rates are low, financing infrastructure can be an important consideration going forward. The trick is: What is the balance? Unfortunately, that is a target that is hard to assess, looking forward. You really can only judge it looking in the rear-view mirror—of course, hindsight is 20/20.

That being said, the idea of balanced budgets versus running deficits etc.: There is a lot of rhetoric and posturing behind that. When you look at what the academics, the research would suggest, there is a balance to be struck that should not be pigeonholed based on platforms per se, but unfortunately that's the nature of, I guess, elections, governments and how that intertwines with economic theory. There's no perfect answer.

I couldn't give you an estimate as to how it's going to unfold because I also don't know what changes will occur going forward. One of the challenges that any forecaster has is that the information that they know is based on the information that they know. The truth is, the information changes all the time. Whatever forecast you give, by virtue of the fact that you're not living at a specific point in time and all points in time, that information is not always going to be perfect.

**Mr. Jim McDonell:** I walk to the Legislature, and I go by a number of—a couple of condominiums are under construction. I look back at a map that's not very old, less

than 10 years, and I see a U of T track there. Certainly, a university in the middle of Toronto is quite a gem. I guess I find it a little bit concerning that they're forced—I can't think of any other reason why they would—to sell this land off to meet their obligations. When I see a sign out front that says the condominiums are starting at \$2.5 million or something, I can't help but think that they're probably not for student residences.

**1120**

This land is gone now. It's not available to the university. It was an athletic facility. What's the answer? Surely, the university shouldn't be required to cut off parts of their being in the past? U of T has a very proud history, but now it has a smaller footprint. A big part of student life is the recreational side of it. Any comments on that?

**Mr. Preet Banerjee:** Well, I think that this is one of the challenges that a city like Toronto faces: How do you allocate these different resources appropriately? That is a challenge that certainly the university will face going forward.

Again, I think we underestimate the resiliency or the resourcefulness of the undergraduate student. I remember, when I was back in university, that I had four roommates. It sounds like a trend that will continue, especially if projects like that go forward. I imagine that will continue to a certain extent, going forward as well.

I think that's all I can offer to comment at this time. I can't really offer any other conjecture on that.

**Mr. Jim McDonell:** I know that the price of accommodation in Toronto for students that don't live in Toronto must be very difficult. Tuition is relatively close in all the institutions across the province, but in the largest centres, I see some of the cheapest accommodations being \$1,500 a month. Whether you're here or not, you have to pay for it.

My children went to Queen's, where it was about a third of that, and we thought that was expensive. The cost of a university education was about \$20,000 a year. If you add on an extra \$10,000, it gets pretty expensive in Toronto. What can you see helping the student out? These are costs that they have to overcome.

**Mr. Preet Banerjee:** It is a growing challenge. I know the Canadian Federation of Students normally touts a number that the average debt-load that an undergraduate graduates with is about \$27,000. I should point out that that's actually a conditional average, meaning that it's conditional upon having debt in the first place. So it turns out that about 50% of students do not have debt that gets reported in these figures. That also doesn't take into account the fact that there are a lot of loans from parents that don't show up in the data.

The moral of the story is that there is a lot of debt incurred for taking on post-secondary education. At some point, there may be a tipping point. Certainly, that's cognizant for anyone who is working in Toronto, because once you look at the living expenses—certainly, tuitions have been rising faster than inflation—it gets more difficult to enrol in post-secondary education in the first place.



I believe that's not an insurmountable problem. I believe that education is certainly worth the investment. If you take a look at the effects on the lifetime earnings for someone with a post-secondary education degree, it is a quantum leap above someone who does not have it. The research is clear on that.

As long as that return on investment is there, even though that return seems to be shrinking just a little bit, given the trends in inflation, living expenses etc. for a big city, I think that will continue to be true.

**Mr. Jim McDonell:** When you look at the cost of accommodation, it's becoming a major cost. In my riding, I have five brothers who went to Kemptonville College. Now their only option is either to go to Quebec or go to Ridgetown or Alberta for that education. The agricultural community is quite different than a lot of the other sectors, where people going into the field benefit from being in a school where agriculture is the main direction of the school.

I also see student associations coming in, talking about how they had bought into the Liberal promise of cutting tuition by a third, but finding out that only 10% of the people actually qualify for it. They're getting frustrated. They see costs going up—

**The Chair (Mr. John Fraser):** Mr. McDonell, I'm sorry to interrupt you, but your time is up.

**Mr. Jim McDonell:** Okay, thank you.

**Mr. Preet Banerjee:** Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Banerjee. We appreciate you being here this morning. We'll consider the concurrences at the end of the day. Again, thank you very much for being here.

**Mr. Preet Banerjee:** Thank you. It's been my honour.

**The Chair (Mr. John Fraser):** Sorry; I meant to give you guys a one-minute warning, but it got by me.

#### MS. JENNY GUMBS

Review of intended appointment, selected by official opposition party: Jenny Gumbs, intended appointee as member, Justices of the Peace Review Council.

**The Chair (Mr. John Fraser):** Our next intended appointment is Jenny Gumbs, nominated as member, Justices of the Peace Review Council.

Ms. Gumbs, can you please step forward? Thank you very much for being here today. You will have the opportunity to make a brief opening statement. Any time that you use for your statement will be taken away from the government's time to ask you questions. You'll be asked questions by members of all three parties. The questioning will begin with the government.

Ms. Gumbs, you may proceed. Thank you very much.

**Ms. Jenny Gumbs:** Thank you, Mr. Chair. A pleasant good morning, other members of the committee, ladies and gentlemen. Indeed, I feel honoured to be afforded this opportunity to appear before you today and to be considered for appointment to the Justices of the Peace Review Council. As such, I do thank you.

I have been an executive for over 20 years in the diplomatic and foreign service. I have the proven ability to optimize a strong network of business, political and community contacts in order to attain desired results. I have enjoyed a progressive career in community-focused roles, with a well-established track record of success and support in multiple concurrent initiatives that enhance the well-being of a wide and varied audience. Included in some of my responsibilities as a diplomat here, I can say I have demonstrated proven diplomatic abilities in building mutually beneficial relationships with influences in the political, business and education arenas.

I am a fully dedicated individual to community leadership. I have participated in over 20 community organizations across Canada, and negotiate with each group to transition disparate objectives towards a common goal.

I have represented my home country here at diplomatic, political and social functions, and was provided as a key point of contact for mission-critical events.

Many other responsibilities: consular services to nationals here in Canada, as well as to persons wishing to visit their home country; foster a diplomatic and consular relationship with Canada and representatives of other countries here in Canada.

I have worked very closely with Citizenship and Immigration Canada in resolving immigration matters between nationals and the Canada Border Services Agency.

I've had to also deal with the administrative aspects of preparing budgets and programs for the office and to exercise financial acumen to ensure budget compliance.

I've also been involved with several community organizations. I've been on the advisory council for Ryerson University. I'm the honorary co-chair of the University of the West Indies benefit gala, which to date, over five years, has provided over 150 scholarships to students. I am a founding director of a health organization, an endowment fund here, and several other organizations. Presently, I'm president of Tropicana Community Services and also a trustee for the national scholarship fund of the BBPA.

I think the vast experience that I have as a diplomat has provided me with the skills to work independently as well as collaboratively as a team. With representatives of other countries, I have dealt within the framework of the law, following procedures and protocols to ensure due process results in fairness and equality for all.

I am dynamic and results-oriented, with a proven track record in community leadership. I have experience in making sound, practical decisions involving complex factors. I am adept at analyzing and filtering information, facts and circumstances to arrive at decisions that are impartial and objective, and all done so confidentially, efficiently and within a timely manner. Therefore, I think, inherently, I'm a great listener and an independent thinker—these are some of my strengths—which will all add value to the council, if appointed.

My responsibilities at Tropicana: Tropicana is a multi-service organization that provides youth, newcomers and others in need with alternatives that lead to success and

positive life choices. I am very involved with the local community, serving clients while developing and managing relationships with funders, government officials, business, political and community contacts, all while staying focused on the strategic goals as to further organizational goals.

1130

I do think, given my vast experience both as a manager and a diplomat, there is much value that I can bring to the council if appointed. Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Gumbs. Mr. Dhillon.

**Mr. Vic Dhillon:** Thank you very much for appearing before the—

**The Chair (Mr. John Fraser):** You have five minutes.

**Mr. Vic Dhillon:** I won't be using nearly as much. Thank you very much for appearing before the committee and making your presentation. I just want to thank you for stepping up for public service, and I wish you all the best.

**Ms. Jenny Gumbs:** Thank you. I consider it an honour if I can be of service.

**The Chair (Mr. John Fraser):** Mr. McDonell?

**Mr. Jim McDonell:** Thank you for coming out today. I guess you got vast, vast experience in your diplomatic role. Dealing with Grenadian citizens, how do you—I guess there are many opportunities to explain the Canadian judicial system and issues with it. Or have you been involved with the Canadian judicial system much over your career?

**Ms. Jenny Gumbs:** Yes. Well, as it relates to my involvement with Citizenship and Immigration Canada, absolutely. And then representing my nationals here, the scope was very wide, so I've had to deal with—whether it's the children's aid society, the social justice system, employment Canada. There are so many different areas. Within those parameters, yes, I have been involved with the judicial system.

**Mr. Jim McDonell:** So what skills would you have developed over the years to bring to the table here for this?

**Ms. Jenny Gumbs:** Being head of the mission here means that basically you're your country's government here, and as such you have to multi-task. You have different priorities, you have to be adept, you have to be a quick thinker, you have to be a great listener, you have to be able to communicate properly, you have to be able to analyze sensitive issues and respond accordingly and relevantly. Basically, these are some of the skills that I can bring to a council like this.

**Mr. Jim McDonell:** What drew you to apply for this role?

**Ms. Jenny Gumbs:** I decided to make a career change. I was exploring different opportunities, and being in the job that I was in before, I actually was very aware of the Public Appointments Secretariat and some of these positions. So from time to time, I will peruse the website to see what is available.

**Mr. Jim McDonell:** I also see that you're doing a master's at the University of London. Is that a time-consuming role, or how does that work through?

**Ms. Jenny Gumbs:** I have done a module thus far, and I have more or less had that on hold because what I decided to do was, since I had some interest in this area, I actually did the certificate in adjudication with SOAR and York University. So that I have done, but I have not continued to pursue the other one right now.

**Mr. Jim McDonell:** So it's really designed for people who are working, to allow you to work and take part at the same time?

**Ms. Jenny Gumbs:** Yes.

**Mr. Jim McDonell:** Do you have any questions?

**Mr. Randy Pettapiece:** I guess your interest in this subject—certainly you've explained that. But my information is that you filed your application on May 7 for this appointment. Is that correct?

**Ms. Jenny Gumbs:** May 7, yes.

**Mr. Randy Pettapiece:** And then your certificate was issued on June 5, so this is a very quick turnover. I just wondered—

**Ms. Jenny Gumbs:** Excuse me. Sorry, my certificate was issued when?

**Mr. Randy Pettapiece:** It says your appointment certificate was issued on June 5. So what I'm asking you is, were you asked to apply for this position?

**Ms. Jenny Gumbs:** No, I was not.

**Mr. Randy Pettapiece:** So you just—

**Ms. Jenny Gumbs:** Yes.

**Mr. Randy Pettapiece:** Like you explained, you went through—

**Ms. Jenny Gumbs:** I went through the process, yes. Absolutely.

**Mr. Randy Pettapiece:** —this thing and did all that. Okay. That's fine. Thanks.

**Ms. Jenny Gumbs:** Thank you.

**The Chair (Mr. John Fraser):** Mr. Gates.

**Mr. Wayne Gates:** I think you touched a little bit on this, but what motivated you to apply for this position?

**Ms. Jenny Gumbs:** It was a bit different from what I've been used to, and I sometimes like change. I see it as a challenge. And for personal development as well, I have great interest in this area.

**Mr. Wayne Gates:** Okay. Members of the review council—and I'll read this out slowly, okay? If you want me to repeat any, that's fine.

**Ms. Jenny Gumbs:** Okay.

**Mr. Wayne Gates:** Members of the review council are required to sit on complaints committees that investigate complaints about justices of the peace, and may be required to sit on hearing panels that have the authority to reprimand or suspend JPs, or recommend that a JP be removed from office. What skills or experience do you feel you have that will help you perform this kind of work, very tough work?

**Ms. Jenny Gumbs:** I am an analytical thinker. I am an independent thinker. I absolutely can work under

pressure. I am great at perusing information and coming to decisions, and I think I can bring great value.

**Mr. Wayne Gates:** A very similar question, and I'll do it slowly. You didn't have any problem with the question at all—

**Ms. Jenny Gumbs:** No.

**Mr. Wayne Gates:** Okay, good.

Following an investigation or a formal hearing, the review council may recommend that a JP be compensated for all or part of his or her legal fees. Since 2009, the public has covered all or part of the legal fees for six JPs, including—which is interesting—four who were found guilty of misconduct and two who resigned before a hearing was held.

According to one constitutional lawyer, the public should never have to pay legal fees for a JP who has been disciplined for “acting outside the scope of the law.” Does the witness have any views on when it is appropriate for the taxpayer to cover the legal fees incurred by a JP who has been the subject of an investigation and/or disciplinary measures?

**Ms. Jenny Gumbs:** I think a justice of the peace, in the dispensation of his duties, needs to have judicial independence. I think he should be assured of certain protections should allegations be placed on him.

Until that JP is found guilty, I think we do have a responsibility to cover legal representation for this person in the dispensation of their duties. We will have to look at cases on an individual basis in terms of, if they are found guilty, we may decide to look at if all or a percentage of the fees may be covered, and also the circumstances—if it's a repeat offender, if it is someone who seems to be continually getting into some kind of an issue in terms of their conduct.

I think it's important that the position has integrity. The honesty of all members should be exhibited. If they're in default of that, it is something the council will have to seriously look at before agreeing to pay taxpayers' money for their representation.

**Mr. Wayne Gates:** I'm okay?

**The Chair (Mr. John Fraser):** Okay.

**Mr. Wayne Gates:** I've noticed that the role that you played for a long time—you're the government here for those back from the West Indies and other countries. I just wanted to thank you for doing that, because in the role that I do as an MPP, I meet with a lot of people from all over the world, and sometimes when they come here, they have some struggles, some questions: They want to know how to do the system. They need people like yourself who can talk to them, listen to them and help them. You've done it for a long time, and I just wanted to say thanks for taking that role, because your fellow citizens from your home country certainly need that help and expertise. Thank you for doing that.

**Ms. Jenny Gumbs:** Thank you for that observation, but it is something I enjoy doing. I like to make a difference—you know, have an impact on a person's life. Thank you.

**Mr. Wayne Gates:** It's an important role that you play.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Gates.

Thank you very much, Ms. Gumbs. That concludes the interview this morning. Thank you very much for being here. We'll consider the concurrences at the end of the day today.

**Ms. Jenny Gumbs:** Thank you so much, and do have a good day for the rest of the day.

**The Chair (Mr. John Fraser):** Thank you very much.

We will recess.

*The committee recessed from 1140 to 1301.*

#### MS. BETTE JEAN CREWS

Review of intended appointment, selected by official opposition party: Bette Jean Crews, intended appointee as chair, Species at Risk Program Advisory Committee.

**The Chair (Mr. John Fraser):** We're back this afternoon. I hope everybody enjoyed their lunch.

We've got another seven intended appointees. Our next intended appointee is Bette Jean Crews, nominated as chair, Species at Risk Program Advisory Committee.

Thank you very much, Ms. Crews. I want you to know that you'll have an opportunity to make a brief statement. Any time that you use will be taken from the government's time for questions. You'll be asked questions by members of all three parties.

Ms. Crews, feel free to start. Thank you very much for being here.

**Ms. Bette Jean Crews:** Thank you for this opportunity.

I've been a member of the Species at Risk Program Advisory Committee since 2011. The past chair, Tom Hilditch, had some health issues and had to step down in 2014. I substituted for Tom a few times when he couldn't make meetings, and then when he had to finally step down, I took over as interim chair at the request of the committee.

I have considerable experience as chair of various organizations. I was president of the Ontario Federation of Agriculture for three years, and vice-president for four years before that. I was chair of the Agricultural Adaptation Council for three years. I was inaugural chair of the Agri-food Management Institute, and chair of my local business and professional women's club. I was also co-chair of the national food safety committee for the Canadian Federation of Agriculture and various other committees connected with all of those organizations.

Through those organizations, I've had a fair bit of governance training. I've done some research myself because governance is about rules and procedures, but successful governance is about trust and open-mindedness. Everyone at the table has to respect—that's what it is: respect—each other's right to an opinion. I've found that works.

I was also co-chair of the bobolink round table. I co-chaired that with Jon McCracken of Bird Studies Canada. The mandate of that round table was to make recommendations to the minister on implementation strategies to address policy on bobolink and meadowlark protection. Both of those are species at risk. They're grassland birds. Their habitat is hayfields. They raise their young at the same time the farmers cut their hay. So you can see the potential challenge at that round table between food production and habitat protection.

I am very proud to say that the 13 of us came together on good recommendations and good rationale to defend those recommendations. I have seen the pre-draft just this week of the government's policy statement that's going out in connection with our recommendations, and I do believe that they've been very widely heard and are addressed. The recommendations hopefully will be posted this winter.

Protection of species at risk is based on habitat. In this province, habitat usually borders on agriculture or aggregate or energy or residential, commercial, industrial lands. All of those sectors are impacted by the Species at Risk Act. When SARPAC, the Species at Risk Program Advisory Committee, is properly populated, it will have experts at that table who understand species at risk but who also have expertise from hopefully a broad range of those sectors. They can bring all of that to the table and design programs and procedures and whatever it is going to take to help implement the policy that we're dealing with. The SARPAC table is not about policy; it's about programs. I think the chair of that committee should be someone who understands that dynamic and can deal with it, and I can do that.

I welcome your questions.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Crews. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming in today. Can you just briefly summarize the key recommendations of the bobolink committee that you chaired or sat on?

**Ms. Bette Jean Crews:** Sure. Because I was there from agriculture, the main one I always remember is an extension to the 10-year exemption for farmers to be still able to cut their hay. I do want to explain the challenge of that one, because farmers don't have to grow hay. They may have to for a couple of years, but there will be other feed sources that some scientist invents. So farmers are providing the habitat right now, and by putting in rules that restrict when they can harvest, it would be better to not grow the hay, because the nutrient content diminishes as you delay the harvest. That was a big one.

Another one was that there be broad education on ways that habitat can be protected, that there be programs that will enable not just farmers but everyone who wants to establish grasslands or protect grasslands to do so without using all of their own money. As we went through this, we found quite a number of people from different sectors who really did want to give up a chunk of land for habitat. If you've got that will there, you need

a process to make it work. So we made recommendations around that.

Like I say, I've been at SARPAC since 2011. It was either SARPAC or bobolink that recommended we have a grasslands stewardship program as well. That may have been one of them.

**Mr. Jim McDonell:** I know, of course, with crop rotation, my brothers run a mixed farming—dairy, of course. So it's tough to leave anywhere a particular crop for many years. The bobolink was something, I guess, of particular note—I sat in one of the rooms down here when the environment commissioner talked to us. He in particular talked about the bobolink. His take on the issue with them is that we're outside of their territory where they thrive. He said, "Really, we're too far north, so that's a problem. The biggest problem we have with bobolinks is that the common household cat is a bigger threat." He said that there seemed to be an attempt to perhaps protect species that—we were not their natural environment anyway; we're on the fringe. Of course, it presents a problem for anything. So that's why I just was interested in that one in particular.

**Ms. Bette Jean Crews:** Can I comment on that?

**Mr. Jim McDonell:** Sure.

**Ms. Bette Jean Crews:** I wish you'd been at our table because, with all of those sectors at the table, we spent the first year educating everyone else about the bobolink, about their perspective. We do have the majority of their breeding grounds.

**Mr. Jim McDonell:** Of course, his role really is to critique government policy.

**Ms. Bette Jean Crews:** Yes.

**Mr. Jim McDonell:** While we're sitting in here, I'm talking about that one in particular. It made you wonder. Certainly, it's an important thrust, but at the same time, you have to be practical and reasonable about the challenges you're working towards.

**Ms. Bette Jean Crews:** I agree.

1310

**Mr. Jim McDonell:** You have long service to the community in agriculture and farming and a lot of time spent on various committees. What direction do you see that the committee should take in the upcoming year, as its chair?

