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**Official Report
of Debates
(Hansard)**

M-25

**Journal
des débats
(Hansard)**

M-25

**Standing Committee on
the Legislative Assembly**

Accelerating
Access to Justice Act, 2021

**Comité permanent de
l'Assemblée législative**

Loi de 2021 visant à accélérer
l'accès à la justice

1st Session
42nd Parliament
Friday 19 March 2021

1^{re} session
42^e législature
Vendredi 19 mars 2021

Chair: Kaleed Rasheed
Clerk: Tonia Grannum

Président : Kaleed Rasheed
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Friday 19 March 2021

Vendredi 19 mars 2021

The committee met at 0909 in room 151 and by video conference.

ACCELERATING
ACCESS TO JUSTICE ACT, 2021
LOI DE 2021 VISANT À ACCÉLÉRER
L'ACCÈS À LA JUSTICE

Consideration of the following bill:

Bill 245, An Act to amend and repeal various statutes, to revoke various regulations and to enact the Ontario Land Tribunal Act, 2021 / Projet de loi 245, Loi modifiant et abrogeant diverses lois, abrogeant divers règlements et édictant la Loi de 2021 sur le Tribunal ontarien de l'aménagement du territoire.

The Vice-Chair (Mr. Vijay Thanigasalam): Good morning, everyone. I'll call this meeting to order. We are meeting today for clause-by-clause consideration of Bill 245, An Act to amend and repeal various statutes, to revoke various regulations and to enact the Ontario Land Tribunal Act, 2021.

Staff from Hansard, legislative counsel and ministry counsel join us remotely today.

Are there any questions? I see none.

Before we begin, I propose that consecutive sections with no amendments or notices be grouped together unless any members would like to vote on a section separately. Do members agree? Thank you.

Since the majority of the bill is set out in schedules, I propose we stand down sections 1, 2 and 3 of the bill and commence with schedule 1, section 1. Do members agree? MPP Bell.

Ms. Jessica Bell: Sorry, it's hard for me to raise my hand. I just want to get back to your other point: I would like every schedule to be voted on. I don't want schedules that have no proposed amendments in them to be amalgamated together and voted on as a group.

The Vice-Chair (Mr. Vijay Thanigasalam): We are not amalgamating the schedules, we are only amalgamating the sections that do not have any amendments in the schedule.

We have MPP Kanapathi here. MPP Kanapathi, can you please confirm that you are MPP Kanapathi and also confirm that you are currently in Ontario?

Mr. Logan Kanapathi: Good morning, Chair. It's MPP Logan Kanapathi. I am in Markham, Ontario.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh, can you confirm that you are present and that you are MPP Singh, and can you confirm whether you're currently in Ontario?

Mr. Gurratan Singh: Gurratan Singh here, calling from Ontario.

The Vice-Chair (Mr. Vijay Thanigasalam): Are there any brief comments on the bill as a whole before we proceed to schedule 1, section 1? Just a reminder that we stood down sections 1, 2 and 3 of the bill.

Shall schedule 1, sections 1 and 2, carry? Schedule 1, sections 1 and 2, carry.

Shall schedule 1 carry? Carried.

Shall schedule 2, sections 1 and 2, carry? Carried.

Shall schedule 2 carry? Carried.

Shall schedule 3, sections 1, 2 and 3, carry? Carried.

Schedule 3, section 4: independent member's motion, subsection 43(2)(b), page 1. MPP Collard.

M^{me} Lucille Collard: I move that section 4 of schedule 3 to the bill be amended by striking out clause (b) of subsection 43(2) of the Courts of Justice Act and substituting the following:

“(b) one lawyer appointed by the Law Society of Ontario;

“(b.1) one lawyer appointed by the Ontario Bar Association;

“(b.2) one lawyer appointed by the Federation of Ontario Law Associations;”

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any debate? MPP Bell.

Ms. Jessica Bell: I'm not sure if MPP Collard wants to go first on debate, but we support this amendment. It's pretty clear that the Attorney General wants to politicize a judicial process that is one of the most respected in the world for being impartial. This amendment aims to bring back the level of impartiality that is critical to our judicial process.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard.

M^{me} Lucille Collard: If I can provide the rationale for the change, that may help. The rationale is that going back to the way the process was before—which was not deficient, so there was no reason to change it. The new proposed change clearly gives the appearance that the minister has more discretion to choose his preferred candidate. It creates an appearance of a lack of independence, with the result of undermining public confidence in the

appointment process itself and also in the independence and impartiality of the courts. That's why this change is being proposed.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: I just want to briefly share why the government will be voting against this amendment. This amendment would go back to the current process by which lawyers are appointed to the committee. The Attorney General has stated that one of the policy objectives he's trying to achieve with this bill is to not only increase diversity on the bench, but also to increase diversity on the Judicial Appointments Advisory Committee—which is an advisory committee.