**Ms. Bette Jean Crews:** The committee needs to focus on program development. The challenge around that table is not to drift into policy, because the people at that table come from policy backgrounds. I see this committee meeting the first couple of times to blue-sky on what can be done, what needs to be done, and then focusing on what we really can do to get some results, because I think that I can say this committee is successful if we get more uptake on species-at-risk programs.

**Mr. Jim McDonell:** I know in the farming community, of course, the banning of the neonics has been an issue. I think the comment by a lot of people is that maybe the science has in a lot of ways been disregarded when it comes to this. We're the only jurisdiction, in my understanding, that has done this, which makes it very

difficult when you are competing with various jurisdictions across North America.

Any comment on that program? How has the committee adapted to getting scientific background, getting the details of what some of the research shows?

**Ms. Bette Jean Crews:** We have expertise around that table now. We need more members on that committee, but there will be the expertise at that table, and then we'll have access to other experts. But again, the committee is not there to debate the policy; the committee is to take whatever policy they're handed and say, "Here is what will help implement this; here is what will help species," and make it work.

**Mr. Jim McDonell:** Now, were you asked anything to do with the policies put out on the honeybee? Was the committee consulted in any way?

**Ms. Bette Jean Crews:** Unfortunately, the committee hasn't been able to meet because we don't have quorum. Nine is quorum. I think we're allowed up to 19 members. We only have eight members with Tom having to step down, so we haven't been able to meet. I'll bet it's been a year since we've met.

**Mr. Jim McDonell:** How many years?

**Ms. Bette Jean Crews:** One, I think. I'm not positive. Time has flown in these last couple of years.

**Mr. Jim McDonell:** Okay. Do you have any questions, Randy?

**Mr. Randy Pettapiece:** Yes.

**The Chair (Mr. John Fraser):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** I'd like to get back to the process where you make your decisions.

On the bobolink issue, you studied the habitat of the bird, where it nests and different things like that, so you would have data to back up any decisions that you did make on how to best manage this issue?

**Ms. Bette Jean Crews:** Actually, one of the recommendations we made is that more studies need to be done and that funding be put forward for those very studies. We had some expertise at the table and brought others in to give us a general idea of why bobolink can't thrive by just leaving a strip along the highway in grass, why that doesn't work, but we didn't make recommendations on the size of the habitat. The recommendation was that there's more work that needs to be done before you can decide that. Does it need to be an acre or does it need to be 10 acres? No one knows that. They have an idea that bobolink won't nest even in a large field if there's a tree within 200 yards or something, and yet meadowlark will. That kind of general information, we had.

**Mr. Randy Pettapiece:** So there certainly needs to be further study or further work done on this certain issue before—and I know it's difficult, a "You can lead a horse to water but you can't make him drink" type of thing. I think this will be an ongoing process over the years. I would think, the way you're explaining it to us, that in order to come to decisions that are going to help this animal, it's not just a one-size-fits-all thing here. Would I be correct in saying that?

**Ms. Bette Jean Crews:** Yes, that's right, and one of our recommendations was, with this 10-year exemption, that monitoring be done throughout that—maybe two years or three years is too soon to actually count the bobolink and see if it's had an impact, but that monitoring be done before that 10-year period to see how these processes have influenced and what the influence has been.

But we were very clear that at the end of that 10 years, it doesn't necessarily mean removing the exemption for farmers. It might mean throwing some money at the issue. It needs to be looked at with as open a mind as we started with three years ago.

**Mr. Randy Pettapiece:** I come from a farming background. In fact, I just moved off our farm about three years ago. I've always lived on a farm. One thing I know from that lifestyle is that farmers don't intentionally try to ruin something. They are stewards of their land. If they abuse their land, they abuse their animals or whatever, they're probably going to go out of business. That's just what's going to happen.

All too often, decisions are made by governments that harm that way of life, because special-interest groups or whatever get involved, and decisions are made that set farmers back—or any industry back, in fact. It's not just farmers. They can set an industry back to where they can't prosper anymore. I would hope that on what you're applying for—and I can see that you're going to do this—all considerations have to be taken into account before decisions are made, so that we can get the best possible solution to a problem. As my colleague here alluded to, that is not what's happened in this recent year with this neonic issue and our pollinators. There's too many—

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pettapiece. Mr. Gates.

**Mr. Wayne Gates:** Well, you said that you were going to be a lot stricter this afternoon. I can see that it's working already.

**The Chair (Mr. John Fraser):** I gave him an extra 10 seconds.

**Mr. Wayne Gates:** Good afternoon. How are you?

**Ms. Bette Jean Crews:** Good afternoon, Mr. Gates.

**Mr. Wayne Gates:** I know that you've been there since 2011, but what has really motivated you to be in the position of chair?

**Ms. Bette Jean Crews:** When Tom had to step down, I was one of the people who were searching for a chair. Everyone who I asked said, "You should do it, Bette Jean." So I had some support there.

I think that people are motivated to do what they do well—and I do an awesome job of chairing a meeting. I like the species-at-risk file. I hate to call it a hobby, but it's definitely an interest of mine, and I'm at a stage in my life where I can pick and choose and do what I want to do. I think that I can do an awesome job at this one.

**Mr. Wayne Gates:** I've been on a lot of committees myself. I usually tell everybody else that they would make a good chair.

**Ms. Bette Jean Crews:** So you're saying that I got sucked in on this one.

**Mr. Wayne Gates:** I'm just throwing it out there.

Some of the things that are interesting to me are species at risk. For the benefit of everybody here around the table, maybe you should name some of your biggest concerns.

**Ms. Bette Jean Crews:** Which species are of biggest concern to me?

**Mr. Wayne Gates:** Yes.

**Ms. Bette Jean Crews:** On a personal basis, in my neighbourhood, we deal with turtle issues. I have snapping turtles on the farm. A wind farm in Prince Edward county is talking about the banded turtle, so there's a lot of that in the press.

But I wasn't born on a farm. My dad was a barber, but I married my high school sweetheart, who was a farmer. I think coming into that with that fresh mind made me very aware of species at risk, because as a child in a little town on the edge of Lake Ontario, I enjoyed all these things. They were a given. Then on the farm, when I came in contact with things that needed protecting—I'm right in line with Mr. Pettapiece here, who says that farmers are the great stewards of the land.

To name the species that matter to me—I couldn't pick any. Is a badger more important than a butternut? I don't know.

**Mr. Wayne Gates:** It's interesting just from your perspective.

Something that's a little concerning to me—and you said it; it's not in my notes at all—was the fact that you could have 19 people on the committee. You're running with eight, so you're just really one person away from having a problem meeting a quorum. Why do you think that there haven't been more people coming on to the committee, or should we be looking to get more people onto the committee, not just yourself as chair? Because any time you're running that close to a quorum—the meetings I've participated in, somebody's busy with the kids at soccer or whatever it may be. Should we be looking at getting more people onto the committee, and are there some suggestions of how we could do that?

1320

**Ms. Bette Jean Crews:** We need a few more. Personally, I think 19 is a pretty large committee. When I chaired the adaptation council, we had 20 people around the chair, and that was a big table; it's hard to give everyone time to express their opinions.

There is no compensation for this. It's done totally for free. There's no per diem for this. So you're relying on people who already have a job in the industry and have an organization or a boss who will cover their time for being away that day. That's one of the challenges.

I totally agree with you: When nine is a quorum, nine is not enough for the committee. You cannot get nine people of this calibre to have a free day—heck, half of a free day—all at the same time. It's challenging.

**Mr. Wayne Gates:** Quite frankly, maybe we should say to the government that there should be some form of

money given to get people to do it, because this is really an important issue. You just take a look at the bees and what's going on there, and what it could do to the entire province of Ontario. Sometimes that may help. I'm not saying that might be the only reason. Maybe, if you become chair, that will be a recommendation of your committee that we should look at doing that, because it is very important work that you're certainly doing, outside of some of the other concerns around what goes on in the province.

What do you think are the greatest challenges facing your committee in the coming years?

**Ms. Bette Jean Crews:** We just covered one of them: time and availability for people.

Another challenge is going to be funding for the recommendations that we come up with. When we make a recommendation on a program, we also have to be able to recommend how that's going to be financed, and that's a big one. You can always find that middle of the line by saying, "Okay, well, here's a good program and maybe we should make a policy where applicants can dip out of two different programs to get this done." That kind of policy we can do.

But the financing of it is one, and time is the other.

**Mr. Wayne Gates:** Can you describe some of the initiatives or recommendations brought to the ministry by your committee in recent years?

**Ms. Bette Jean Crews:** It was SARPAC that actually recommended there be a bobolink working group. To me, that was an excellent one because it was the first of its kind and it's a template for the right way to consult.

I made some notes on that.

**Mr. Wayne Gates:** Take your time. We've got 10 minutes, so go ahead and look.

**The Chair (Mr. John Fraser):** Actually, three and three quarters.

**Ms. Bette Jean Crews:** SARPAC did consider a summit, and then no one around the table had the time or the money to do it. The committee didn't have the money to do it, but Tom Hilditch did it through his organization, Savanta.

We held this summit called From Conflict to Collaboration, and then lo and behold, Tom was sick that day and I chaired it for him. SARPAC fed into agenda items, suggested speakers. SARPAC has done a lot of work on overall benefit permits, on suggestions on how they would run; some work on safe harbour and recommendations on what safe harbour programs should be. I do believe it was SARPAC that recommended that species at risk be looked at on a landscape basis, because when you have a program that encourages planting of trees—I have farmers who are filling in meadowlands with trees because they're being paid for that under the program—the landscape approach is going to look at the whole landscape and not have to balance between the needs of the loggerhead shrike and the bobolink if they happen to overlap.

**Mr. Wayne Gates:** Another question: Can you describe the role of the committee in relation to the

administration of the act? For example, what is the general time commitment required for this position—and obviously, as I've already said, the concern that I have when you haven't met for a year. How often does the committee meet in a typical year, and how often do you believe they should meet in a typical year?

**Ms. Bette Jean Crews:** I anticipate four meetings a year.

This year, because we've had a gap without meetings, possibly one of those meetings or an extra meeting to do some team building around the table, some brainstorming on visions and—we were handed a mandate, but the interpretation of that mandate.

In the past we have had some meetings by telephone, and in some instances you can do that, but not for a general meeting where you're trying to get ideas. We may be able to do some Web meetings. I don't know if the technology is there for everyone.

So for the committee members, I could see it taking about four meetings a year; for the chair it's going to be a lot of phone calls and thinking and reading, and things I do already.

**Mr. Wayne Gates:** Have I got time?

**The Chair (Mr. John Fraser):** About a minute, Mr. Gates.

**Mr. Wayne Gates:** Just so I understand, you fell below the quorum to eight.

**Ms. Bette Jean Crews:** Yes.

**Mr. Wayne Gates:** So, really, that stops your committee.

**Ms. Bette Jean Crews:** Yes.

**Mr. Wayne Gates:** What's the process to make the government aware that there's an issue that we don't have enough people to run a quorum? What's the process that you would do if you were the chair to say, "We have a real issue here. We have a problem"? Who would you notify to try and heighten the awareness? Because I'm actually surprised you haven't met for a year.

**Ms. Bette Jean Crews:** If I get appointed as chair, I do believe I make the ninth, so we will be able to have meetings.

The process to get the government to realize that? I think the government realizes that now, but it was a comedy of errors that came together so that we didn't have appointments. There was the election, and one thing or another, which just kind of put everything on hold—government changing and that kind of thing. So I think it was a unique situation, and we as people on the committee will be out looking as well.

**The Chair (Mr. John Fraser):** Thank you very much.

**Mr. Wayne Gates:** Thank you.

**The Chair (Mr. John Fraser):** Thank you, Mr. Gates.

Ms. Hoggarth, you have six minutes.

**Ms. Ann Hoggarth:** Thank you very much for your presentation. As you can see, I stayed awake—the diet Coke. No, it's very interesting. My son-in-law's mother is very into ornithology and protecting species. My

cousin does the turtle watch in North Carolina where they spend 12 hours watching a nest. She was very excited. I got down there a couple of weeks ago, and they had just put 144 baby turtles into the sea, and they were so excited that all of their nest got into the ocean. These kinds of things are very important. I realize that what we're doing right now is making sure that this committee goes on and hopefully there will be people who do get involved in things like that who will come forth and join your committee as well.

You've been an active member of this committee since 2011, and you've explained that you have already taken the chair and you would be a good person for the job. I believe that's true.

Tell me how your position as president of the Ontario Federation of Agriculture will help you in this role.

**Ms. Bette Jean Crews:** The respect I got as president of OFA: I was known for being honest and being fair and bringing people together. I brought six commodities and two general farm organizations together to design a risk management program and speak in one voice and present it to government. The details of that program were tweaked later. The concept—bringing those people together—had not been done before; so that whole win-win approach. That has continued on. It has new leadership and it's doing a good job, and it's a win for the government because they're not dealing with six or seven different organizations, and it's a win for the organizations because they all know what the other one is doing. I think that reputation for being able to bring people together, for being trusted, for being honest, will help me.

Basically what I said was my reputation, but over and above that, it's also the people I know across this province. And sad to say, I look around this table, and I've been out of farm politics long enough, I don't recognize any faces, and that is sad. Five years ago, I'd have known all of you. I still have some of those connections in government in all parties, but generally with staff and with just people across the province. That will help get some profile.

1330

**Ms. Ann Hoggarth:** Great. Thank you so much for your presentation.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Hoggarth. Thank you, Ms. Crews, for being here today. We appreciate you taking the time with the committee. We'll be considering the concurrences at the end of the day today. Thank you very much again for being here.

**Ms. Bette Jean Crews:** Thank you very much.

MR. PAUL PASTIRIK

Review of intended appointment, selected by third party: Paul Pastirik, intended appointee as member, Ontario Energy Board.

**The Chair (Mr. John Fraser):** Our next intended appointment is Paul Pastirik, nominated as member,

Ontario Energy Board. Mr. Pastirik, can you come forward, please?

Thank you very much for being here today. You'll have the opportunity to make a brief presentation. Any time that you use will be taken from the government's time for questioning. You'll have questions from all parties around the table today.

Thank you again for being here. Mr. Pastirik, please proceed.

**Mr. Paul Pastirik:** Let me begin by saying thank you. I'm pleased to have the opportunity to be here before the Standing Committee on Government Agencies of the Ontario Legislature to discuss my background experience as well as to answer any questions that you may have related to my nomination as a part-time board member of the Ontario Energy Board.

I am a certified professional accountant with a bachelor of commerce from McMaster University and an MBA with a major in finance from the University of Ottawa. I have a diverse business background, most of which has been in the energy and natural resources sectors and related businesses.

In the early 1980s, I was employed by Dome Petroleum in Calgary in a number of roles, with an emphasis on finance and business development at a time when growth in the oil and gas industry was very strong. I then had the opportunity to work as a petroleum economist for the Department of Energy, Mines and Resources in Ottawa. In my role at EMR, I was responsible for reviewing the impact of incentives and royalties on the various participants in the oil and gas industry. This was at a time when the National Energy Program was released, and it certainly had a very significant impact on the industry at that time.

For the following 15 years, I worked for Centra Gas and Union Gas. Although I had a number of roles of increasing responsibility throughout that time period, my focus was mainly in the finance and regulatory areas. As an example, I reviewed the impact of major expansion projects on existing and new customers and worked with the various stakeholders to develop economic feasibility tests that assessed the impacts of expansion on the broader public interest.

I also had the opportunity to lead the team at Centra Gas for the full rate application in 1990. It was very important to understand the impact of all issues on the general public, particularly with respect to their rates. While at Union Gas and Centra Gas, I also led the operations in eastern Ontario, where I worked very closely with all the local stakeholders. It was in this role that I learned about the impact of business decisions on the general public. This experience was invaluable to me and will be helpful for me to understand the issues and stakeholder impacts as a board member of the Ontario Energy Board.

While at Union Gas, I also led the human resources business services group at a time when significant changes were occurring in the business and in the industry. It was during this time that a large part of the

operation was being separated from the utility business and would operate outside of regulation. So while at Union Gas and Centra, I developed strong financial and business skills, which I carried to my next role.

I then joined Aecon Construction in 1999 as the VP of finance for the utilities construction team. In that role, I developed an appreciation and understanding of project construction costs and issues that can significantly impact project execution.

In 2002, the utilities group was merged with the civil and road-building groups, and my responsibilities were increased accordingly. The merging of the many entities throughout my tenure at Aecon was something that continued to enable me to grow my career while there.

When I joined Aecon in 1999, my scope included about \$100 million of construction business annually. Over that time, my responsibility increased to more than \$3 billion in all areas of construction, including infrastructure, energy and mining. The growth was both from the internal integration of Aecon's businesses and from a number of significant external acquisitions.

Throughout this time, I created and led several of Aecon's shared services teams, which included finance, assets and equipment, human resources, and procurement. I led a number of the acquisition teams, and this was followed by the integration of the new companies, where my focus was to implement a smooth transition to maximize efficiencies and synergies that would help to develop these new businesses. I developed strong leadership and general business skills throughout my career at Aecon which I believe, again, will help me in the role as a board member of the Ontario Energy Board.

While at Aecon, I was also a director of the Ontario Energy Association, and as a member of that board, I was kept abreast of changes in the industry and government policy.

I believe that my strong business experience as a government employee, as the employee of a regulated utility, and as an employee of a major construction company, combined with my education and strong focus in finance and business services, will enable me to support the Ontario Energy Board with the challenges ahead.

Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pastirik.

The questioning will begin with the third party. Mr. Gates.

**Mr. Wayne Gates:** Good afternoon, sir. How are you?

**Mr. Paul Pastirik:** I'm good, thank you.

**Mr. Wayne Gates:** You're the former VP for Aecon?

**Mr. Paul Pastirik:** Yes. VP, finance.

**Mr. Wayne Gates:** Which has a Darlington refurbishment contract with SNC-Lavalin?

**Mr. Paul Pastirik:** Yes.

**Mr. Wayne Gates:** Is that accurate?

**Mr. Paul Pastirik:** That's accurate, yes.



**Mr. Wayne Gates:** The government has proposed new regulations to reduce volatility in OPG's regulated nuclear rates during and following the period of Darlington's refurbishment while permitting an orderly recovery of prudently incurred costs. That was kind of where you were at with that company?

**Mr. Paul Pastirik:** When I was with Aecon, I was responsible for sort of the financial roll-up of all the construction projects that were going on at Aecon, and so certainly I'm familiar with the project, but not into the intricate details of the project and all the specific costs and issues around that project, yes.

**Mr. Wayne Gates:** Even though you were the VP?

**Mr. Paul Pastirik:** VP of finance, yes.

**Mr. Wayne Gates:** No, but even though you were the VP at that time?

**Mr. Paul Pastirik:** I was, yes.

**Mr. Wayne Gates:** The long-term project will no doubt come before the Ontario Energy Board many times. Can you understand—and it's a fair question to you—why the public would believe that you could be in a conflict of interest because of your position as VP?

**Mr. Paul Pastirik:** Yes, Mr. Gates, I certainly do understand. I would ensure, when I'm in the role as a board member of the Ontario Energy Board, that if I sense or have an idea that there could be any kind of conflict from my experience at Aecon, I would certainly speak to Rosemarie Leclair about that and indicate that there could potentially be a conflict. I don't expect that I would be on any case where one of those conflicts could exist.

**Mr. Wayne Gates:** Okay. Last year, a former Enbridge executive, who is now OEB vice-chair, heard Enbridge's application for a natural gas rate increase. She approved a 40% rate increase. Do you think former executives should be ruling on applications involving their former companies?

**Mr. Paul Pastirik:** I think that there could be, obviously, some conflict, but again it would depend on how much time could occur between when they may have been involved in that industry. But I think, again, as a board member, if you look at all the information that's provided to you from the various stakeholders, you have to make sure that you keep that independence and that point of view and not show any bias toward whether you worked there or not.

**Mr. Wayne Gates:** It's almost like saying that it would be easy for me not to side with the union in cases. It's an interesting thing. But the Ontario Energy Board is a pretty exclusive club. Can you understand, and I've asked you this, why the public might worry that your close relationship with Aecon might affect how your fellow members feel about Aecon and possibly influence the decision at the OEB? They're obviously going to come before the board a number of times. In my next couple of questions, we'll understand why I'm going through this.

**Mr. Paul Pastirik:** Certainly. I understand, again, that there could be the view that there could be a conflict but,

again, I do emphasize that if I felt there was any conflict in any area that I would work with the Ontario Energy Board on, I would ensure that that was raised with Rosemarie Leclair, the chair.