These appointments are currently made from candidates put forward by the Law Society, the Ontario Bar Association and the Federation of Ontario Law Associations. That won't change; the candidates will still be put forward by them. We've heard from the Ontario Bar Association that they support this change and they are confident they can put forward three diverse names for the Attorney General to pick from to meet that objective of increasing diversity on the JAAC.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? MPP Bell.

Ms. Jessica Bell: I have one additional comment to make, and that is to challenge the very idea that the purpose of this change in Bill 245 is to bring about diversity. Let's be very clear: Black, Asian, South Asian and Muslim lawyers and the organizations that represent them did not ask for these changes and they do not support these changes. There are other ways to achieve diversity than making changes to the judicial appointment process that are not supported by the communities that you are purporting to support.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? Are members ready to vote? Amendment defeated.

Next, the independent member: subsection 43(3.1), page 2. MPP Collard.

0920

M^{me} Lucille Collard: I move that section 4 of schedule 3 to the bill be amended by adding the following subsection to section 43 of the Courts of Justice Act:

“Same, francophone member

“(3.1) At least one member of the committee must be a francophone.”

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any debate? MPP Collard.

M^{me} Lucille Collard: If I can explain the rationale, there have been suggestions that the self-declared bilingual candidates should be tested to some extent to verify their capacity. Having a francophone member on the committee would easily address the need to verify capacity and it would also be a concrete step by the government to demonstrate its willingness to recognize the contributions of francophones to the judiciary and for better access to justice.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Park.

Ms. Lindsey Park: I do appreciate the goal and the objective that MPP Collard is trying to achieve with this motion. In practice, I just think it's unworkable, partly because different members of the committee are appointed by different people, and so when an appointment comes up—let's say it's the only francophone on the committee, although in practice right now it's almost always three francophones who are on the committee currently—if it's an appointment that comes up that's by the Chief Justice, the Attorney General wouldn't be able to force her hand. Currently, she's female; that's why I say “her.” And vice versa, if it's an Attorney General appointment that comes up, they might not appoint a francophone and then the committee ends up in a challenge a few months later when a francophone is no longer able to serve on the committee.

We find that this particular amendment would be difficult to work and for the Attorney General to uphold, so for that reason, we're going to vote against it.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Singh.

Mr. Gurratan Singh: It's just important that the voices of francophone Ontarians are heard and represented. I think that's an important step.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? Are members ready to vote? Amendment defeated.

Next, the opposition members: subsection 43(11), page 3. MPP Singh.

Mr. Gurratan Singh: I move that section 4 of schedule 3 to the bill be amended by adding the following subsection to section 43 of the Courts of Justice Act:

“Same, francophone member”—sorry. My apologies. I was reading off the previous one. Here we go. I'll be restarting my amendment.

I move that section 4 of schedule 3 to the bill be amended by striking out “except as authorized by the chair of the committee” at the end of subsection 43(11) of the Courts of Justice Act.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Singh.

Mr. Gurratan Singh: The focus of this amendment is to remove the problematic change to the Courts of Justice Act that would allow the Attorney General to demand confidential information from the committee chair. This, combined with no security of tenure for the chair, would open the door to significant political interference. It's very important that we do whatever we can to protect the integrity of this process, and it's very, very important that any form of political interference is immediately decried and opposed.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? MPP Collard.

M^{me} Lucille Collard: I'm in favour of this change because, of course, confidentiality is crucial to the process. If we don't want to discourage people from applying, it's very important to maintain the integrity of the process and that there is no appearance that somebody or the Attorney

General could get access to this information. So I'll be voting in support.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? MPP Park?

Ms. Lindsey Park: Subsection 43(11) would provide that records or information collected, prepared, maintained or used by the Judicial Appointments Advisory Committee in considering an individual for appointment as a provincial judge are confidential and can only be disclosed with authorization of the chair of the committee.

The proposed amendment would remove the chair's discretion to authorize the disclosure of information that's otherwise confidential, but retain the statutory requirement for the committee to keep all of its records or information pertaining to the consideration of an individual for appointment confidential. Motion number 4 would strike this provision.

We recommend voting against this motion because it would require all of the committee's information regarding the consideration of specific individuals for appointment to be kept confidential. This would eliminate any flexibility for the committee to determine if there are circumstances where some limited information is warranted or necessary, for example, enabling the committee to disclose candidate information in order to conduct discreet inquiries and do their due diligence.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? MPP Singh.