**Mr. Wayne Gates:** I appreciate that. The Ontario government has proposed new regulations to reduce volatility in OPG's regulated nuclear rates during and following the period of Darlington's refurbishment, while permitting an orderly recovery of incurred costs. It seems to me that approving rate increases while refurbishing is in progress, before the final bill is actually known, offers opportunities to disguise costs related to cost overruns.

1340

My understanding is that the Ontario Energy Board has rejected such compensation-while-in-progress arrangements in the past. How should the OEB ensure transparency of costs during the Darlington refurbishment?

**Mr. Paul Pastirik:** I think, again, it would really be just based on the information that's provided to the Ontario Energy Board about those costs.

**Mr. Wayne Gates:** I guess I'll go back to the question. Do you believe that we should not wait until it's done? Or do you think we should be piecemealing it so we can hide some of the costs?

**Mr. Paul Pastirik:** I really don't have any comment on that.

**Mr. Wayne Gates:** That's fair. I'm allowed to ask the questions. I know the other side might not like the questions, but I'm allowed to do it.

*Interjections.*

**The Chair (Mr. John Fraser):** Okay, please, order.

**Mr. Wayne Gates:** How should the OEB ensure that electricity consumers do not bear undue cost risks related to the Darlington refurbishment? Are these proposed new regulations compatible with this objective?

**Mr. Paul Pastirik:** You know, again, Mr. Gates, I would only say that it really would depend on the information that's provided to the Ontario Energy Board in making those decisions and getting a good understanding of what those costs are.

**Mr. Wayne Gates:** Thank you, sir.

**Mr. Paul Pastirik:** Thank you.

**The Chair (Mr. John Fraser):** Government side: Ms. Malhi.

**Ms. Harinder Malhi:** Thank you for your presentation. I wanted to ask you if you could speak a little more about the experiences that you've had to better understand the consumer needs and interests and the rate-payers' needs and interests.

**Mr. Paul Pastirik:** I'll pick a couple of really good examples. I mentioned earlier that a number of years ago, I worked for Union Gas in Kingston. It was Centra Gas at the time and it became Union Gas. I had an opportunity to get a lot closer to the customers out there, so that if there was—with the impact of any expansion of the natural gas system, or any opportunities that would develop in that area, if there were any rate increases, issues like retroactive rates and things like that. It just gave me a lot more of an opportunity to understand those

impacts because you heard them more directly while being in the field.

We also had a number of stakeholder meetings where the public was always invited to participate, so you would hear those concerns, again, to try to ensure that those customer impacts were well understood. I think being close to the customer and being closer to where they are and where their world is gives you a really good understanding of what issues may develop.

**Ms. Harinder Malhi:** Thank you.

**The Chair (Mr. John Fraser):** Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming out today. You had a realm of experience with Union Gas and you helped prepare a number of filings with the OEB. Can you give us some oversight into the application and hearing process from the suppliers' side?

**Mr. Paul Pastirik:** Certainly. I was involved as a witness in a few areas beyond that, but the one that I was involved with from beginning to end was in 1990, so it was quite a while ago. I think from the applicant's perspective, it was always quite a long process and a lot of information that is required. But again, I think we also understood from the business side that the information needed to be provided because there were a lot of stakeholders and customer impacts, and we wanted to make sure that all that information was available to them. While being a fairly long and lengthy process at the time, it was something that we always felt had to be done.

**Mr. Jim McDonell:** Throughout the process, just how deep did they get into the finances—the energy board? Were there, in your opinion, any questions left unasked? There's a long, lengthy inquiry, but do you see it as being worthwhile?

**Mr. Paul Pastirik:** Absolutely, I think it was worthwhile. They used to get very deep into the financials, and lots of budgeting or financial information on the operating side of the business as well, as the capital side of the business was provided. Budgets were always provided and any kind of update was also provided, but again, those operating budgets and those capital costs are really what were used in the development of customer rates. So it was really important to understand the details behind those costs and what could be driving any cost increases or decreases, as they would then be used to develop the rates for the various customer classes.

**Mr. Jim McDonell:** The question is really around the time and the effort they put in. And yet I look at the Auditor General's report from 2014, and she questions the role the energy board, asking the ministry to review it to provide feedback on government policies—like the Green Energy Act: That was rushed through and has had a much bigger impact on our energy prices than the details that the energy board spends months on reviewing. Really, when it comes to the actual price increases we've seen over the last 10 years, government policy has been responsible for the biggest share of the increases.

Any comment on being able to provide feedback to the government on some of their policies, considering the expertise the energy board has?

**Mr. Paul Pastirik:** I don't really think I could comment on that. Again, I haven't been as involved with that, say, over the last 10 years. My involvement on the regulatory side was more in the early 1990s.

There are always opportunities to improve the process and streamline where applicable. It was very much an ongoing process.

**Mr. Jim McDonell:** It's interesting, also, that the Auditor General provided those comments, with the energy board getting more involved. But then we see her role diminished in the last year's budget, where they have fewer options to actually comment on the role of the government.

What has seen you to apply for this job?

**Mr. Paul Pastirik:** I applied for this job for a couple of reasons. I did retire from Aecon last spring, and saw on the Ontario Energy Board's website that they were looking for some part-time board members, which seemed like a good fit for me. One of the reasons I would say that is that I've had lots of experience working for regulated companies. I've worked for construction companies that do work for the various energy companies. I've also had an opportunity to work for the government. I felt that working as a part-time board member would be a really good fit where I could lend my expertise and my background in helping the Ontario Energy Board, but also provide me with some opportunities to learn some new things as well.

**Mr. Jim McDonell:** With Aecon, were you involved with any applications before the energy board as well? Any projects?

**Mr. Paul Pastirik:** No, I wasn't.

**Mr. Jim McDonell:** Okay.

**The Chair (Mr. John Fraser):** Mr. Pettapiece?

**Mr. Randy Pettapiece:** Yes, just a few. Do you own any shares in Aecon?

**Mr. Paul Pastirik:** Yes, I do.

**Mr. Randy Pettapiece:** You do? So would Aecon's financial performance depend on OEB decisions, do you think?

**Mr. Paul Pastirik:** If Aecon was the constructor of a project for the Ontario Energy Board, but again, I would declare if there was any kind of a conflict, because I do own some shares.

**Mr. Randy Pettapiece:** Okay. I think you've answered the question on how you would do the conflict-of-interest thing. You would seek advice on that.

**Mr. Paul Pastirik:** Yes, absolutely.

**Mr. Randy Pettapiece:** If there was a conflict, then you would withdraw your—

**Mr. Paul Pastirik:** I would not be put on one of those cases.

**Mr. Randy Pettapiece:** Okay. Thank you.

**The Chair (Mr. John Fraser):** Thank you, Mr. Pastirik, for taking the time with us today. I ask you to remain in your seat.

**Mr. Paul Pastirik:** Thank you very much.

## MR. PAUL PASTIRIK

Review of intended appointment, selected by official opposition party: Paul Pastirik, intended appointee as member, Mohawk College of Applied Arts and Technology.

**The Chair (Mr. John Fraser):** Our next intended appointee is, again, Mr. Paul Pastirik, appointed as a member of Mohawk College of Applied Arts and Technology. It is the same briefing as I gave you at the beginning of the last consideration. I'd ask that you, if you wish, begin with a brief presentation.

**Mr. Paul Pastirik:** Thank you very much. I won't go through some of the details of what I've already provided you with. Once again, I would like to thank you for the opportunity to be here before the standing committee to discuss my background and experience, and answer any questions you may have related to my nomination to the board of governors of Mohawk College.

1350

Let me begin by saying that I was very pleased last fall when I was contacted by an executive search firm to discuss the opportunity of becoming a member of the board of governors of Mohawk College.

A few minutes ago, I did provide you with the details of my education and experience, so I won't repeat that. But as indicated, I have worked for a number of organizations, including private companies as well as government. I've worked in a number of different areas in the last 15 years and have held executive leadership roles in finance, HR, procurement, construction operations and information technology. I believe that with this breadth of experience, I would be able to provide expertise in many of these areas to contribute to the strategy of Mohawk College.

I have many contacts in the construction, engineering and utility business and could definitely provide assistance to Mohawk in the development of future strategic partnerships. This could include helping students find employment after graduation or during co-op placements, feedback for program development, or participation in such things as co-op programs.

There have been, from time to time, skills shortages in a number of industries across Canada, and certainly at this time it could slow down growth. I have had instances where we've had to recruit from overseas to find workers with the necessary skills.

There is always one issue that is top of mind for many of the executives across the country when looking for future growth, and that is, where are they going to find the talent? I was very actively involved in the recruitment of talent in various colleges and universities across the country and know from that experience some of the challenges that were present.

I have always had a very strong interest in the development and growth of young leaders in business. While at Aecon, I was the executive sponsor for the development of the Future Leaders program of the business, which was developed internally as well as in

partnership with the Ivey School of Business in London. I was also a personal mentor for a number of our new recruits.

I also have a very personal reason for wanting to be on the board of governors of Mohawk College. I have three sons, all of whom went to university. My second son, however, did not continue with university studies beyond the midpoint of his second year. He was not enjoying university and was having difficulty determining his direction. He enrolled in the construction technology course at Mohawk College, where he learned not only about the various types of construction, but also a number of practical skills, like plumbing, electrical wiring etc., which he has used to renovate homes in his spare time. His education at Mohawk has enabled him to secure employment and also to learn a number of practical life skills.

For these reasons, I would like to volunteer my time and expertise as a member of the board of governors of Mohawk College. I would be pleased to answer any questions that you may have.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pastirik. Mr. Dhillon.

**Mr. Vic Dhillon:** Thank you very much for your presentation and for being here today. I just want to say: We really appreciate you coming out today and we wish you the best of luck.

**Mr. Paul Pastirik:** Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Dhillon.

Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming out.

One of the key mandates of the college is to empower students to find a good job and keep it. However, you talked about skilled students and the skills that employers were needing from the colleges. Did you see co-operation between business and the colleges as far as getting together and developing the skills that were actually required for jobs?

**Mr. Paul Pastirik:** You know, it's a really good question. I definitely saw that continuing to increase on an ongoing basis, and I think industry, because of the fact that there were some difficulties in acquiring some of those skills, was working a lot harder to partner with the colleges, and universities too, to almost develop a bit of an exclusive recruitment opportunity with some of the students. Again, my experience has been on the technology side of the business, but I think the opportunity for partnerships is continuing to grow.

**Mr. Jim McDonell:** Maybe being on the employer side, it was hard to see, but did you see that there might have been a willingness for the colleges to move towards providing the skills? Is the system rigid enough that they can't alter courses to tailor them to the needs of the public, or do you see recommendations towards it that may make that easier?

**Mr. Paul Pastirik:** I saw, again, more and more over time where a lot of the programs were being developed and altered, and I'll use a really good example of

particularly areas supported by technology, with all the changes in technology and the way of working today and how that's developed, even over the last 10 years. I did feel that the colleges and universities were developing programs to try to respond to that, but again there were always opportunities. I think the more communication and the more there was a partnership between industry and colleges and universities, the more successful that would be.

**Mr. Jim McDonell:** I know we have a call centre that's trying to open up and actually expand in my riding. Some of the courses—they take their—I wanted to say “students”—applicants and put them through a rigorous training process. It's one of the few apprenticeship programs that don't qualify for government training. It has been dropped from some of the benefits they would receive that way. You have students that are trained more hours in a call centre than they would be in a college but don't receive any credit for it. It's kind of a sign of maybe the industry getting ahead of the college programs and not getting credit.

In your experience, Mohawk—where do you see being able to assess some of the skills required? How would you take that program? It's always a challenge to make sure you're ahead of the industry and not vice versa.

**Mr. Paul Pastirik:** I think for me, when I join the board of governors of Mohawk College, I'll get a better understanding of the various programs that they offer. I'm sure that will obviously be a topic of discussion because of the fact that there is a mandate to grow the college and to develop programs so that they can make sure that they're supporting what industry is requiring. So I think—

**Mr. Jim McDonell:** I know that locally, or at least my understanding of it is that at St. Lawrence College, for instance, there is demand for certain programs but they're not able to teach those programs. They have to get approvals. Colleges tend to be suited to an area and serving the community. If you don't have those courses available there, it forces students to travel. It can be a problem.

What are the biggest challenges for young people entering the industries that you're familiar with and how would you see the colleges addressing those?

**Mr. Paul Pastirik:** One of the things that I think colleges can do, and for me to see it happen in the future, is again in the development of more practical skills, skills very specific to what an industry requires. Again, there are a lot of changes, and I'll use construction as an example. There are lots of changes that have occurred in the last five to 10 years with supported technology and equipment and things like that that, again, I think the opportunity to continue to develop and support an industry like that with changes in technology and new methods and ways of doing things will really, really help.

**The Chair (Mr. John Fraser):** Thank you. Mr. Pettapiece?

**Mr. Randy Pettapiece:** Yes, thanks. This is very interesting. I have three sons, all in trades. I remember

that my second son was complaining about taking math. He was very good at it; he didn't have to study. He took calculus and all this stuff, but he wanted to have a certain trade. “What's that going to do for me?” Well, when he got there, he figured out what it was going to do for him, because he has used it ever since.

What I'm getting at is, some of the schools in my area have started actually pre-selecting or pre-training kids in high school. If they think they want to be an apprentice or an electrician or something like that, they get work in that area. If the child figures out they don't want to be an electrician and they'd rather be a carpenter, at least they're not taking a community college course and wasting that money, is what's going on. I think that's something the community colleges—I don't know how involved they are in that, but it's something that they can work on with the public school sector. I would think that would be a good fit.

**Mr. Paul Pastirik:** That's a really good point. One of the things that we were doing when I was at Aecon is we were going out and making presentations on opportunities and the kind of work that we did at the high schools to get them to start thinking about that. Often, I think, people who are in high school are thinking about going to university, and I think now, to look at potentially entering the construction industry, think about those trades—we spend a fair bit of time starting to plant those seeds at that time.

**Mr. Randy Pettapiece:** I have two factories in my riding that are both seeking—together—over 100 people right now for growth. That's how they're growing. Right now they are busing people in from the city to fill some of the jobs they have already.

**1400**

Most of them are factory-type jobs, just labour-type jobs, but there are trades involved too. They need people who are pipefitters, sheet metal workers, whatever else, and they can't find these people so they have to keep going farther and farther out from where we're located, in order to find people—and they have to offer them some pretty good incentives—to come and work in their factories. This is what we're facing right now in the riding I'm in. I guess we're in a good position, because a lot of ridings are the other way where they don't have jobs for the amount of people they have. We're the other way.

I think it's important. I've seen too often that the incentive hasn't been there to work together. My one son, when he went to community college, was going to buy some books from somebody who had been to another college—but it was the same course—and they wouldn't let him do that at the other college, because the other college wanted to use their books, although they said the same thing.

There are things like this that go on that maybe can be addressed in the community college system to make it more affordable, and certainly to get kids pointed in the right direction before they get too far into things.

**Mr. Paul Pastirik:** Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pettapiece. Mr. Gates?

**Mr. Wayne Gates:** Good afternoon again.

**Mr. Paul Pastirik:** Good afternoon.

**Mr. Wayne Gates:** Just picking up on some of the stuff you've already said: I actually think that in the province of Ontario we have lots of talent but we don't give them the opportunity. In the province of Ontario, over the course of a number of years, we've seen a lot of schools closed.

When I was in school—now that's going back a ways—my memory that I recall is we used to have what we called a tech course where in the schools you take woodworking, machine shop, welding, electricity, and that really got young people, both male and female, into thinking about the trades.

As we close schools and sell the schools off for development, what I've been talking about in my riding is: Why would we not keep the schools open—we already have the infrastructure there—and actually open the schools up as a training facility for the trades?

Everywhere I go—whether it's accurate or not, but I'd have to say it is—they say that we're going to need more skilled trades; we're going to have to be more high-tech for the jobs of the future. It would make sense to me, so why don't we do that?

I'd just like to hear your opinion on that: whether it's a good idea, or a bad idea, particularly since we already have all of the infrastructure in place to do it.

**Mr. Paul Pastirik:** It's a little bit of a difficult question to answer but I do think where there are opportunities to provide education and development for students, whether it's at a college or a high school, or whatever the requirements are of an area or of a skill, it should be developed. It helps industry improve, respond and grow. It also helps various people to get jobs and develop careers.

**Mr. Wayne Gates:** I don't know a lot about your college, Mohawk, and I apologize for that, but I certainly know a lot about Niagara College, which is similar. It's in my riding of Niagara Falls. What they've done at Niagara College, as it's grown in leaps and bounds, is, they've taken a look at the jobs in the area and jobs of the future. We've got a big influx of craft breweries in Niagara-on-the-Lake, Ridgeway, Niagara Falls, and they have courses there that teach them how to brew the beer.

When people look at craft brewers, they think of minimum wage; they think of jobs that aren't that skilled or well-paying. Well, what we're finding out is that they're actually well-paying jobs, and a lot of them who are going through the craft brewing courses are now opening up their own craft breweries and becoming entrepreneurs.

I see that in winemaking. Wine continues to grow right across the Niagara region, so Niagara colleges now have winemakers—some of the best in the world—and they're producing their own wine, by the way, and winning awards all over the world. It goes from the tourist sector to chefs. Chefs—people may think it's minimum wage, but good chefs can make a lot of money.

I'm seeing that at Niagara College, and I think that's a step that we should take. As you talk about the resources being limited, how we spend the money, how we give these students the opportunity to—it's one thing to say, "I've got a diploma at a college." It's another thing to say, "I've got a diploma and I'm actually going to a job." A lot of these things have 100% placement rates. I think that's one of the things that we should do in the colleges. I would just like to hear whether Mohawk does something similar, because I don't know. I apologize for that.

**Mr. Paul Pastirik:** No, that's interesting. I grew up in Welland, so I know all about everything that has gone on down in Niagara, how industry has changed and what's developed down in Niagara now, and what it used to be. I certainly understand some of the dynamics in Hamilton. The Hamilton area has certainly been something that has experienced a lot of change, with many of the plants and mills closing down.

One of the things that Mohawk College has been doing is developing a number of programs. There's a lot more around programs like lab technicians in the medical industry, for example, that have developed and maybe, in the long term, will replace a lot of the jobs and a lot of the opportunities in the Hamilton area in the very same way. Certainly with Mohawk College, they've done something similar where they're seeing a big change in the requirements in that part of Ontario and surrounding areas, and are developing programs accordingly, very similar to what Niagara College has done.

**Mr. Wayne Gates:** Outside the skilled trades, I think that there are some real opportunities for us over the next 15, 20 years. Health care is another one that I think that we should be taking a serious look at. It's pretty clear that we're all going to get older and we're all going to live longer—some of those challenges in health care. I think that that's where some really good-paying jobs are going to be in the future, as well.

The college has been successful in balancing its budgets and running surpluses. In your opinion, where should this money be invested?

**Mr. Paul Pastirik:** Mr. Gates, I guess that there are a lot of different areas that could be invested in. One that I would think, though, is in the continued development of programs, especially if there are opportunities to develop programs or in new areas where the requirements are there. So I think that program development is really important. To me, if you want to stay ahead of the curve and you want to make sure that there's an opportunity for students to learn and help to develop and learn more about the future, I would say that program development is probably the greatest area where a surplus could be spent.

**Mr. Wayne Gates:** How am I going for time? Am I okay? About seven to eight minutes?

**The Chair (Mr. John Fraser):** You have about four minutes left.

**Mr. Wayne Gates:** Should Mohawk—actually, my colleagues talked a little bit about it—continue to pursue closer relationships with businesses or should it focus on

developing more independent programs? Because you coming out of the business sector is something that I think we should do a lot more of, particularly industry going into schools.

**Mr. Paul Pastirik:** My opinion is to continue to develop more relationships with business because I think that it can then become more of a two-way street in terms of the development of programs and development of what's required by industry where jobs are created. I really think that works well. Again, I will draw on my experience from Aecon, with the schools where they had some of those types of relationships. You've got an opportunity to recruit, but also to help develop what was required by the business.

**Mr. Wayne Gates:** This is the other one: Do you have any idea of the time commitment that would be required?

**Mr. Paul Pastirik:** Yes, I do. I would ensure that I certainly would have the time to be available for Mohawk. I would also ensure with any of the responsibilities that I have, right up front, that my calendars aren't going to conflict.

**Mr. Wayne Gates:** Yes, because if there's one thing about when you're on a board that certainly involves young people, it's that it keeps us young. There's a lot of energy. It's lots of fun. It's actually nice to watch them grow up.