Mr. Gurratan Singh: Once again, our opposition lays in the fact that this is a process that the AG should not have that level of interference with. If the committee can do the requisite checks that are necessary—but what's problematic is that the committee should be able to operate, in as strong as possible a fashion, independently, and that independence should not be jeopardized by partisan individuals, like elected AGs.

That's why it's important that this process be maintained as independent and be maintained amongst the committee to the utmost ability or to the utmost extent. Especially when you combine this with the fact that there's no security of tenure for the chair, it allows the ability for chairs to be replaced and for a further lack of security from the members of the committee because of that. So I would say that it's important that we know we have the gold standard. It's being described by folks across the board as something that doesn't need to be changed, and this opens up further possibilities for potential political interference, which is a bad thing.

0930

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard.

M^{me} Lucille Collard: I just want to add that the reason that I think it's important to maintain the process confidential is that the rationale the government is presenting is not convincing. There are no details given as to the type of reasons that would permit the disclosure of confidential information of the candidates. The example that was just given about needing to disclose certain information when you're doing a discreet inquiry doesn't actually meet that

explanation, because this would still remain confidential. We're saying releasing confidential information is giving it to somebody who doesn't have a reason to have it. If you're doing an inquiry, of course you're going to have to deal with confidentiality, so it's not a good reason to say that we need to open the confidentiality reasons. That's all.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh?

Mr. Gurratan Singh: I imagine my colleague Jessica already stated this, but on any NDP amendments, we will be seeking recorded votes, including this one.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? MPP Park has a comment. Go ahead.

Ms. Lindsey Park: I think it will be more clear to everyone when we reach the next motion, Chair, where we're proposing to strike the whole provision.

The Vice-Chair (Mr. Vijay Thanigasalam): Are members ready to vote?

Ayes

Bell, Collard, Gurratan Singh.

Nays

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): Amendment lost.

Government member: subsection 43(11), page 4. MPP Park.

Ms. Lindsey Park: I move that section 4 of schedule 3 to the bill be amended by striking out subsection 43(11) of the Courts of Justice Act.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any debate? Are members ready to vote?

Interjections.

M^{me} Lucille Collard: I wish there was an explanation for this amendment. I'm sorry; we're at the vote. I was expecting the government to explain the reason for this.

The Vice-Chair (Mr. Vijay Thanigasalam): We can go back quickly. MPP Park.

Ms. Lindsey Park: Sure, yes. MPP Collard, sorry, I didn't hear that before we proceeded to the vote, but I'm happy to provide an explanation if it's not clear.

Stakeholders have raised concerns that allowing the chair sole discretion to disclose confidential information may reduce faith in the confidentiality of the committee's deliberations. These are concerns we heard from members of the opposition and the independent member as well, that it may reduce faith in the confidentiality of the committee's deliberations and allow information to be disclosed to the Attorney General, even if that's not the intention of the provision, that he or she would otherwise not be able to obtain. Absent this provision, the committee would continue to be able to establish its own policies and procedures related to confidentiality.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard.

M^{me} Lucille Collard: So then my question is, where is the obligation to maintain confidentiality? Is that removed altogether? There's no more obligation to maintain confidentiality? Is that it? Is that the consequence of the change?

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: I can clarify that under the current process, which many of us identified as the gold standard, the committee already establishes its own policies and procedures related to confidentiality, so that would continue.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? Are members ready to vote? Amendment carried.

Next, government member: subsection 43.1(2), page 5. MPP Park.

Ms. Lindsey Park: This is a long one, Chair, so bear with me.

I move that section 4 of schedule 3 to the bill be amended by striking out paragraph 2 of subsection 43.1(2) of the Courts of Justice Act and substituting the following:

"2. If the committee provided a recommendation for a judicial vacancy for the same court location that matches the requirements of the current judicial vacancy within 12 months before the day the Attorney General asked for a recommendation for the current judicial vacancy, it shall not advertise the current judicial vacancy and shall, subject to subsection (8), instead provide to the Attorney General a ranked list of at least six candidates whom it recommends, with brief supporting reasons, consisting of,

"i. all of the candidates for the previous judicial vacancy who were recommended by the committee for that vacancy, who confirm their interest in being considered for the current judicial vacancy and who continue to meet the committee's criteria for recommendation, and

"ii. if subparagraph i results in a list of fewer than six candidates, enough additional candidates to prepare a list of at least six candidates from among the candidates for the previous judicial vacancy who were not recommended for that vacancy but who meet the committee's criteria for recommendation and who confirm their interest in being considered for the current judicial vacancy."