**Mr. Paul Pastirik:** Yes, absolutely.

**Mr. Wayne Gates:** You saw that obviously with your boys.

**Mr. Paul Pastirik:** Yes.

**Mr. Wayne Gates:** You have three boys; I have three girls. So there you go. Thanks very much.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Gates.

**Mr. Wayne Gates:** My pleasure.

**The Chair (Mr. John Fraser):** Thank you, Mr. Pastirik, for being here today. We'll consider the concurrences at the end of the day. You may step down.

**Mr. Paul Pastirik:** Thank you very much.

#### MR. BRYAN DAVIES

Review of intended appointment, selected by third party: Bryan Davies, intended appointee as member, Metrolinx.

**The Chair (Mr. John Fraser):** Our next intended appointee is Bryan Davies, member, Metrolinx. Mr. Davies, can you please come forward?

Mr. Davies, thank you very much for being here today. You'll have the opportunity to make a brief statement. Any time that you use will be taken from the government's opportunity to take questions. You'll be asked questions by members of all three parties. You may begin.

1410

**Mr. Bryan Davies:** Thank you, Mr. Chair, and I will be brief. I really welcome this opportunity to appear before this committee, and was honoured to have been proposed as an appointee to the board of Metrolinx.

Effective and efficient execution of the mandate assigned to that crown agency is critical to the future of this province, in my view. I would like to apply my experience in public policy and public administration, complemented by my experience in the private sector, to assisting Metrolinx in delivering on the objects laid out in section 5 of its enabling legislation.

The challenges of providing leadership in the planning, coordinating, financing and implementing of an integrated transportation network, as well as operating a regional transit system, demand effective oversight provided by a well-constituted board of directors.

I feel that my governance expertise, gained by having served on a variety of boards, including those in the private, public and not-for-profit sectors, will contribute to the effectiveness of the Metrolinx board. As well, I believe my appreciation of what I would call the somewhat unique characteristics of operating in a public sector environment, gained as a deputy minister, as head of a regulatory commission and as a board member on a number of agencies, boards and commissions at both the federal and provincial levels will complement and supplement the experience of other members of the Metrolinx board.

With that, I look forward to addressing any questions you might have of me.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Davies. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for appearing today. Mr. Davies, thank you for your years of dedicated service to the Canadian and Ontario public.

You've led agencies tasked with preserving public confidence in the financial system. Could you describe the basic best practices in government finance and financial regulation?

**Mr. Bryan Davies:** Sorry, the best practices in financial regulation?

**Mr. Jim McDonell:** Yes.

**Mr. Bryan Davies:** I'm not sure how that directly relates to Metrolinx, but first of all, I do believe that there is a role for government in providing regulatory oversight of financial institutions. I think it's critical. I think it's also critical that financial institutions have practices and a leadership that recognizes the importance that they play in our economy, and therefore the responsibilities they carry. I've worked on both sides: I worked at Royal Bank for a number of years and I've worked as a regulator for more years than that. In both cases, I saw it as the responsibility of both bodies to make sure that they operated effectively and fairly.

**Mr. Jim McDonell:** I see that Metrolinx is involved with more than two dozen municipalities, so it serves a large area around the province—just around Toronto alone, let alone the other areas it services. So it's tasked with leading the design and implementation of a transport plan that certainly has various issues to contend with, and, I'm sure, various opinions. Can you tell us ways that you achieved compromise and consensus in your past roles, and how you would bring that into this job here,

where you're dealing with so many different municipalities?

**Mr. Bryan Davies:** Yes. I guess I'd hearken back to when I used to grace this room with far too much frequency as a deputy minister. I was a deputy treasurer, deputy minister of economics. The nature of that work and the other deputy positions I held involved dealing with a lot of municipalities. When I was a deputy of housing, that's all I dealt with, essentially: municipalities. I think the key there is to be inclusive and to consult with all stakeholders, particularly with municipalities, on transportation. As a board member of Metrolinx, one of the oversight responsibilities I would take seriously is to make sure that whatever policy advice was being generated by Metrolinx was informed by a very thorough stakeholder investigation and representation.

**Mr. Jim McDonell:** The greater Toronto area is made up of numerous transit systems. Do you see a benefit of bringing that under one roof? You don't have to go very far before you hear people talk about the gridlock in this area. Can the existing system work? Or can you bring these together and actually have them work well as a unit? Or do you see having to somehow bring us under one roof?

**Mr. Bryan Davies:** I'm not sure you have to physically have it under one roof, but you certainly need a coordinating mechanism. I believe that's what Metrolinx was set up to do in 2006 and what it has been achieving. I think that, as I said in my opening remarks, this is critical to the future of the province. By that, I mean the broader issue of public transit, because it addresses so many of the issues that we and our successors are going to have to deal with, including the environment. That's why I was excited to be asked to serve on the Metrolinx board. I really believe in it, and I believe in it passionately: that we do need more public transit—more effective public transit, as well.

So to answer your question, I'm somewhat agnostic as to the organizational structure. What I am not agnostic about is the critical feature of having any of the units involved work together to avoid duplication and to integrate so you can get a fairly seamless transit system going.

**Mr. Jim McDonell:** I'm trying to think of the costing system they put in place. It was certainly not without a lot of controversy and cost overruns, putting it in place to have a seamless card system allowing you to travel through the system. But it's an example of projects that are sometimes undertaken by the public sector where there are, in many cases, an off-the-shelf or a system that's working in other places around the world. I think if you're in industry, you look around for something that works and you usually try to buy that same service. Going back and going through the same developmental issues as starting from scratch is prone to failure, prone to cost overruns. Any comment on that?

**Mr. Bryan Davies:** I guess, in the generic sense, this "buy versus build" issue comes up in a lot of industries. I don't know the history of the Presto story, of why it was

decided to do an in-house build. All I do know now is that we do have Presto, and the key is to make it work as effectively as possible, regardless of the historic slips, if there were any. I'm not so certain there were. I have read about overruns and some dissatisfaction, particularly in the Ottawa region, I believe. There were some implementation issues. But the more general issue of "Should you build or buy?" has to be considered on its own merit. Each case has to be considered on its own merits.

**The Chair (Mr. John Fraser):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** It's interesting. We're dealing with Metrolinx a couple of times today. I'm going to ask you the same question that I asked the previous person who was here to talk about Metrolinx. I brought a delegation down to Queen's Park a couple of months ago. It was the mayor of Stratford and a couple of representatives from St. Marys. I come from the Stratford area. It was to talk about Metrolinx. We are being cut off from our train service shortly. Via Rail goes through there. They're shutting it down.

We brought the delegation down to Queen's Park because the Premier had said the previous year that this was a priority for her, that the GO system should be expanded. Now, I can understand why they would want to get the GTA looked after because—certainly, you can understand that. But they're cutting off rural Ontario. That's what's going on right now.

Unfortunately, when the Premier said this, it was during an election campaign, and we know what happens there sometimes. But when you say it's important to the prosperity of the province, the province includes more than the GTA; it includes all of Ontario.

So I wonder, sir, if you have any visions other than the GTA for the future of Metrolinx.

**Mr. Bryan Davies:** As I understand it, Metrolinx—my read of the Metrolinx Act—requires that it produce a plan and then it review it at least every 10 years, so that regional transit plan review is due to be done in the next 12 to 18 months.

**1420**

My observation on that—I should betray a bias. I came down this morning from Peterborough. I came down by way of GO bus first, and then GO train. That area is well served right now. It used to be served by a CP Rail line that went up to Havelock. That was quite honestly, for me, a much more convenient service because it was a direct non-stop. You didn't have to switch at Oshawa and so on. I was involved in public administration at the provincial level at the time and there was a lot of representation from the Peterborough area, and there still is. There still is a call for the reinstatement of train service from Toronto to Peterborough.

My counsel to my colleagues in the Peterborough area, with whom I have a lot of interaction, is to take advantage of this regional transit review that has to occur under statute in the next year and make representations. One of the things I've been impressed by in meeting with the Metrolinx staff I've met with already is their dedication to what they call evidence-based data. They

want to bring forward the best plan based on facts, not hearsay or anything else; and if a case can be made for better service to areas that aren't currently serviced, and the government in its wisdom feels that the Metrolinx mandate should be expanded beyond its current geographic boundaries, then if the case is made, certainly I believe, as a board member of Metrolinx, I'll want to make sure that it's at least heard by government.

Governments eventually make the final decision on these matters, but part of Metrolinx's job is to provide the best objective, independent, evidence-based advice it can.

**The Chair (Mr. John Fraser):** Thank you very much. Mr. Gates.

**Mr. Wayne Gates:** I have a couple of things before I get into Metrolinx. It says here you worked at the Royal Bank?

**Mr. Bryan Davies:** I did.

**Mr. Wayne Gates:** Are you the one who upped the fees at the Royal Bank?

*Laughter.*

**Mr. Wayne Gates:** I just thought I'd throw that out there.

The other thing is that in your role with the government you talked about municipalities and housing. I think you were there from 1975 to 1992, and here we are in 2015 and one of the biggest crises we have is in affordable housing. We just can't seem to get that file right, for whatever reason. I know it's off the subject a bit, but because you raised it, I thought I'd say it.

Do you have a Presto card?

**Mr. Bryan Davies:** I do; I've got it right here.

**Mr. Wayne Gates:** I knew that.

**Mr. Bryan Davies:** Because I use it.

**Mr. Wayne Gates:** And I think that's good.

How do you imagine your role as a representative of public interest? What do you think your role would be?

**Mr. Bryan Davies:** I think, Mr. Gates, as I said earlier, part of the job of a board is to ensure that the best information is brought forward. My experience in every business I've been in, and I've been in more than one, is that you get the best experience by asking a lot of people to have input. The first thing I think is that how you get the best ideas is to make sure that you publicize what you're reviewing and ask for input.

**Mr. Wayne Gates:** This is a question that you touched on a little bit, but maybe you could touch on it again or even further. Do you believe it is Metrolinx's role to offer evidence-based advice to the government, even when it contradicts the government's political position?

**Mr. Bryan Davies:** Well, I think you have to stand back. Metrolinx has to operate within the framework given to it by the government. The government does have its own plans and operations, so if it decides that a certain thing is going to be done and doesn't want evidence-based information, we won't even go there to find it. However, if we're given a blank sheet of paper, I feel it's incumbent upon us to bring forward our best advice possible. Having worked in government, I know that the

best advice from a specialized agency with a specialized perspective may not always be accepted because governments by their nature have to take into consideration other factors than just the technical merits brought forward by such an agency.

To answer your question very directly, I think if it's within our scope to give advice, we should give it, completely biased, unvarnished, without fear or favour.

**Mr. Wayne Gates:** Some of the decisions probably are based on getting elected, too. That's kind of like the nature of the beast as well.

**Mr. Bryan Davies:** Fortunately, the board doesn't have to get elected—

**Mr. Wayne Gates:** No, I know that. I'm just saying, the role of the government will be, we'll look at it—

**Mr. Bryan Davies:** You're the legislators in the room. You know what—

**Mr. Wayne Gates:** I think it's an important question, that the buck doesn't stop at Metrolinx.

**Mr. Bryan Davies:** Fortunately.

**Mr. Wayne Gates:** I'm just saying that it doesn't.

What experience do you bring that you believe will make you a champion for transit riders?

**Mr. Bryan Davies:** Champion? That's a pretty bold objective, but certainly as a regular user—and I am—I think customer service is really, really important.

I've been impressed, by the way, with GO. I don't want to denigrate other transit that I do use, but if you've ridden the GO train on the Lakeshore, they have customer service representatives right on board who are there—a live, real person. That really surprised me when I first got on the trains.

If you've had an opportunity to use UP Express, which I have a number of times, going out to Pearson, it has really got a customer focus. As a board member, I will ask a lot of questions: Are we keeping that up? Are we focused on the customer? I think the best thing a board member can do is keep asking.

**Mr. Wayne Gates:** I will say that I think your comment about public transit and the environment, and I can tell you—I don't know you, sir, but from what I've read you seem pretty good. You seem to really feel strongly about protecting our environment. Is that a pretty accurate statement?

**Mr. Bryan Davies:** Yes, I would say so. I would like it to be around for the future.

**Mr. Wayne Gates:** To that point, I believe that transit is one of the most important decisions on a go-forward basis. Some of it obviously has to do with the environment, and I agree that we have to get there. We may disagree on how we get there, on transit, how it's funded and some of the other stuff, but we have to do it. We cannot continue to live in a province where you can't drive from Toronto to Niagara in less than three hours, when people are trying to get trucks to factories to protect jobs and stuff. We've got to do it. Maybe we disagree on how we have to get there.

But I certainly appreciate the fact that you're willing to take this on. I think you'll be a good member on that



board. I think you have a lot of knowledge and I really like the fact that you do what you say we need to do: That's to take GO and to take public transit and regional transit, because that is our future.

**Mr. Bryan Davies:** Thank you.

**The Chair (Mr. John Fraser):** Mr. Gates, thank you very much.

**Mr. Wayne Gates:** I'm good, thanks.

**The Chair (Mr. John Fraser):** Madame Lalonde?

**Mrs. Marie-France Lalonde:** First of all, I want to say thank you very much for being here. Thank you for your years as a public servant and everything now moving forward, I guess, in hopes of continuing volunteering on boards. I want to commend that.

You touched base on a few aspects of your particular interest in becoming a board member with Metrolinx. I would like to ask you the question: What are your interests? Why?

**Mr. Bryan Davies:** I guess having helped write a number of budgets in this province—I do read budgets; I must be a very boring person, but I do read them. You couldn't miss in the last budget that that was the centrepiece: public transit. It's fun to be part of an exciting project, to really spend a huge amount of money.

Governments have to make really tough choices. They have to make choices about what to spend it on and how to fund it. I won't worry about the how to fund it; there could be big debates on that. But, as Mr. Gates has just suggested, I think we're all in favour of spending it on public transit. What I want to make sure is that I do my level best to make sure that we get real value for money from that spend.

We're talking big bucks here. The last budget committed over \$16 billion. I've been involved in a lot of big capital expenditure programs in the various boards I've been on, but nothing approaches \$16 billion. That's a lot of money.

I think where I can make a contribution and why I'd like to make a contribution is to bring my experience on having overseen risk management on a lot of major projects, to make sure that that's done as effectively as possible—because there are lots of ways to make mistakes. It has been suggested that maybe some mistakes were made in the past on the Presto card. There may or may not have been, but going forward, I see it as part of my duty as a board member to do my level best to make sure that we get real value for money from that expenditure that the province has committed.

1430

**Mrs. Marie-France Lalonde:** I agree with you that it's a bold figure, and I think this is the commitment that we want to show Ontarians: that we're going to be moving Ontario forward.

Thank you for being here.

**The Chair (Mr. John Fraser):** Mr. Davies, thank you very much for appearing today. We'll be considering the concurrence at the end of the day today. You may sit down.

**Mr. Bryan Davies:** Thank you very much.

## MS. VICTORIA CHRISTIE

Review of intended appointment, selected by official opposition party and third party: Victoria Christie, intended appointee as member, Ontario Energy Board.

**The Chair (Mr. John Fraser):** Our next intended appointee is Victoria Christie, member, Ontario Energy Board. Ms. Christie, can you come forward, please?

Good afternoon. Thank you very much for appearing today. You'll have the opportunity to make a brief statement. Any time that you use will be taken from the government's opportunity for questions. Members of all three parties will be asking you questions today. You may begin.

**Ms. Victoria Christie:** Thank you, Mr. Chairman. It's a pleasure to be here this afternoon. I'm just going to take a few minutes of your time to tell you who I am and why I'm interested in the OEB and how I hope to be a good fit with the organization.

Firstly, I have a bachelor of science and a master's degree in economics from Trent University and UBC, respectively, and I've largely been working on energy and environmental issues ever since.

Through most of the 1990s, I worked at BC Hydro. The majority of my time there was spent with the Power Smart program, which was relatively new and a leader of demand-side management and conservation programs in Canada. I was primarily charged with setting planning standards and guidelines, and conducting program economic, financial and design reviews. I also developed 20-year plans synthesizing the program forecasted costs and energy benefits for incorporation into the annual BC Hydro energy plan and other reports.

Following my time at Power Smart, I worked in the public affairs group, where I analyzed and communicated to the public the choices available to Vancouver Island residents to meet their electricity demand.

During the last year or so of my time at BC Hydro, I worked in the strategic fisheries department, where I analyzed the environmental, social and economic implications of operational changes to the John Hart dam, as an input to the Campbell River water use plan.

When I moved back to Ontario in 1997, I spent about five years as an independent consultant, focusing on analysis, planning and policy development for public and private sector organizations. In this capacity, I developed a number of environmental management systems for a variety of federal government departments, and the sustainable development strategy for the federal treasury board. Other work included conference development and analysis of a variety of fisheries, energy efficiency and air quality issues.

For the last two years of this consultancy period, I was fully engaged by the Canadian Electricity Association, and later hired as an employee. The CEA is an association of companies that generate, transmit and distribute electricity across the country. As a senior adviser on generation and environmental affairs, I was the key CEA resource for a broad spectrum of issues including climate

change and other air issues. I coordinated, advised and provided governance support to CEA committees in modelling and analysis, strategic policy and regulatory development, communications, and government relations. I also represented the sector and often the broader industry community interests on numerous multi-stakeholder committees to address key environmental and energy-related issues.

After leaving the CEA, I've once again been working as a consultant specializing in providing advice on environment and energy issues to government, private and non-profit sectors. This work has included research and analysis of thermal electricity generation water use issues, and hazardous substance releases and management.

In addition to my knowledge of the energy sector and experience across the broad set of energy and environmental issues, I bring a skill set that I think will be useful to the OEB. As an accomplished problem solver, I'm able to get to the crux of an issue, chart out pathways to effective solutions, and to package and present that information in succinct, digestible formats.

I also have over 10 years of collaborating and engaging with a broad spectrum of government, industry and other stakeholders. I've learned to listen, identify stakeholders, recognize unique roles, and promote dialogue and representation in a fair and unbiased manner.

I applied for the OEB board position with an interest in putting my knowledge, experience and skills to use in a practical, perhaps more direct, way. It's a very interesting time to be involved in the energy sector and I would very much welcome the opportunity to play a role at the OEB in ensuring that their mandate is carried out. Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Ms. Christie. Mr. Gates.

**Mr. Wayne Gates:** Really?

**The Chair (Mr. John Fraser):** Yes.

**Mr. Wayne Gates:** Good afternoon. How are you?

**Ms. Victoria Christie:** I am well, thank you.

**Mr. Wayne Gates:** Very good.

It says you're an energy consultant who lobbied for the Canadian Electricity Association. Can you explain what that is, like what you did?

**Ms. Victoria Christie:** Well, I always think that "lobbying" is kind of a strong word for what I did, but at the electricity association I worked on environmental issues for the most part, and was engaged in the development of federal regulations and policy. So I would help the electricity industry members put together and work with other stakeholders to help formulate and develop policies and regulations. We would often work, as I mentioned in there, with multi-stakeholder groups and work with other stakeholders from across all paths.

**Mr. Wayne Gates:** So you'll be hearing applications from companies on whose behalf you have lobbied, if you're appointed. Do you feel there could be a conflict of interest?

**Ms. Victoria Christie:** No. I haven't worked with the CEA, the Canadian Electricity Association, for five years now, and with most of these companies I will have worked on federal issues and not provincial issues. I don't see a conflict.

**Mr. Wayne Gates:** Okay. So you don't directly benefit from the outcome of OEB decisions. That's correct?

**Ms. Victoria Christie:** No. That's correct.

**Mr. Wayne Gates:** But you'll be making decisions that would affect some of your friends and former associates in the energy industry. As a lobbyist, you must know that these personal contacts do make it easier to convey the interests of your clients to the decision-makers and perhaps influence government decisions. So do you understand why, as an electricity consumer myself, I might feel there is something of a conflict of interest?

**Ms. Victoria Christie:** Well, I don't think you'd need to be concerned about a conflict of interest. As I mentioned, I haven't worked with the electricity association for five years. I do have associates in a number of energy companies, but likewise, I haven't necessarily kept in touch with them. So I don't foresee there being any difficulties in that regard.

**Mr. Wayne Gates:** Okay. I'm just trying to get this clear. You have spent your entire career working on behalf of the energy industry. Is that relatively accurate?

**Ms. Victoria Christie:** No. I worked at BC Hydro for probably in and around nine years and then at the electricity association for around 10 years, and the rest were working for different clients.

**Mr. Wayne Gates:** But it was around the industry.

**Ms. Victoria Christie:** Around the industry, yes.

**Mr. Wayne Gates:** Okay. So you were in a culture—and you can correct me if I'm wrong; I have no problem with you saying that it's not accurate—that really viewed consumers as a source of revenue.

**Ms. Victoria Christie:** No, I wouldn't say that that was the case. Our industry, as the suppliers—the electricity industry, when I was working with them, were the suppliers of electricity to consumers, so consumers were an integral part of their companies and decision-making, and they took the role of consumers and their well-being very seriously.

**Mr. Wayne Gates:** But the industry and everybody that I talk to always view the consumer as a source of revenue. I think that's a fair statement. I think that's where they look at it. That's my opinion; I'm not saying I'm right.

**Ms. Victoria Christie:** Okay.

**Mr. Wayne Gates:** I guess it's hard to understand how people from Ontario would see what you've done and would believe that you would fulfill your OEB mandate to protect the interests of consumers, because that's what I think you should do. I think it's really tough to balance the two over the course of a long period of time working with, it's not nice to say, but certainly, other stakeholders.

1440

**Ms. Victoria Christie:** Well, I look forward to the opportunity to work with stakeholders. As I mentioned, I've done that over my career, and certainly with my career at CEA I worked with a wide collection of stakeholders, including consumers and various assorted other stakeholders, collaboratively. I look forward to doing that again at the OEB.

**Mr. Wayne Gates:** I appreciate it. Thank you.

**The Chair (Mr. John Fraser):** Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much for coming forward and putting your name forward and being here today. It's been a very interesting day as people have come forward to talk a little bit about themselves and why they are suited for the positions that they're putting themselves forward for.

Just a brief comment to begin with: I once, in a past life, was executive director of the Consumers' Association of Canada here in Ontario. We had 60,000 members that we advocated on behalf of. I always recall that some of the best recruits, some of the most passionate consumer advocates we had, were people who had left an industry or retired from an industry, because they knew it inside out. They were at the table on our behalf to advocate on behalf of consumers, so I don't have those same suspicions. I think that if you know the industry, you know the industry, and you're putting your name forward because you know what needs to be done and you're going to do it on behalf of all consumers.

So as I said, I was pleased to see about your extensive experience in the energy sector. I'm interested in knowing, just to change speed a little bit, why you think an environmental perspective is important when making decisions and rulings in the energy sector.

**Ms. Victoria Christie:** I think environment is one of a number of key factors that you have to consider, others being things like economic and social components. The environment, as we all know, is critically important to sustaining us into the future—sustainable development. I hope that I'll be able to bring some of the knowledge that I have on the environment side to some of the views and the way that we're looking at things at the OEB going forward.

**Mr. Chris Ballard:** Thank you.

**The Chair (Mr. John Fraser):** Mr. McDonell.

**Mr. Jim McDonell:** In the 2014 Auditor General's report, they talked about the province's smart metering initiative. I guess you have some experience in that. While the concern was the lack of planning and cost overruns generally, the auditor made several recommendations concerning the OEB: "The Ministry of Energy should ... review the role of the Ontario Energy Board as an independent regulator when ministerial directives" are issued that impact rates.

What would your comment be to that? You have a commissioner, an agency that has brought a lot of expertise together, but you're forced to deal with policies that I would expect you know artificially raise rates to a point where we're not competitive, but you have to

accept those. Is there a role to be playing that might be an adviser to the government?

**Ms. Victoria Christie:** I wasn't directly engaged in those sorts of discussions. As I'm not a member of the board yet, I won't comment on that here. I look forward to potentially looking into those issues as we move forward.

**Mr. Jim McDonell:** Well, I think it's the Auditor General at the time commenting that basically, you have an agency here and they could have a role where they could provide advice back to the ministry. I guess just asking for comment: Do you agree with that scenario?

**Ms. Victoria Christie:** I'm afraid I don't know enough about the specifics of the decision-making there. If it comes before the board and I'm a member at that time, I'll look at it then.

**Mr. Jim McDonell:** Okay. You worked with BC Hydro on the smart metering program, which gives consumers a cash incentive if they reduce consumption. Recent reports highlight that BC Hydro is not meeting the conservation targets. Can you comment on why, or some of the possible reasons for it?

**Ms. Victoria Christie:** Sorry, I didn't hear your question.

**Mr. Jim McDonell:** BC Hydro and their smart metering program: It was an initiative to increase conservation, but they weren't meeting their targets. From your role, do you have an idea of why that might be, why they're not meeting targets?

**Ms. Victoria Christie:** I don't. I'm afraid that I don't know enough about the specifics. Sorry.

**Mr. Jim McDonell:** The board sets certain electricity rates, but it has no control over the government's overpayment to solar and wind producers, the cost of which is just passed on to the ratepayers. Many of my constituents can't afford to keep up with the rising cost of hydro. What recourse do unwilling host communities have with the OEB? Any comments on that?

**Ms. Victoria Christie:** My understanding is that the OEB looks at individual rate applications as they go forward, and as a member of the board, at that time, I would have to look at all of the puts and takes or the pluses and minuses collectively with my colleagues on what would be appropriate rates. I can't comment on that now.

**Mr. Jim McDonell:** I see that the OEB is forced to review the costs that are coming in. For example, we have a couple of wind turbine projects in my area where they're going back to municipalities and offering, in addition to the property tax, which is somewhere around \$150,000 annually, \$450,000 annually back to the township if they become a willing host; zero if they don't.

My fear is that these are big amounts of money that are going back to the municipalities, and I guess that's the good news. The bad-news part of it is that the local ratepayers are paying the costs. We've seen now that industries such as the car plants and associations are coming back and saying that, I believe, we're about 33% higher than they are in Michigan at this point. The

government is announcing or forecasting that rates will go up 42% in the next five-year period. So we see those rates going up significantly.

I wonder just how much the role of the economics of this province was really included in these decisions on the Green Energy Act, because it's pricing us out of the market. We're seeing manufacturing disappearing not to China but to our neighbours to the south. Would you see any role for the energy board in trying to come up with a solution, maybe providing feedback to the government on possible ways of fixing this issue?

**Ms. Victoria Christie:** Again, I really can't comment on that. I look forward to those issues if they come up at the board and we're asked collectively to provide some comment or feedback on that policy. I could see the OEB doing that, but I can't say whether that would happen or whether I would be engaged in such a conversation.

**Mr. Jim McDonell:** Well, I know that in my time here I have seen many agencies—Professional Engineers Ontario as an example—provide feedback to the government, that this program was going to cost a lot of money, cost the ratepayers of Ontario a lot of money. Of course, it was ignored, and now we're seeing the results.

**Mr. Randy Pettapiece:** Just one short question, Chair.

**The Chair (Mr. John Fraser):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** Do you know what an unwilling host is?

**Ms. Victoria Christie:** Pardon me?

**Mr. Randy Pettapiece:** Do you know what an unwilling host is?

**Ms. Victoria Christie:** I believe that I've heard the term before, yes.

**Mr. Randy Pettapiece:** I'm sorry?

**Ms. Victoria Christie:** I said that I believe I have heard the term before, yes.

**Mr. Randy Pettapiece:** Do you know what it is?

**Ms. Victoria Christie:** I believe so. The term, I think, is used for people who are not happy to have a certain generation or a certain kind of facility placed in their jurisdiction. I'm not sure whether that's the definition that you were looking for.

**Mr. Randy Pettapiece:** It's pretty much directly pointed toward wind turbines and big solar projects that have a tendency to cover farms up. So that's what an unwilling host is. Just for your information, that's what you're going to be hearing about.

**Ms. Victoria Christie:** Okay. Thank you.

**Mr. Randy Pettapiece:** Thanks.

**The Chair (Mr. John Fraser):** Thanks, Mr. Pettapiece.

Thank you very much for being here today, Ms. Christie. We will be considering the concurrences for our appointments at the end of the day. Thanks again for being here. You may step down.

**Ms. Victoria Christie:** Thank you very much.

**MR. MARK MASCARENHAS**

Review of intended appointment, selected by official opposition party: Mark Mascarenhas, intended appointee as member, Social Benefits Tribunal.

**The Chair (Mr. John Fraser):** Our next intended appointment is Mark Mascarenhas. He is nominated as a member of the Social Benefits Tribunal. Mr. Mascarenhas, please step forward. I hope that I have not butchered your name.

**Mr. Mark Mascarenhas:** No, you haven't. You said it very well.

**The Chair (Mr. John Fraser):** Thank you very much for being here today. You have the opportunity to make a brief presentation. Any time that you use will be taken from the government's time for questions. Each party will have an opportunity to ask you questions today, and you're welcome to begin.

**1450**

**Mr. Mark Mascarenhas:** Good afternoon, Chair, and members of the standing committee. Thank you for this opportunity to share with you my background and interest in being appointed a member of the Social Benefits Tribunal.

For someone like me, who has spent well over three decades in public service, it would be an honour and privilege to be able to continue to serve the people of Ontario in this new capacity.

When I graduated with an honours degree in economics from the University of Sussex in England in 1979, little did I anticipate that I would go on to spend the greater part of my career working in all three levels of government in Canada. Beginning with the Northwest Territories government in 1981 in the far reaches of the Arctic, I next moved to the federal level with Canada Mortgage and Housing Corp. as a program officer and program manager for social housing, then to the Ontario Ministry of Housing as a senior program administrator, the city of Hamilton in various capacities in the building, social services and housing departments as general manager, director and CEO, and now the city of Toronto as a social housing consultant. I also had the gratifying experience of working for the Honourable John Gerretsen, in the four years from 2004 to 2007, when he was Minister of Municipal Affairs and Housing. I was his special policy adviser for housing and infrastructure.

My main focus in all these positions has been affordable housing. I am particularly proud to say that directly and indirectly I have developed thousands of affordable housing units in southern Ontario. I also directed services such as homelessness programs, hostels and shelters, the administration of social housing, property management, and urban development loans and grants programs.

Through my work I attained hands-on, functional knowledge and skills in many areas that would be of value at the Social Benefits Tribunal such as: negotiations, mediation and arbitration, interpreting legislation, social assistance law, procedural fairness, conflict management, social policy, Ontario Works and ODSP.

Additionally, I have developed a keen sense of the needs of people from diverse and marginalized communities and the challenges they face.

I share in the fundamental belief that as a tribunal member one must always be fair and impartial, and treat people with respect, courtesy and compassion. I also have the ability to apply critical and analytical thinking that considers various aspects of a problem or situation, looking for facts and evidence to form and support conclusions.

Another quality I have is the ability to make decisions expeditiously and provide reasons in writing with clarity, conciseness and coherence so that they are easily understood.

In closing, I can continue to have a fruitful career only because of the unstinting support of my wife Clarerose, who has a career of her own as an elementary school teacher. Our two daughters have both graduated from university and are in the working world. Thus, I find I can dedicate myself full-time to the tribunal.

I live in Stoney Creek, and I understand that if I am appointed, my home base could possibly be the tribunal's office in Hamilton, covering the Haldimand-Norfolk, Hamilton, Brant and Niagara regions. These are all areas familiar to me as I spent many years in the past working with communities in these regions.

Thank you for your attention, and I would be happy to respond to any questions you may have.

**The Chair (Mr. John Fraser):** Thank you very much for your presentation. Ms. Hoggarth?

**Ms. Ann Hoggarth:** Good afternoon, and thank you for your presentation.

It takes a special person to be involved. I know from constituent work that we get a lot of questions and concerns about this area and I would like to know if you have any experience with working with the Ontario Works Act.

**Mr. Mark Mascarenhas:** I do have some experience, in that many of the clients that we've dealt with over the past in affordable housing have been recipients of Ontario Works.

Currently with the city of Toronto we deal with many, many tenants who are on Ontario Works. One of the things I do is sit as chair and sometimes as a member of a review board that reviews appeals from tenants or households that have lost their rent-geared-to-income assistance. Many of these are people who are on Ontario Works or ODSP. We get these appeals; it's an adjudicative body. We go through the full appeal process and write decisions on them. Through that experience, I've attained a lot more knowledge about recipients of OW and ODSP.

**Ms. Ann Hoggarth:** Could you tell us what the interview process for this position involved?

**Mr. Mark Mascarenhas:** Of course, it's a very competitive and merit-based system. It involved, first, an application by myself. The interview was with the leadership of the tribunal. They interviewed me. There was a test I had to write, or sit, and after that, I guess

recommendations were made on the various appointments, and I was one of those.

**Ms. Ann Hoggarth:** There was a written component?

**Mr. Mark Mascarenhas:** There was a written component as well.

**Ms. Ann Hoggarth:** Great. Thank you very much, sir.

**Mr. Mark Mascarenhas:** You're welcome.

**The Chair (Mr. John Fraser):** Thank you, Ms. Hoggarth. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for coming out today.

From your housing experience in Hamilton, what are the greatest issues facing the supply of social and affordable housing in Ontario?

**Mr. Mark Mascarenhas:** Well, as you know, honourable member of the standing committee, there is a shortage of affordable housing, not just in Hamilton but across the province. The demand for this housing is great. Whatever housing is built is very quickly taken up. People's incomes haven't kept pace with the cost of housing, so I think there's always going to be an affordable housing problem in the short run unless we invest heavily in creating more supply.

I know that sometimes it's said that it isn't a supply problem, it's just an affordability problem, but I think it's a bit of both.

**Mr. Jim McDonell:** I see that the tribunal's backlog is almost 12,000 cases—close to a year's worth—and growing. In the last year, most cases have transitioned from being decided without a hearing to being decided at a hearing, with the average waiting time of nine months. Over half the appeals under the disability support program are granted, meaning that half of ODSP applicants were denied, but really had them overturned. So how do we prevent so many, I guess, wrongful denials in the system? You look at the cost of this. Half of them are being turned down that should have been accepted in the first place.

**Mr. Mark Mascarenhas:** I'm not totally familiar with the situation from that front end, but I believe that better training of people who work in OW and ODSP would help. There's a lot of stress in the system: the volume, perhaps a lack of staffing. The amount of money that's expended in the system maybe needs to be increased. There's just the volume of cases and the complexities of them. Of course, I think many of these cases involve health problems—issues like mental health. There are many rules in OW and ODSP that have to be adhered to, and these rules cause people to trip up and lose their assistance. I think that's part of it.

From my end—I'd be on the receiving end of these appeals—I would try to work as expeditiously as possible with these appeals and make the best decisions possible under the guidance of the tribunal leadership.

**Mr. Jim McDonell:** Well, certainly it is a big role to play and a big job, looking at the number of appeals and the cost of that. Erring back on the side of acceptance might be, overall, more satisfactory to the applicants as well as likely the most economical way of doing it.

Any comments on the running of the tribunal, from what you've seen, or any comments on the role that you're endeavouring to take?

**Mr. Mark Mascarenhas:** In my research of the tribunal, I'm very impressed with the way the tribunal is organized and the way it has attended to the enormous responsibilities it has. I have great confidence in the way it is designed. I have met, as I said earlier, the leadership of the tribunal. I'm very impressed with the whole operation. I think it has an enormous task to do and it's doing it very well, and I hope to add to its success.

1500

**Mr. Jim McDonell:** In your experience with the board, have you seen any groups left out of the system or being treated unfairly, maybe from their lack of education or from some—you talked about mental illness. Are there holes in the system that need to be repaired?

**Mr. Mark Mascarenhas:** Definitely. I think that we need to spend a lot more time and effort on dealing with people who have these challenges—mental health—or they may have language issues or cultural issues. We need to spend more time with them. We need to spend more money and try to have a preventive kind of approach to many of these problems, definitely.

**Mr. Jim McDonell:** Thank you.

**The Chair (Mr. John Fraser):** Mr. Pettapiece?

**Mr. Randy Pettapiece:** You were a housing consultant with the city of Toronto, responsible for oversight. There were a number of scandals that rocked the Toronto Community Housing Corp. Were you privy to any of the documentation with your duties as a consultant?

**Mr. Mark Mascarenhas:** No. That wasn't part of my portfolio, so I've really been out of that area. I'm not privy to any of that information.

**Mr. Randy Pettapiece:** You didn't have access to any of the—

**Mr. Mark Mascarenhas:** No.

**Mr. Randy Pettapiece:** —when this all happened. Okay.

I come from rural Ontario. We certainly don't have the demographics of what you have in the cities, where you have more ethnic groups, or larger ethnic groups; I should put it that way. A lot of the ethnic groups are represented in the riding; it's just that there are not that many of them. But we certainly have some of the issues that face the people in the cities that maybe don't make the headlines as much because of numbers, I guess, is what we're putting that way.

Have you travelled to rural Ontario, in your past experience, and investigated these types of things?

**Mr. Mark Mascarenhas:** Yes, I have. As I said earlier, I had the pleasure of working in areas like Haldimand-Norfolk, which is fairly rural. I've been to places like Long Point, where I was involved in developing a housing project and had to meet many members of the community, including a large section of a population from Mexico who were Mexican Mennonites. They were all mostly farmers. I worked with them to

develop some kind of social and housing infrastructure in Long Point and that area.

I have a great interest, as a matter of fact, in rural areas. They do have unique problems. Some of the solutions that we employ in cities may not be appropriate or pertinent to them, and we have to be innovative and think outside the box to come up with solutions that will work for them. In Long Point, we developed a housing project that was on-grade, one-floor plans—semis versus building a high-rise apartment, for instance.

**Mr. Randy Pettapiece:** One of the issues we face in rural Ontario—it's probably getting up to be one of the number one issues we're facing in rural Ontario—is transportation. Because of the way the farming situations have changed, you get larger and larger farms. You're tearing down these homes and whatever else. So if you are out in the country, transportation is an issue, and it's something that I think has to be addressed sooner than later. That's something you might consider if you're appointed to this position.

**Mr. Mark Mascarenhas:** Good. Thank you.

**Mr. Randy Pettapiece:** Thank you, Chair.

**The Chair (Mr. John Fraser):** Mr. Gates.

**Mr. Wayne Gates:** How are you doing, sir?

**Mr. Mark Mascarenhas:** Good, thank you.

**Mr. Wayne Gates:** You talked a little bit about the Niagara region, that you've done some work down there. I'm obviously from the Niagara Falls riding. What have you done in Niagara?

**Mr. Mark Mascarenhas:** I have been involved with housing projects with Niagara Peninsula co-operative homes—Betty Ann Baker—an organization developing co-ops in Welland.

I developed a housing corporation in Dunnville. I guess Dunnville would be Haldimand-Norfolk.

**Mr. Wayne Gates:** Dunnville is not part of Niagara, but that's okay. The Mudcats are from there, though.

**Mr. Mark Mascarenhas:** That's right, so it's Welland, St. Catharines and Niagara Falls. This is going back at least 20 years, when I was with the Ontario ministry—a number of Dutch Reformed senior citizens' projects out in Vineland and places like that.

**Mr. Wayne Gates:** You've been around a long time in the role that you've tried to play for 30 years in all levels of government. We have a crisis in affordable housing. It used to be just basically young people starting out; today it's seniors. Obviously, we're doing something wrong on investing in affordable housing. Do you have any suggestions that might help the government to really look at this issue? When you have seniors waiting years and years for affordable housing, young families—even rents are almost impossible to get. I don't know about my other colleagues that are here; in my area, we have a lot of high unemployment. It's been a little better this year because of the dollar and stuff, but high unemployment. Young families can't find places to live.

What we've having, quite frankly, because they can't afford to live in Toronto anymore, is they're actually moving to Grimsby, to Beamsville, to Niagara Falls.

Really, it's just incredible. But here's what's happening: As they all do that, the price of housing in Niagara, which was that you could get a pretty nice house for a couple of hundred thousand dollars, is now \$350,000 or \$450,000. The concern becomes there that in an area where my kids could afford to buy a house, it's going out of their reach as well. Affordable housing is a huge, huge issue, and I just wanted to say that.

Now, on your issue around cases and when you take a look at cases, I have no idea why—they get a report in 2009; six years later, we're less than a percentage point less cases going to appeal. When you go to appeal, I don't know if people understand: that means people are sometimes without money. The effect of that on the family sometimes is marriage split-ups, which happens regularly. But the one and the hidden gem that's out there that nobody wants to talk about, nobody wants to invest in—we have police officers doing it now instead of health care providers—is mental health, and some of the issues that happen because they're being cut off on the only resources that they have. So the cost doesn't just go to the appeal process; it goes to health care; it goes to marriage breakups; it goes to the long-term effects on kids. It's a system that is broken and should be fixed. People should not have to wait to go to an appeal process so they'd have the basic needs—to eat.

I know you've given probably most of your life to that, and I thank you for that. But we need more people like you. We need more people in government who understand what people are going through in this province. I don't know what an appeal costs. Maybe somebody can tell me here. I don't know. Would you know, sir?

**Mr. Mark Mascarenhas:** I don't. I'm sorry.

**Mr. Wayne Gates:** Does anybody on the government side know how much an appeal costs? Anybody?

Can I make a suggestion? That somebody on your side find that out, because that money, instead of going to appeals, could be going to the families right off the hop. I give you a commitment that I'll find out from my staff how much the appeal is, but think about that. That money could be spent in a lot better place than on appeals that continue to basically grow.

When I take a look at the numbers—and you guys all have this; I'm not trying to lecture anybody—in 2013-14, completed without a hearing: 5,000; the year before: 8,000; the year before that: 7,000.

In 2013-14—and this is after the report that came out to the government saying, "We've got a problem. We've got to address it"—9,289 had to be completed with a hearing, so that's 9,289 families who are going without. There has got to be a better system, sir.

If you are appointed to this, I would like you to be a voice, because you've seen it your entire life, with a number of cultures, by the way, a number of kids, a number of families. It doesn't matter where you're from. We have to fix this process. Our families need it; our kids need it; our police officers need it; our health care professions need it. It's money well spent because you get it back 10 times on getting rid of this process.

That's all I'm going to say on it. It's a bit of a speech. I apologize for that, but I see it every day in my office and it actually brings tears to your eyes what people are going through. I'm sure my colleagues—their heads are down, but at the end of the day I'm not the only one getting it. I'm not the only one getting it, and I'm sure my buddies who are on this side are getting the same thing. We're hearing the same message. So if you can fix it, sir, please do.

**Mr. Mark Mascarenhas:** Thank you.

**Mr. Wayne Gates:** I thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Gates. I'm going to ask our researcher Heather Webb to answer that question for you at a subsequent meeting, so you can have that information or we can all have that information.

**Mr. Wayne Gates:** Thank you, Chair.

**The Chair (Mr. John Fraser):** You're very welcome.

Mr. Mascarenhas, thank you very much for taking the time to present here today. We'll be considering the concurrences at the end of the day. You may step down now, and again, thank you very much for appearing today.

**Mr. Mark Mascarenhas:** Thank you, Chair and members.

1510

#### MS. BEVERLY MOORE

Review of intended appointment, selected by official opposition party: Beverly Moore, intended appointee as alternate executive chair, Social Justice Tribunals Ontario; member, Child and Family Services Review Board; member, Criminal Injuries Compensation Board; member, Custody Review Board; member, Human Rights Tribunal of Ontario; member, Landlord and Tenant Board; member, Ontario Special Education (English) Tribunal; member, Ontario Special Education (French) Tribunal.

**The Chair (Mr. John Fraser):** Our next intended appointee is Beverly Moore, nominated as alternate executive chair, Social Justice Tribunals Ontario; member, Child and Family Services Review Board; member, Criminal Injuries Compensation Board; member, Custody Review Board; member, Human Rights Tribunal of Ontario; member, Landlord and Tenant Board; member, Ontario Special Education (English) Tribunal; and member, Ontario Special Education (French) Tribunal.

Ms. Moore, can you please take your seat.

**Ms. Beverly Moore:** Hello. I'm already here.

**The Chair (Mr. John Fraser):** Oh, you're here. Great. Thank you very much for being here today. As you may have heard, you'll have time for a brief presentation. Any time that you use will be taken from the government's time for questions. Members from all three parties will be able to ask you questions.

Please, you may proceed.

**Ms. Beverly Moore:** Great, thank you. Well, thank you for the invitation and this opportunity to meet with

you regarding the proposed order in council for alternative executive chair of Social Justice Tribunals Ontario. I'm not sure if you have been provided a copy of my CV, but I would like to go over just a few points that I hope will explain why I'm here before you today as an intended appointee.

After finishing my post-secondary education, I worked for approximately 12 years as a community legal worker in a community legal clinic. I provided advocacy for low-income and vulnerable persons before many adjudicative boards and tribunals. As part of my job, I was also actively involved in public legal education and I was active in a number of community boards in Hamilton on issues such as refugee issues, domestic violence, and the advisory board of the Hamilton Psychiatric Hospital.

Then my adjudicative career began. I was appointed as a member of the Social Assistance Review Board, which is the predecessor to the current Social Benefits Tribunal. I was next appointed as a founding member and vice-chair of the Ontario Rental Housing Tribunal, which is now the Landlord and Tenant Board. I served as a member and member-manager there for approximately nine years, including one year as an acting chair of the board.

I left the provincial boards for a short period of time with an appointment as a member of the Immigration and Refugee Board.

In 2006, I returned to work for the province with an appointment as a vice-chair with the Social Benefits Tribunal. In 2012, I was asked to serve as acting associate chair for the board, and in 2013 was appointed as the associate chair, where I happily remain today.

So I bring to this opportunity about 20 years of adjudicative experience, over 16 years of experience managing in an adjudicative setting, and I have a solid understanding of the stakeholders of the cluster. I have been privileged to be part of the Social Justice Tribunal since it was clustered and I have been actively involved in the development of the values and mandate of the Social Justice Tribunal and applying them in my daily work.

It is because of this base of experience that I believe my name has been put forward as alternate executive chair, and I would be happy now to take any questions.

**The Chair (Mr. John Fraser):** Thank you very much. Mr. McDonell.

**Mr. Jim McDonell:** Thank you for appearing today.

You're being made an associate chair of the Social Justice Tribunals and are being appointed to the membership of the other tribunals in the cluster. As an associate chair, one of your duties is to develop effective adjudication strategies to deal with the caseload. The Social Benefits Tribunal has been seeing its caseload grow greatly over the last little while instead of decreasing, so what strategies have you implemented or are you planning to implement to give the ODSP and Ontario Works claimants access to fair and speedy justice?

**Ms. Beverly Moore:** I was listening to Mr. Mark Mascarenhas's presentation earlier, and I think you were pointing to some backlog. But I would also like to point

out that when you look at some of those numbers, you also see that the tribunal has actually closed, progressively each year, more hearings than it held the year before. So we have looked at how we could increase and speed up that work.

Certainly a number of adjudicative strategies are in play with the Social Benefits Tribunal. One right now is to look at whether there could be expansion of an early resolution of disputes. For example, there are a number of times when matters get to a hearing that can be then resolved, and we'd really like that to be occurring at an earlier time period. So we've been expanding and working with our stakeholders on both sides to try to determine if there are earlier opportunities to come to some resolution on those issues. We certainly have been expanding in that manner.

We've been expanding in terms of the additional hearings and locations, of expanding video hearings so that we can expand being able to hear certain matters in certain areas in a more expedient and better way for the parties.

Those are some of the matters that we've been dealing with in our adjudication strategy. Certainly, that has been how we've started to approach it.

I'm sorry; am I answering the questions you've asked?

**Mr. Jim McDonell:** Yes. For the cases that are coming forth, from your experience, should they be there or should they have been resolved? Is there a way of getting those numbers down before they get there? Are they frivolous or are they justified? What have you seen in your role so far?

**Ms. Beverly Moore:** In terms of whether they're justified, I think what you're perhaps referring to is the high overturn rate that we indeed have, which you made reference to. I think that part of the reality is that there's the experience of the ministry that makes a decision based on the paper that's before them, whereas the tribunal has the opportunity to meet with the appellants face to face and to be able to hear that they had additional information directly. So there is good merit basis; it's just that we're having different evidence, in this sense, before us. I think that's part of why we've been looking at some of the early resolution projects, to try to get an opportunity for the ministry to be able to hear, at an earlier date, what we sometimes are hearing at hearings and to try to resolve it in that manner.

**Mr. Jim McDonell:** So there is no caseworker who works with these people beforehand? This is really their first opportunity to actually talk to a live person?

**Ms. Beverly Moore:** My understanding is that persons may be already with caseworkers, for instance, from Ontario Works, who often make the referral to ODSP. But the application is completed, and my understanding is that the application goes to a medical adjudicator with the ministry by paper, and it's not an in-person meeting. I think that's one of the differences that perhaps occurs as to why we have a higher overturn rate, because—I can be very frank—sometimes you do look at the paper and are left with questions, and then if you see



the person in front of you and are able to hear their explanation, you have a better understanding as to, for instance, why they are disabled.

**Mr. Jim McDonell:** Do you see any opportunity for some changes within the system to get at those cases earlier? Most cases need some legal advice to get to this point. It gets expensive. It's time-consuming.

**Ms. Beverly Moore:** One of the things we're working really quite closely with is—as I say, our stakeholders, both the ministry and the legal clinics primarily, who represent in front of the tribunal. One of the aspects is that the legal clinic can't deal with the volume of appellants who are out there, so we've been working with them in terms of their new self-guided process in order to allow people to represent themselves in front of us at the hearing. But they are also trying to work out where it is best that they be using what services they have—gathering the medical information ahead of time, things such as that, because often that has been key. So it's working with the stakeholders on both sides to try to get the information as early as we possibly can, to see if we can get resolution.

Also, I'm speaking primarily about disability issues at this point, because that's about 90% of what the appeals are currently before my board.

The Ontario Works issues: Again, early resolution has been a key issue, in terms of holding hearings early on to see—for instance, if there's an Ontario Works dispute, is it some kind of documentation that's perhaps in question; maybe there's a lack of understanding—if from a very early stage some resolution can be reached.

**Mr. Jim McDonell:** In our office, we see more and more people coming in to have us help them fill in the forms. They basically go to Ontario Works or Service-Ontario and are given the forms and sent away. There's very little guidance in this. Many people in this category have problems with forms, so I could see one of the issues being not being aware: how to fill them in, not being computer-friendly. They have a lot of issues, and of course, then they're turned down.

1520

I would also think, for all the cases you're seeing and you're overturning, there are many that don't go that far. There is, certainly, a legal cost. They have to try to apply for legal aid. A lot of them can't afford it; they can't wait. There's not enough access to legal aid, certainly, in our area. I can't speak for the rest, but I'm sure it's somewhat similar. So it's a very complex system to move through, in such a way that many people get turned off. I would assume, with the number being overturned, many of them are entitled to services but are just being lost in the system. Is there any way of making it simpler, faster? I mean, if somebody is entitled to benefits, they should get them. With so many of the—I would say the small percentage that appeal being turned down, and to see such a high appeal rate, you wonder just how many are going away that really are being lost in the system.

**Ms. Beverly Moore:** Well, for those who are attending before legal clinics, there isn't a legal cost. We

only see a few from the private bar, generally when they're related to a different issue such as a no-fault insurance issue.

With regard to persons appearing before the tribunal, we have a tremendous number who appear self-represented. We try to set up our procedures to make it as informal as possible and as accessible as possible, providing as much information as we possibly can. We really stress to parties that they really can appear before us without a legal representative, that it is just a telling of their story, particularly when it comes to disability. Our members are, I would say, particularly expert at leading the parties through the information that's needed to make a decision, particularly in issues such as disability, to get a sense of how people are affected by their health issues in activities of daily living or in the community and things such as that.

**The Chair (Mr. John Fraser):** Mr. Pettapiece, you have 45 seconds.

**Mr. Randy Pettapiece:** You speak very well.

**Ms. Beverly Moore:** Thank you.

**Mr. Randy Pettapiece:** A lot of people don't. I think that's an issue with some of the people who are applying for this type of thing.

You talked about self-represented clients. With the lawyer issue, is there not enough money or are lawyers just really not interested in this type of business?

**Ms. Beverly Moore:** My understanding is that legal aid certificates are not generally provided to members of the private bar, if that's what you're asking me. Otherwise, really, the only resource that's been available for the appellants has been the community legal clinics. Am I answering what you're asking?

**Mr. Randy Pettapiece:** No. Are lawyers just not interested in doing this stuff?

**Ms. Beverly Moore:** As I say, generally, if it's a member of the private bar, they've only come to us to represent them on the disability if they're representing them on something else. Otherwise, most of the representation that people have are the community legal clinics across Ontario.

**The Chair (Mr. John Fraser):** Thank you very much. Mr. Gates.

**Mr. Wayne Gates:** I may be wrong, but I think what he was asking is, do we have enough lawyers who are interested in representing workers at the clinics? I may be wrong, but I think that's where he was going. Is that part of the problem on not getting things done quickly enough? I'm not trying to take your question, but I think that's what he was trying to say.

**Ms. Beverly Moore:** Well, my understanding is, the legal clinics are so flooded by the number of appellants that they can't represent them all. Is that essentially what you're asking me?

**Mr. Wayne Gates:** Yes.

**Ms. Beverly Moore:** And that is indeed why we've been working in partnership with them to further develop what they call their self-guided legal services so that they can provide some assistance and some preparation of

appellants to appear before us, but not necessarily represent every one.

I'm sorry, am I going on?

**The Chair (Mr. John Fraser):** No, go ahead.

**Ms. Beverly Moore:** Sorry, I thought you were indicating to me.

**Mr. Wayne Gates:** No, you're good.

**Ms. Beverly Moore:** Often, the appellants may very well be able to come and represent themselves at the hearing, but sometimes it's a gathering of information ahead of time or all of that kind of thing that they need the assistance on. So I think that it's been a refocusing of a lot of legal clinics on where the best value would be of their representation and the services that they're providing so that as many appellants get as much assistance as they can in going before the hearing.

**Mr. Wayne Gates:** Would you have an idea—and again, it's a dollar-and-cent question—of what a lawyer would get at the clinic?

**Ms. Beverly Moore:** I don't know a salary; I'm sorry. I have no idea whatsoever.

**Mr. Wayne Gates:** I think that might be something that could be an issue, on getting more lawyers to put their hands up to do this. Obviously, they're working to make money, just like we all are. That's the way it is.

**Ms. Beverly Moore:** The lawyers at the legal clinics are salaried with the clinics.

**Mr. Wayne Gates:** But maybe the salary is not high enough to draw lawyers to the job. That's what I'm trying to say.

**Ms. Beverly Moore:** Sorry; now I understand the question.

**Mr. Wayne Gates:** My understanding is—I don't know; I don't hang out with a lot of lawyers. Some lawyers do quite well, I hear. So maybe that would be some of the concern.

I think some of the comments that were made by my colleagues are right on the money. We've got a crisis. You listened to me rant for 10 minutes. I'm not going to do that again, to save you that. I spend a lot of time, with my staff—people come into my office. There is no doubt about it: A lot of the problems are communication. Some are new Canadians; there are language barriers; there are a lot of things. Some are, like I said, mental health issues; that they don't understand. We should be looking at it to make it easier, a little friendlier. It all comes down to documentation, in most cases. It comes down to making sure that if you're being asked for something to do, particularly around a sickness—it's documentation: "Your doctor didn't say this." I think what we have to do is get to our local MPPs—and my office as well; I'm not saying we do it well, although we do have a contact that we call—and say, "When somebody comes into your office with this issue, this is what they're going to need to make sure they don't get refused and don't have to go through the appeal process." I look at that kind of stuff a lot, like WSIB. People come into my office with WSIB, and guess what? They get refused. Then when you read the documentation, WSIB says, "Your doctor didn't pro-

vide proper documentation or the real reason why you're off." So then you have to say to them, "Just go back to your doctor or call your adjudicator and say, 'What does my doctor need to say so that I don't go through this?'"

I think we might need some of that here as well, because when they go to see the legal clinic, they're waiting—because there's the time there. It's not like you can call them up at 9:30 and say, "Look, Gatesy wants to come down; he's got some problems." You've got to wait. It would be better if we said, "Make sure this is done. It might be something to look at. I think he's on to something." It's got to be easier, it's got to be more friendly, because trying to fill out documents today is tough. It's almost like, you dial that number, and they say, "Press 1 for this, press 6 for this," and a lot of people don't even understand that.

So I think one thing that you might want to do when you get on the board is to say, "How do we make it easier for people to be following the process?", because the process sometimes can be challenging, for different reasons.

You're very good at what you do. I can tell you're passionate about it. That's exactly what we need in these situations: somebody who cares about the end result, and getting the results as quickly as possible. I commend you for doing this for a long period of time, and I wish you the best when you get appointed.

**Ms. Beverly Moore:** Thank you.

**The Chair (Mr. John Fraser):** Ms. Malhi.

**Ms. Harinder Malhi:** Thank you for your presentation. I just wanted to ask you: What is the role of the alternative executive chair?

**Ms. Beverly Moore:** My understanding is that if the executive chair who's present was to be gone for an extended period, perhaps for an illness, or was to leave the cluster, that there is someone to act in a temporary capacity until a more final decision could be made.

**Ms. Harinder Malhi:** Is there any additional remuneration or—

**Ms. Beverly Moore:** There's no additional remuneration.

**Ms. Harinder Malhi:** Okay. Thank you so much.

**The Chair (Mr. John Fraser):** Thank you, Ms. Moore, for your presentation today. That's all the time we have. We'll be considering the concurrences at the end of our day. Again, I thank you very much for being here today. You can step down.

**Ms. Beverly Moore:** Thank you.

**The Chair (Mr. John Fraser):** We're almost one full hour ahead of schedule, so what I would like to suggest that we do is—we have an appointment extension that we can do, and then go through our concurrences.

**Mr. Jim McDonnell:** Is the last person here?

**The Chair (Mr. John Fraser):** The last person is not here yet, so what I'll do is, first of all, we'll go to the deadline extension, which is a deadline extension for considering the appointment of Renu Mandhane, nominated as member and chief commissioner, Ontario Human Rights Commission. It was a selection of the third party,

August 14. The deadline expires on September 13. I would like to move—

**Mrs. Marie-France Lalonde:** Mr. Chair, I apologize.  
1530

**The Chair (Mr. John Fraser):** Yes, Madame Lalonde.

**Mrs. Marie-France Lalonde:** I just want to know if it's a motion that I have to present, but I wanted to know if we can schedule the full-time appointees in terms of going through the list, possibly, just out of respect for those individuals who have committed for all various reasons in their personal lives.

**The Chair (Mr. John Fraser):** Sorry; hang on.

**Mrs. Marie-France Lalonde:** Is it a motion? I'm not sure about that.

**The Chair (Mr. John Fraser):** What I'll do is I'll finish the unanimous consent to do this and then we can address that question.

**Mrs. Marie-France Lalonde:** Thank you.

**The Chair (Mr. John Fraser):** So I would need unanimous consent to extend the deadline of this appointment until October 13. Any discussion? Do I have unanimous consent? Okay, it's moved.

Now, with your question, if there is a specific—you can put a motion forward in that regard to—

**Mrs. Marie-France Lalonde:** Is it a motion?

**The Chair (Mr. John Fraser):** We can do that by unanimous consent as well. So if you'd like something, we can do it by agreement, then you can put it forward.

**Mrs. Marie-France Lalonde:** I would like to put forward that we look at the full-time appointees first, please, as we're going through this process. I would like this to be unanimous consent.

**Mr. Jim McDonell:** Is that something we've done in the past? You're talking about full-time versus part-time?

**The Chair (Mr. John Fraser):** We can have some discussion about it, yes.

**Mrs. Marie-France Lalonde:** Well, sometimes, if you look at a person who may look at this as a full-time appointment, they might have made a decision in their personal life, if they were currently employed. So I think, with due respect for those individuals who put their names forward in going through the process of us reviewing these appointees, it would be wise and also, I think, respectful of those individuals, potentially—I'm not sure. I'm just looking at this. If I'm a part-time member coming forward, I may still keep my job. If I'm looking at this as full-time employment, I might leave my job. Who knows? But I think out of respect, we should review first and schedule first those that are full-time appointees.

That's it, just out of respect.

**Mr. Jim McDonell:** Is there a huge backlog? What is the backlog?

**The Chair (Mr. John Fraser):** After today, I think we'll be at about 11. There are, I think, one or two full-time appointments in there. Can you check that?

As you know, we are sitting for two days because we have had—we'll be hearing 28 over the next two days,

but we still will have a backlog. Our next day will be on the 15th of September, and then we'll be back to our regular weekly meeting, which means two appointments.

I guess there are two questions. Do we want to adopt this going forward as a general principle or is there a specific circumstance, because I know there are a number of appointments that are here that—I know there are a few in front of us.

**Mrs. Marie-France Lalonde:** Actually, Mr. Chair, I'm just looking at this from a very factual aspect, where we do already have a backlog. So if we're going to go through how they were brought forward, we may see certain individuals in different times, which is fine. The issue is if you were applying for a full-time appointment. I think, out of respect, like I say, some of those individuals did not expect us to have this backlog. It's just a nice way of reaching out to them, just to schedule them first.

**The Chair (Mr. John Fraser):** If I'm hearing you correctly—as a matter of practice, because we have a backlog—what you're asking for is that those people who are full-time appointees, that we give consideration when scheduling them, in advance of part-time appointees. Is that clear? Is that what's out there? Does anybody have any questions? Is there any other discussion?

**Mr. Randy Pettapiece:** Our backlog is going to be done this week, isn't it—pretty much?

**The Chair (Mr. John Fraser):** No. It will be 11, so—  
*Interjection.*

**The Chair (Mr. John Fraser):** —and then we'll be—

**Mr. Randy Pettapiece:** But it's going to be cleared up in September?

**The Chair (Mr. John Fraser):** The Clerk can correct me on this, but it's two intended appointees a week. So, to clear up the current backlog, it would be just about five weeks, remembering that we will have intended appointment certificates coming out again every week. As we're clearing this up, it keeps adding to the pool. Every week, we'll be adding to that as those intended appointment certificates come out. So it will take us about five or six weeks. That's just the timing of it. It will take us probably until after our break because we will not be sitting—actually, we won't be sitting on the 22nd. That's the math.

**Mr. Jim McDonell:** And we'll never do the part-time—they'll be sitting back and the part-time appointees will be getting older and older versus taking steps to have an extra day or maybe start 10 minutes early and do three a day instead of two. We used to do three before.

**The Chair (Mr. John Fraser):** Yes. To do three, we'd have to start half an hour early.

**Mr. Jim McDonell:** Well, or 10 minutes early.

**The Chair (Mr. John Fraser):** We actually don't have the authority—

**Mr. Jim McDonell:** In the last Legislature, we started at 8 o'clock. I'm not saying we need to start at 8, but we could start at a quarter to 9.

**The Chair (Mr. John Fraser):** Clerk, maybe if you want to clarify?

**The Clerk of the Committee (Ms. Sylwia Przewozniak):** Sure. The order of the House that established the committee meeting schedule for this Parliament is quite specific: The committee may meet at 9 and end at 10:15. There's no wiggle room there.

**Mr. Jim McDonnell:** But within the last session, we did meet a number of times—even twice on the Tuesday, to get rid of a—

**The Chair (Mr. John Fraser):** In the last Parliament.

**Mr. Jim McDonnell:** The rules wouldn't have changed.

**Mr. Randy Pettapiece:** Why would they change this time?

**The Clerk of the Committee (Ms. Sylwia Przewozniak):** The order of the House that established the committee meeting schedule was worded differently and provided different parameters for the meeting times.

**Mr. Jim McDonnell:** But the standing orders wouldn't have changed.

**The Clerk of the Committee (Ms. Sylwia Przewozniak):** It's not the standing orders. It's done by a motion at the beginning of the Parliament, which then turns into an order of the House. That is what establishes the committee meeting schedule for a Parliament.

**Mr. Randy Pettapiece:** I don't understand the procedure here. The government changed these things by themselves? Who does this?

**The Chair (Mr. John Fraser):** It's by order of the House. So the House leaders—

**Mr. Randy Pettapiece:** So then the government changed it. Correct? You have a majority.

**The Chair (Mr. John Fraser):** We have a majority, yes. There's also a negotiation between—

*Interjections.*

**The Chair (Mr. John Fraser):** We're getting away from the original intent of this unanimous consent.

**Mr. Randy Pettapiece:** I'm trying to understand why we can't change it back to the way it was.

**The Chair (Mr. John Fraser):** How it got to where it was—that's what the order of the House is right now.

**Mr. Randy Pettapiece:** What I'm trying to understand is why the government changed it this way. Pardon me for being cynical.

**The Chair (Mr. John Fraser):** I wouldn't suggest that you're being cynical; we can have a further discussion about that, but we were just discussing something here, and I'm just going to repeat it again: to give consideration to full-time appointments over part-time appointments when scheduling. As you know, with scheduling, that's something that we have a bit of a challenge doing in general. You've got to get people who are available to be here.

I will entertain some more discussion about this, if anybody has any.

**Mr. Jim McDonnell:** I guess—

**The Chair (Mr. John Fraser):** Okay. Just one second—

1540

**Ms. Ann Hoggarth:** Could I have some clarification, please?

Basically, I think what my colleague MPP asked was if we could consider the people who have applied, basically, for a full-time position, who may be sitting, holding up other people taking their position at the job they are already at. From what I look at on the sheets that we just went through—

**Mrs. Marie-France Lalonde:** It's done. It's the other ones.

**Ms. Ann Hoggarth:** Oh, it's the other ones?

**Mrs. Marie-France Lalonde:** There are 14 or something that we're supposed to review. That's the motion right now.

**Ms. Ann Hoggarth:** Oh, I'm sorry.

**Mrs. Marie-France Lalonde:** But still, how many—I think it's one or two. How many are they, currently full-time, that we would have to schedule first?

**Ms. Ann Hoggarth:** Their life is on hold, is basically what we're saying.

**Mr. Jim McDonnell:** One board is short nine people.

**The Chair (Mr. John Fraser):** Okay. Just a moment, please.

*Interjections.*

**Mr. Wayne Gates:** A question.

**The Chair (Mr. John Fraser):** Mr. Gates.

**Mr. Wayne Gates:** I don't know if we can do this, because I understand that the government continues to change the rules all the time. I understand all that. But can we not just do another day?

**The Chair (Mr. John Fraser):** Can we not what?

**Mr. Wayne Gates:** Can we just do another day?

**The Chair (Mr. John Fraser):** I'll ask for the Clerk's—

**Mr. Wayne Gates:** I mean, I enjoy everybody's company.

**The Chair (Mr. John Fraser):** I generally think anything in this world is possible.

**Mr. Wayne Gates:** I'm just trying to figure out if that makes sense.

**The Chair (Mr. John Fraser):** I don't know what procedurally would need to be done to do that.

**Mr. Wayne Gates:** I'm just thinking, would it not make sense? Then we're caught up. We're not always playing behind the eight ball and trying to figure out two or three people. Just add another Friday to our schedule, and we'll stay overnight on a Thursday night and get it done. Then we're all caught up for the next session until next summer, when we go through this again. It just makes sense to me, rather than chasing your tail.

**The Chair (Mr. John Fraser):** I understand what you're saying—can I ask the Clerk?—but it may require the return of the House to consider something like that.

**Mr. Wayne Gates:** Could we look into it before we—

**Mr. Jim McDonnell:** Well, today's session is within bounds. We can schedule as many as we want to during our summer session, and we just failed to do so.

**The Clerk of the Committee (Ms. Sylwia Przewoziecki):** The standing orders grant this committee the authority to meet for the purpose of considering intended appointments during an adjournment, such as the one that we are in now, no more than three times per month. That's a standing authority.

Once the House is back in session, the committee would require authority from the House to be permitted to sit outside of its regular meeting time, which is Tuesday morning from 9 to 10:15.

**Mr. Jim McDonell:** None of this can stop us, during our break weeks—

**The Clerk of the Committee (Ms. Sylwia Przewoziecki):** It's during an adjournment of more than a week, such as the summer or winter—

**The Chair (Mr. John Fraser):** The summer and the winter sessions.

**Mr. Wayne Gates:** I guess the question would be, then, to my colleagues on the other side, would they agree to just put one day together and clean them all up? Because, really, a lot of these are probably your appointments.

**Interjection:** All of the appointments.

**Mr. Wayne Gates:** Well, all of them. I'm just saying—so if you want to do that, I'm prepared to do that. I don't know about my colleagues. Let's just get them cleaned up and then we're clean to do the next six, seven months. Makes sense to me.

**Mrs. Marie-France Lalonde:** First of all, this will probably be something that should be reviewed and discussed in subcommittee.

My request today was just regarding the scheduling of the appointments that are moving forward for the fall session to see if we can, out of courtesy for those individuals, schedule them first.

If we want to bring something in subcommittee to discuss the backlog of those opposition and third-party appointees back in front of this committee, that's something that can be discussed.

For me, it was very purely just to see if, for those that are applying full-time, we can schedule them first in the fall session, out of courtesy, if—and at this point, I don't know if it's an issue. It was just very, I guess, respectful of those individuals that came and put their name forward, that you suggested should come in front of us, if we're going to go on this.

**The Chair (Mr. John Fraser):** I'm going to add a piece of additional information, just to make it more interesting.

There are two full-time appointments in the remaining 11 that we have, and the two intended appointees are Gita Anand, Ontario Labour Relations Board, and Renu Mandhane, Ontario Human Rights Commission. Those are the two full-time appointments that are there.

I just wanted to give that information so people were aware.

Mr. Gates.

**Mr. Wayne Gates:** Okay, and I appreciate her point. What I was saying is that we also have nine other people.

Today, it looks like we're going to get rid of 14, 15, in that area. We could put one day in, get them all, get your full-time people taken care of as well, and do the other ones, and then just be clean for the next—I just think it makes sense. I'm not trying to be difficult with you. I think it's good that people want full-time jobs. They've got to go work. Let's get them to work, but let's clean it all up so we're clean as we move into the next session for eight or nine months.

**The Chair (Mr. John Fraser):** Okay. Although we have lots of time—we've got another 45 minutes—in the interests of dealing with this one issue, and then your issue is Madame Lalonde's suggestion or request, do we have unanimous consent?

**Mr. Jim McDonell:** I think I get a little concerned that if we do that going forward, the part-time will never get adjusted, and part-time, for a lot of these boards—they're only part-time because they don't meet every day, but they're fairly important to the whole system.

I don't disagree with getting rid of these two, but if you do this going forward, you're only doing it two or maybe three times a month. You're doing six a month. I go back and look at some way of getting back to where we were last time: We were doing three a week before, at least.

**The Chair (Mr. John Fraser):** An additional piece of information: We do have a third full-time intended appointment scheduled for September 15 for our first meeting.

Madame Lalonde?

**Mrs. Marie-France Lalonde:** I guess to the member: For me, it's not to look at something that we can do every single time. My understanding is that because of this backlog, can we look at this one time so that those individuals can be scheduled first?

If you want to bring this forward after and review something in subcommittee, be my guest. I'm just asking this one time, as we're scheduling for the fall. We have this opportunity that is given to us today where we could schedule those individuals first, please.

**The Chair (Mr. John Fraser):** Mr. Pettapiece.

**Mr. Randy Pettapiece:** The rules were changed. The time frames were changed for some reason. I—

**Mrs. Marie-France Lalonde:** I want to talk to you about that.

**The Chair (Mr. John Fraser):** Please—

**Mrs. Marie-France Lalonde:** Sorry.

**The Chair (Mr. John Fraser):** Thank you.

**Mr. Randy Pettapiece:** They were changed for some reason. You guys changed them for some reason. That's what you did. Now you say you can discuss with the House leaders and everything else, but you guys have majority in the House. So now we're asked to change it back because you think something is getting screwed up here. I would suggest that if we're going to make any changes, we make them through the House and the House leaders or whatever, that we don't just make these decisions arbitrarily on our own, because that can cause chaos, and that's what we're doing here right now.

Because the next time this happens, you're going to want to change it again. I think Mr. Gates has a perfect solution to this thing here. Why don't we go along with him? Schedule it in a day and get rid of it.

**Mrs. Marie-France Lalonde:** Again, Mr. Gates, I respect your decision. And who knows? That may be the case. I look at my Fridays as a valuable component of my MPP role to which I was elected, so certainly for me—I don't know about you—but being in my riding—

*Interjection.*

**Mrs. Marie-France Lalonde:** Yes, exactly. So you know as much as I do how valuable those Fridays are. I have about 15, and I'm sure you do, too. With all due respect, we're 107 members in the House, and on Fridays, Saturdays and Sundays, we devote our time within our constituencies, and I very much value my Fridays for that. Having said that, I do understand that the decision on the structure of this committee was based upon a negotiation that took place between each of our House leaders. Again, I was not part or prelude to those discussions. I was just asking, in all openness, not to look at this as a common practice and to change a rule or to confront—not at all. It was just out of respect for those individuals who have put their names—

**Mr. Vic Dhillon:** Courtesy.

**Mrs. Marie-France Lalonde:** —courtesy, thank you—just to give them the chance to come first. Having said that, if they were to be successful in their application, well, they will probably leave a job to create, like my colleague said—someone else to move into that role. That's the only thing. We know that most of the part-time that I've seen in the last year are typically retired people or people who are currently in a job that—they don't do this part-time. I respect the part-time people. Like I say, it's not something to look at in moving forward. It is a one-time issue, that we're having this situation. It's really, in my understanding, a little bit unusual that we ask our Clerk to schedule them first. That was it.

1550

**The Chair (Mr. John Fraser):** Mr. McDonell.

**Mr. Jim McDonell:** Under the rules of the last session, we met during the week here. We were allowed to meet more often. We were doing at least three a week. We're just talking about going back to those rules.

The backlog would be gone now if that was the case. I'm not sure why we're dropping down to two. I guess what Mr. Pettapiece was saying—to the House leaders, surely we can get back to being a little more efficient, because there are a lot of part-time boards. We're talking about one board being nine short. They haven't met in over a year. All that we're going to do is make that a lot more difficult, whereas really, I think that we can meet more than an hour a week. I'm not talking about necessarily meeting—

**Mrs. Marie-France Lalonde:** With all due respect, that's something that we could discuss either in sub-committee—and I agree with you—or to our House leaders.

**Mr. Wayne Gates:** I just call the question, please.

**The Chair (Mr. John Fraser):** Okay, do we have agreement? That's the question.

**Mr. Wayne Gates:** No.

**The Chair (Mr. John Fraser):** No. Okay. The matter is settled.

Now we're going to move on to our concurrences. We might as well consider them right now. We have one more appointee. We can consider their concurrence at the end of their interview.

I would like to consider the concurrence for Jillian Swartz, nominated as member, Wilfrid Laurier University board of governors. So can I have—

**Mr. Vic Dhillon:** Agreed.

*Interjections.*

**The Chair (Mr. John Fraser):** Can someone move the concurrence, please?

**Mr. Chris Ballard:** So moved.

**The Chair (Mr. John Fraser):** Mr. Ballard. Any discussion? All those in favour? Opposed? Carried.

I'd like to consider the concurrence for Leigh Lampert, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal. Can I have someone put forward the concurrence?

**Ms. Harinder Malhi:** I'll do it.

**The Chair (Mr. John Fraser):** Ms. Malhi. Any discussion? All those in favour? Opposed? Carried.

The concurrence for Upkar Arora, nominated as member, Metrolinx.

**Mr. Chris Ballard:** So moved.

**The Chair (Mr. John Fraser):** Mr. Ballard. Discussion? All those in favour? Opposed? Carried.

Peter Thompson, nominated as member, Ontario Energy Board. Can I have someone put that forward, please?

**Ms. Harinder Malhi:** Sure.

**The Chair (Mr. John Fraser):** Ms. Malhi. Discussion? Those in favour? Those opposed? Carried.

Preet Banerjee, nominated as member, University of Toronto governing council. Can someone put that forward?

**Mr. Vic Dhillon:** I move.

**The Chair (Mr. John Fraser):** Mr. Dhillon. Discussion? All those in favour? Opposed? Carried.

Jenny Gumbs, nominated as member, Justices of the Peace Review Council.

**Ms. Harinder Malhi:** I move it.

**The Chair (Mr. John Fraser):** Ms. Malhi. Discussion? Those in favour? Opposed? Carried.

Bette Jean Crews, nominated as chair, Species at Risk Program Advisory Committee.

**Mr. Chris Ballard:** So moved.

**The Chair (Mr. John Fraser):** Mr. Ballard. Discussion? Those in favour? Those opposed? Carried.

Paul Pastirik, nominated as member, Ontario Energy Board.

**Mrs. Marie-France Lalonde:** Yes.

**The Chair (Mr. John Fraser):** Madame Lalonde. Discussion?

**Mr. Wayne Gates:** Could I have a recorded vote for that one, please?

**The Chair (Mr. John Fraser):** Recorded vote, please.

#### Ayes

Ballard, Dhillon, Hoggarth, Lalonde, Malhi, McDonell, Pettapiece.

#### Nays

Gates.

**The Chair (Mr. John Fraser):** Motion is carried. Paul Pastirik, nominated as member, Mohawk College of Applied Arts and Technology.

**Ms. Harinder Malhi:** I'll move it.

**The Chair (Mr. John Fraser):** Ms. Malhi. Discussion? Those in favour? Opposed? Carried.

Bryan Davies, nominated as member, Metrolinx.

**Mrs. Marie-France Lalonde:** Yes.

**The Chair (Mr. John Fraser):** Madame Lalonde. Discussion? Those in favour? Opposed? Carried.

Victoria Christie, nominated as member, Ontario Energy Board.

**Ms. Harinder Malhi:** I'll move it.

**The Chair (Mr. John Fraser):** Ms. Malhi. Discussion? Those in favour? Those opposed? Carried.

Mark Mascarenhas, nominated as member, Social Benefits Tribunal.

**Mr. Wayne Gates:** I'll move it.

**The Chair (Mr. John Fraser):** Sorry?

**Mr. Wayne Gates:** I'll move that one.

**The Chair (Mr. John Fraser):** Mr. Gates. Discussion?

Those in favour? Opposed? Carried.

Beverly Moore, nominated as alternative executive chair, Social Justice Tribunals Ontario; and member, Child and Family Services Review Board, Criminal Injuries Compensation Board, Custody Review Board, Human Rights Tribunal of Ontario, Landlord and Tenant Board, Ontario Special Education (English) Tribunal, and Ontario Special Education (French) Tribunal. Discussion?

Those in favour? Opposed? Carried.

There we go. Mr. McDonell.

**Mr. Jim McDonell:** At our June 2 meeting, we had a subcommittee report dated May 25. For some reason, the vote was delayed so we wouldn't be able to pass it that day. Would that not be on the agenda today, to pass that?

**The Chair (Mr. John Fraser):** It's not on our agenda and my understanding is—Clerk?

**Mr. Jim McDonell:** I thought Sylwia ran out of time and that something in the previous agenda had fallen through to the next one.

**The Chair (Mr. John Fraser):** Just one second. I'll just get the advice of the Clerk on this.

By authority of the Legislature, we cannot consider anything other than intended appointments right now.

**Mr. Jim McDonell:** Okay, so it will be on the next one.

**The Chair (Mr. John Fraser):** But there can be a subcommittee meeting to discuss those things. I know there are some differences and changes that exist inside because of the delay in time. So that's the venue at which that can be done.

**Mr. Jim McDonell:** Okay.

**The Chair (Mr. John Fraser):** Any other questions? We have about 30 minutes, so we could adjourn for, let's say 10 minutes. People can get out of the room, come back in 10 minutes and see if our intended appointee is here. Is that good? So we're adjourned for 10 minutes.

*The committee recessed from 1600 to 1610.*

#### MR. RAYMOND RAMDAYAL

Review of intended appointment, selected by official opposition party: Raymond Ramdayal, intended appointee as member, Animal Care Review Board; member, Fire Safety Commission; and member, Licence Appeal Tribunal.

**The Chair (Mr. John Fraser):** We're back after our 10-minute recess and ready to continue. We have one intended appointee left for today, and that is Raymond Ramdayal, nominated as member, Animal Care Review Board, Fire Safety Commission and Licence Appeal Tribunal. Mr. Ramdayal, can you please come forward and take a seat?

**Mr. Raymond Ramdayal:** Thank you.

**The Chair (Mr. John Fraser):** Thank you very much for being here today, and for being here a bit early. It's much appreciated.

**Mr. Raymond Ramdayal:** You're welcome.

**The Chair (Mr. John Fraser):** I want you to know that you have the opportunity to make a brief opening statement. Any time that you use will be taken from the government's time to ask you questions. Members of all three parties will be able to ask you questions today. You may proceed.

**Mr. Raymond Ramdayal:** Okay. Thank you very much.

Good afternoon, Mr. Chairman and distinguished members of the standing committee. It is indeed a privilege to appear before you in relation to my candidacy as an intended public appointee to the Animal Care Review Board, the Fire Safety Commission and the Licence Appeal Tribunal.

I appreciate the opportunity to participate in these proceedings and would like to begin by briefly outlining my experience, education, skills and personal attributes that make me a suitable candidate for this important position of public service.

As you've learned through reading my CV, I have a diverse background that allows me to bring multiple skill sets from various hats that I have worn in my professional career. I am currently appointed to the Ontario

Parole Board, which is also a tribunal under the same cluster of the Safety, Licensing Appeals and Standards Tribunals Ontario. Since joining the board, I have successfully discharged my duties as an independent adjudicator to meet their mandate dedicated to the process of promoting public safety by making responsible decisions.

I have progressively grown in my role with the Ontario Parole Board and have participated in all aspects of adjudication and decision-making in various hearings across the province with the primary goal of the protection of society. I am frequently selected to act as a hearing lead on many complex and high-profile cases, and I have received extensive training in conducting hearings, concepts of administrative justice, cultural sensitivity, risk assessment, mental health issues and decision writing, to name a few.

My role with the Ontario Parole Board has also provided me with significant experience in dealing with unrepresented clients. I'm fortunate that my experience has taken me beyond that of parole and corrections. I also sit on the Fitness to Practise Committee for the Ontario College of Trades, where I have received training with respect to holding adversarial hearings.

It goes without saying that I find many commonalities within the principles of adjudication. I have always approached these positions by applying administrative law, concepts of fairness and natural justice. My approach always reflects a commitment to equal access, impartiality and due process in dispute resolution.

As you can also see from my CV, my experience is complemented with extensive educational experience which provides me with the tools necessary to meet the challenges of this position of public trust. My achievements include a Certificate in Adjudication for Administrative Agencies, Boards and Tribunals, both bachelor's and master's degrees, as well as various certificates. I would also note that I'm a certified public health inspector, which exposes me to a diverse area that all three tribunals actually touch on.

In addition to all of this, I'm also a lifelong learner with a passion for continuing professional development, and I have taught courses with the Chang School at Ryerson University. I have taught courses in criminal justice and criminology, and I actively sit on the program advisory committee for the School of Occupational and Public Health as well.

In addition to this, SLASTO has a detailed and well-developed set of core training modules. As a member of the Ontario Parole Board, I have attended all cluster training sessions and been exposed to the work of the constituent tribunals. I was also fortunate to be board director of the Society of Ontario Adjudicators and Regulators, where I provided a leadership role in the advancement of administrative justice through education, advocacy and innovation.

Currently, I'm an environmental health specialist and research consultant with Toronto Public Health and, prior to that, spent approximately 15 years as a public health

inspector, where I have significant experience in ensuring compliance with the Health Protection and Promotion Act. This role requires the ability to interpret and apply statutes, laws and regulations. I am also proud to serve my profession by being the president-elect of Canadian Institute of Public Health Inspectors, Ontario branch.

I would note that there are several examples with me being a public health inspector that make me suitable for this particular role. As a public health inspector I would conduct investigations under the rabies prevention program and would routinely quarantine and isolate animals involved in biting incidents. I have also been involved in animal head submissions and complex investigations where community concerns are high and animal owner emotions sensitive.

The Fire Safety Commission would also allow me to directly apply my experience as a volunteer firefighter where I proudly served in station 219 in Brampton, Ontario. I successfully completed the rigorous training involved and availed myself of additional training under the Ontario fire marshal's curriculum. Toward the end of my tenure, I was qualified in high-rise rescue and drove and operated an aerial pumper truck.

My training also included all aspects of emergency responders, bioterrorism and first aid. From another angle, I have been involved in numerous investigations involving hoarding where I would work together with various other city divisions, including fire, to come to some sort of remediation for very sensitive issues, involving, sometimes, mental health.

These are just a few examples of where my multi-faceted background and education coupled with my significant experience as an independent adjudicator allow me to bring skills that are required for this position.

Moreover, I am hopeful that you will see that my experience and unique skills complement that of others on the various tribunals and adds value to the understanding of complex issues and decisions that affect the people, families and communities in Ontario.

I have demonstrated through a competitive, merit-based process that I bring the experience, knowledge and training necessary and in my years with the Ontario Parole Board and SLASTO, I have acted as an impartial and independent adjudicator working in the public interest and have exercised professionalism and dedication with a clear understanding of the adjudicative practices and procedures set out by the tribunals.

As I indicated, it is indeed a great pleasure to be here—I'm happy I was early—and at this time I would ask that if you have any questions, I'd be more than happy to answer them for you.

**The Chair (Mr. John Fraser):** Thank you very much. Mr. Gates.

**Mr. Wayne Gates:** How are you doing?

**Mr. Raymond Ramdayal:** I'm fine, thank you. How are you?

**Mr. Wayne Gates:** Very good. What motivated you to seek this appointment?

**Mr. Raymond Ramdayal:** Mr. Gates, I see this as a natural progression to my career in public service. I have



to say that since joining the Ontario Parole Board, it's been a very positive experience for me. I've been able to bring many of my skill sets and apply them directly to my work there.

I feel I've done a good job, and that's reinforced by the fact that I've received positive feedback from my superiors as well as various assessments and evaluations that have been done on me.

I've always been very humbled by the work adjudicators in Ontario do, to be honest. It goes without saying that most people in Ontario are more likely to be affected or would interact with the administrative justice system more so than the court system. Having said that, we're making decisions that affect the lives of not only people, but their families and communities at large, which is a big responsibility and something that I take very seriously and fortunately I enjoy doing.

**Mr. Wayne Gates:** That's good. What do you do at the Ontario College of Trades?

**Mr. Raymond Ramdayal:** At the Ontario College of Trades, I sit on the fitness to practise committee. I'm relatively new to the Ontario College of Trades, because it is a fairly new outfit. I've undergone all of their mandatory training and such. To be honest, it hasn't been as busy and so far I've just participated in a lot of the training and meetings that we've been having, but I recognize that it's sort of a newer governance model and they're trying to get all the pieces together. Perhaps at some point later on, I'll continue to contribute should they extend my tenure there, because that's coming up to expire as well.

**Mr. Wayne Gates:** You did talk about the parole board. Do you know anything about our jails?

**Mr. Raymond Ramdayal:** Pardon me?

**Mr. Wayne Gates:** The jails that they're coming from. We have lots of issues around our jails, around safety and stuff. Have you had any concerns on that part of it? Not only just being on the parole board, but obviously with our safety—both for the inmates and the workers at the jails. Have you had any dialogue around that? Or have you heard about it in your role?

**Mr. Raymond Ramdayal:** As a quasi-judicial tribunal, the Ontario Parole Board is very unique in that all of our hearings actually take place within these institutions. What that allows is an interaction between adjudicators and staff. For that reason, even during the course of a day, just talking and chatting with staff, you begin to develop a rapport, working together, and I think that, as we come together, we try to do our job in as safe and efficient a manner as possible, while being respectful of the rights of the inmate, of course, and ensuring the integrity of the process.

1620

We also have vice-chairs at the board who are in regular dialogue with people at the institution—superintendents and assistant superintendents and such—who will routinely look at processes and procedures, ensuring that they're working and, if they're not working, doing things to correct them.

**Mr. Wayne Gates:** Do you hear anything about the understaffing there, in the jails, when you're there?

**Mr. Raymond Ramdayal:** No, I—

**Mr. Wayne Gates:** And what about safety concerns?

**Mr. Raymond Ramdayal:** No, not so much, to be honest.

**Mr. Wayne Gates:** I just thought, because you saw that, and I know there are big issues in almost all our jails right across the province.

Another one that I'll ask you about is that you're a volunteer firefighter for the city of Brampton. We obviously thank you for that, but what do you think some of the issues are facing firefighters as well? Maybe you can talk about that, seeing as you've had some first-hand experience. What are some of the issues that are important to firefighters on a go-forward basis, every day?

**Mr. Raymond Ramdayal:** I'm a strong believer in continuing professional competencies, and that's sort of the flag that I fly. I think that our firefighters need all of the support and training that we can provide them to keep them abreast and up to date with regard to new techniques, equipment. It's the type of job—and I'm not doing it anymore, just to clarify; it's something I did a few years ago. I found that it's something that you have to be continually practising.

I believe that firefighters, day in and day out, as well as of all our emergency responders, do a great job. There are incredible pressures on them, I would imagine, with regard to public scrutiny and such, but having said that, I think that when given the tools, when given the proper equipment and the proper training, not only can we ensure that they arrive and tend to matters and keep the public safe, but they can also keep themselves as well.

**Mr. Wayne Gates:** You've obviously talked to firefighters in the city of Brampton, so are you aware of the challenges around mental health that the firefighters are really facing in the city of Toronto and in a lot of cities right across the province of Ontario? A really big issue: They're dealing with it, just like police officers. If you're talking to your colleagues and your firefighters, have they raised that with you at all, talked to you about it? Do you guys talk about it?

**Mr. Raymond Ramdayal:** No. To be honest, back then not so much. My core group of firefighters that I was associated with of course were volunteers, and they were there because they really wanted to be there. I never really encountered mental health issues in that regard. However, I would say that more recently I find that firefighters are getting involved in cases where there may be mental health issues, such as in hoarding and things like that, like what we see in the city of Toronto. So more often than not, they're certainly encountering it. They're encountering challenging situations, and hopefully they can have those supports.

**Mr. Wayne Gates:** The other one that I know in my riding that we've talked about, and they have changed some of the regulations around it, is cancers among firefighters. They just had a fundraiser in my riding on

Saturday night for a young firefighter in his early fifties who passed away from cancer. I don't think that people look at that as a profession that actually suffers from cancers, and so, you being a volunteer firefighter, I'm glad you're talking about wearing the proper equipment, getting the proper training, making sure that you're safe. They're all important things.

**Mr. Raymond Ramdayal:** Mr. Gates, I have an incredible not only passion but appreciation for health and safety. One of the certificates that I mentioned in my opening introduction, actually, is in health and safety. Prior to working for government, I worked in the private sector in the health and safety field, for a private company. That mandate, under the Occupational Health and Safety Act, in my mind is paramount when it comes to protecting our workers, so I completely agree with you.

**Mr. Wayne Gates:** How do you expect to contribute to the upcoming priorities and initiatives as described in the 2013-14 annual report?

**Mr. Raymond Ramdayal:** For SLASTO?

**Mr. Wayne Gates:** Yes.

**Mr. Raymond Ramdayal:** One of the initiatives that SLASTO is undertaking, of course, is that of cross-appointments. I can see great value with respect to cross-appointing members not only for the purposes of reducing duplication and redundancy but also, hopefully, to increase access and accessibility to the tribunals, as well as ensuring that matters are being dealt with in a timely and efficient manner. I'm hopeful that if I am successfully cross-appointed, I'll be a part of that puzzle, I'll be a part of the diversified group, if you will, that's mentioned in the SLASTO initiatives, to contribute in multiple areas of expertise, to be flexible with respect to scheduling or travel across the province and to handle multiple issues.

**Mr. Wayne Gates:** The other question I wanted to ask, because it's interesting to me, not just as an MPP: You talk about public health, and you're president of the—

**Mr. Raymond Ramdayal:** President-elect of the Canadian Institute of Public Health Inspectors, Ontario branch.

**Mr. Wayne Gates:** Anything on food safety?

**Mr. Raymond Ramdayal:** Yes. Actually, our public health inspectors and environmental public health professionals across Ontario inspect all licensed restaurants, any place that serves food, essentially, or offers food for sale. It's a large part of our DineSafe program here in Toronto as well.

**Mr. Wayne Gates:** On the public health file and food safety, is there any education to the public to buy local and support local? Obviously, I believe the healthiest food is right here in Ontario. In my area there is, as you probably know—I'm sure you're familiar with Niagara-on-the-Lake and that area.

**Mr. Raymond Ramdayal:** Yes.

**Mr. Wayne Gates:** Buying local fruit and vegetables from a local market is extremely big down in our area.

Has that been part of your mandate as president, educating people, to say, "You know what? We do it extremely well here in Ontario. The food is safe. It's delicious"—that type of education in your role as president?

**The Chair (Mr. John Fraser):** Mr. Gates, I'm sorry. That's all the time we have for that question.

**Mr. Wayne Gates:** My favourite question.

Thank you, sir.

**Mr. Raymond Ramdayal:** Thank you.

**The Chair (Mr. John Fraser):** Mr. Ballard.

**Mr. Chris Ballard:** Thank you for coming forward. You certainly have an eclectic skill set, I'll say: everything from firefighter to public health and parole board.

It's the parole board experience that I'm interested in. I'm wondering what you've learned there, what you've learned through that process, because I imagine it's not an easy one and it's one that requires a very good set of skills. What have you learned there that will help you on the other boards, to help you do your job better on the other boards?

**Mr. Raymond Ramdayal:** Mr. Ballard, one of the things that we have at the parole board is fantastic support and a great modular commitment to training and ongoing training with regard to conducting hearings and culturally specific sensitivity issues. The training that I've received at the parole board has essentially added to my vast skill sets. What I can say is that it has opened doors and given me opportunities that I never dreamed of before.

I'll give you an example, if I could. During my time at the parole board, we started developing aboriginal circle hearings. This was in an effort to provide a forum by which people of aboriginal background could actually have a hearing where they felt comfortable, where they felt that they could be heard, and we could put them at ease to probe them with questions that would best inform our decisions. I was happy that I've been able to go, again, across Ontario, most notably up north, to conduct these aboriginal circle hearings with inmates. It allows me access, as well, to native elders, and it allows a great collaboration between the community and the parole board, where we come together to make a well-informed, well-guided and rationalized decision to ensure that those who are being released are those who are deemed to be a manageable risk and those who have been rehabilitated or are seeking rehabilitation on the outside.

So whether it be aboriginal training, mental health issues, female offenders, concepts in risk assessment, all this is sort of added to not only my arsenal but that of all the other parole board members to ensure that regardless of the case that comes before us and regardless of the circumstances, we're able to deal with that in an efficient way, in an effective way, in a way that's impartial and in a way that respects and ensures the integrity of the process and the human rights of the offender that comes before us as well, while at the same time, of course, ensuring the protection of society, which is always paramount.

1630

**Mr. Chris Ballard:** Okay, very good. Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Ballard. Mr. McDonell?

**Mr. Jim McDonell:** Thank you for coming out and for all your work in the past. Many Ontarians are not aware of the legal recourses available to them through their various provincial tribunals. For some of them, like the animal review board, there are only five days to submit your appeal. Do you think this is a significant challenge and a fair challenge for many people?

**Mr. Raymond Ramdayal:** In terms of the timeline, Mr. McDonell?

**Mr. Jim McDonell:** Yes, very short timelines.

**Mr. Raymond Ramdayal:** I would say that that timeline, whether it be five days, 10 days or whatever it is—I think that where it starts is good communication and sort of a good advertise, for lack of a better word, to the general public with regard to what's available to them in terms of recourse with regard to these appeals.

Once again—and I go back to what I said earlier—I think that people are more likely to come into contact with the administrative justice system than they are the court system. That system can sometimes be very intimidating. I've seen that. I think that as adjudicators, as SLASTO, as a group of tribunals, we have an inherent responsibility to ensure that we're making these services accessible and that we're making that whole process as un-intimidating as possible.

A lot of these tribunals have to deal, of course, with unrepresented parties, people who may not have the resources available to them to hire a lawyer. We need to be well trained, we need to be prepared and we need to be able to help people navigate that area of justice, to feel as though their concerns are being heard and to feel as though, at the end of the day, the tribunal will serve the purpose for which it is there.

Going back to your original question on whether five days is enough: I'm not sure. Is 10 days better? Is 30 days better? Maybe the more, the better; I'm not sure. But what I would say is, let's start by ensuring that we're communicating that to the general public. Let's ensure that they're aware of this. How do you do that? Let's ensure that our websites are up to date. Let's ensure we have brochures. Let's ensure we have all of this information in abundance so that when they go looking, they can actually find it.

**Mr. Jim McDonell:** Have you dealt, in your experience, with people who are unable to afford legal help? We see them coming into our office. They're trying to grapple and trying to get legal aid, but they can't afford it. There are timelines, wait-lists, so something with a five- or even a 10-day waiting list is out of the question. So they're really forced—most times or many times they don't have the education and they're somewhat leery about going before a tribunal. The tribunal may be in Toronto. We're 400 kilometres away.

Have you any experience in dealing with people who have come out of desperation just to tell us their side of the story?

**Mr. Raymond Ramdayal:** I can't really say so at the parole board only because we're an inquisitorial board and none of our clients who come before us are represented on the one hand. There are some who bring, as an assistant, someone who can perhaps advocate for them to some respect or speak on their behalf. Towards the end of the hearing, they're given an opportunity, but I haven't come across specifically a situation where someone was unable to avail themselves of that assistance.

However, I know that in my experience and training with certain adversarial boards such as the Ontario College of Trades there may be some option to otherwise delay or provide the person with some sort of accommodation until they can actually get some degree of assistance.

**Mr. Jim McDonell:** Did you have any questions?

**Mr. Randy Pettapiece:** Yes, I have.

**The Chair (Mr. John Fraser):** Mr. Pettapiece?

**Mr. Randy Pettapiece:** What's your experience with the farming community, especially with the animal farming community?

**Mr. Raymond Ramdayal:** Not too much, only because of course I've lived primarily in the GTA, the Toronto area, and worked in this area as well. I have to be somewhat familiar of course with farms and the farming community as president-elect of the Canadian Institute of Public Health Inspectors. I represent all members across Ontario, and that includes health units right across Ontario and up north as well.

I can't say that I've worked hands-on with farmers. I have been involved in an agricultural bite, if I could call it that, as a public health inspector, where a child was bitten by an animal on a farm. That required some collaboration with the appropriate ministry to ensure that the animal was properly quarantined and such.

**Mr. Randy Pettapiece:** Just getting back to what Mr. McDonell was saying on this time frame, there are certain practices that farmers do that they've been doing for years. Then all of a sudden an inspector shows up, the OSPCA shows up and say, "You can't do that anymore and I'm going to slap you with a \$5,000 fine." It scares the crap out of everybody. In fact, the timeline is so short that the farmer pays the fine even though we consider he was doing nothing wrong. It has taken part of his income away. I'll tell you: It has to do with small pigs that aren't going to make it to market but are edible—they're okay for food—but these inspectors drop in and say, "You can't do it anymore," and, bang, out goes his income on that. Now they have to throw the animals away; they have to dispose of them somehow.

Five days is not long enough for that farmer, after the initial shock, to go to a tribunal and state his case. So there are issues like that going on in the country. I believe they've backed off a little bit because of the publicity that was involved, but I would hope that if you're involved with these types of things, common sense will play into this.

My son is also a volunteer firefighter. He's a captain with our local fire department. Some of the issues that they face with volunteer firefighters are money for

training with small municipalities. He's been doing rather well in the training part of it and there are municipalities that see the benefit of doing that type of thing, but there are a number of departments that don't have that, that can't do it because of money constraints and then sometimes their equipment is not where it should be. Anyway, enough about that.

My biggest concern is the effect that that you could have on our farming communities if you get involved in these types of things—to see where normal farming practices that have been done for years, all of a sudden you get whacked with a potential for a fine. This guy ended up paying the fine because he was so frightened that they were going to shut him right down. Anyway, those are my comments. Thank you.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pettapiece. Mr. Ramdayal, that concludes the interview for today. I want to thank you very much for being here. We're going to consider the concurrence at the end of this meeting which would be right now. You may remain in the room if you'd like.

**Mr. Raymond Ramdayal:** Okay.

**The Chair (Mr. John Fraser):** Thank you very much again for being here.

**Mr. Raymond Ramdayal:** Thank you. It's my pleasure.

**The Chair (Mr. John Fraser):** We'll now consider the concurrence for Raymond Ramdayal as member of the Animal Care Review Board, member of the Fire Safety Commission and member of the Licence Appeal Tribunal. May I have someone put that forward? Mr. Ballard.

**Mr. Chris Ballard:** So moved.

**The Chair (Mr. John Fraser):** So moved. Any discussion?

All those in favour? Opposed? Carried. Congratulations, Mr. Ramdayal.

**Mr. Raymond Ramdayal:** Thank you very much.

**The Chair (Mr. John Fraser):** Thank you.

That will conclude our meeting for today. See you all tomorrow morning at 9 o'clock.

*The committee adjourned at 1639.*







## CONTENTS

Tuesday 1 September 2015

Withdrawal of intended appointments.....	A-109
Subcommittee reports .....	A-109
Intended appointments.....	A-110
Ms. Jillian Swartz.....	A-110
Mr. Leigh Lampert.....	A-115
Mr. Upkar Arora.....	A-118
Mr. Peter Thompson.....	A-123
Mr. Preet Banerjee .....	A-127
Ms. Jenny Gumbs.....	A-131
Ms. Bette Jean Crews.....	A-133
Mr. Paul Pastirik .....	A-137
Mr. Paul Pastirik .....	A-141
Mr. Bryan Davies .....	A-144
Ms. Victoria Christie.....	A-147
Mr. Mark Mascarenhas .....	A-150
Ms. Beverly Moore .....	A-153
Mr. Raymond Ramdayal .....	A-161

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