0940

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate?

Ms. Lindsey Park: Chair, I'm happy to say quickly that this is really just adding additional clarity to what the bill already says and making sure the provisions of the bill work together. But if an explanation is required, I'm happy to provide it.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? Are members ready to vote? Carried.

Next, government: subsection 43.1(2), paragraph 7, page 6. MPP Park.

Ms. Lindsey Park: I move that section 4 of schedule 3 to the bill be amended by adding "Subject to subsection (8)" at the beginning of paragraph 7 of subsection 43.1(2) of the Courts of Justice Act.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Park.

Ms. Lindsey Park: Similar to the last motion, this one is also just making sure the different provisions of the act work together and it's clear how they connect to each other. But I'm happy to provide an explanation if that's needed.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? Are members ready to vote? Amendment carried.

Next, government members: subsection 43.1(4.1), page 7. MPP Park.

Ms. Lindsey Park: I move that section 4 of schedule 3 to the bill be amended by adding the following subsection to section 43.1 of the Courts of Justice Act:

"Same

"(4.1) The committee shall provide any information requested by the Attorney General under subsection (4) within 30 days of the request unless otherwise directed by the Attorney General."

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Bell.

Ms. Jessica Bell: I do have some concerns about this amendment because it doubles down on some of the problematic aspects of this bill. It would require that the Attorney General would have access to information that is considered confidential. It's really important to remember that this is a job application process, and some applicants don't want information about themselves to be shared. That confidentiality should be respected, so I am not in support of this motion.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard.

M^{me} Lucille Collard: I just wanted to understand the rationale for this change. Is there a problem of communication between the committee and the Attorney General right now so that we need to bring this requirement in?

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh.

Mr. Gurratan Singh: Once again, this amendment put forward by the government continues to reinforce the criticisms that were outlined by many folks across the board in committee about this piece of legislation. The fact is that people want to make sure that—the Attorney General's ability to get access to information that's considered confidential is problematic. We want to make sure that the JAAC maintains its independence, that the JAAC is maintaining a process that does not have undue influence by the Attorney General. This is why folks have expressed dissatisfaction with these kinds of changes and why we in the NDP will be opposing it. We're also seeking a recorded vote on this amendment.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: Chair, if you read the specific provision that this relates to, you'll see the opposition's concerns are unfounded, but I'm happy to respond, particularly to what MPP Collard asked as to what the objective of this is. This does not in any way speak to provisions around confidentiality or what information is

allowed to be disclosed. There's already a separate section that deals with that. That's what subsection 43.1(4) deals with. This is referencing that section and saying that when a request is made under that section it needs to be responded to by the advisory committee in a timely way. This section is really about the timeliness of the interactions between the JAAC and the Attorney General.

The whole objective of this legislation is to fill judicial vacancies quicker. We've heard from stakeholders the problem with leaving judicial vacancies unfilled for lengthy periods of time and how that affects the administration of justice and access to justice. This is making sure the Attorney General is receiving the information he's already entitled to from the Judicial Appointments Advisory Committee in a timely way.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? Are members ready to vote? It's a recorded vote.

Ayes

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

Nays

Bell, Gurratan Singh.

The Vice-Chair (Mr. Vijay Thanigasalam): Carried.

Next, independent member: subsection 43.1(7), page 8. MPP Collard.

M^{me} Lucille Collard: I move that section 4 of schedule 3 to the bill be amended by striking out subsection 43.1(7) of the Courts of Justice Act.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Collard.

M^{me} Lucille Collard: The rationale for this change is that the Attorney General already is provided with six names. Having the possibility of getting six more names clearly gives the appearance of shopping for a candidate. New candidates would not be as highly qualified, since the committee would provide in the first round of six candidates the list of the six candidates who are the most qualified. It also creates an unnecessary burden on the JAAC, especially in regions of smaller pools of candidates.

0950

I'll be asking for a recorded vote on this one, please.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Park.

Ms. Lindsey Park: This motion, if successful, would remove the Attorney General's existing discretion under the current act—this is a discretion that exists whether we had brought a bill before this Legislature or not—to reject a ranked list of recommended candidates and require the committee to provide a new list. We think that's a reasonable provision, particularly as we continue to move towards trying to meet the objective of increasing diversity on the bench. For example, if you have in mind that you're trying to appoint more female judges and you're provided with a list of six men, I think the Attorney General should

hold on to that power to reject the list and ask for another list of candidates who are vetted, recommended and qualified, as determined by the JAAC.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? Are members ready to vote? It's going to be a recorded vote.

Ayes

Collard.

Nays

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): Amendment defeated.

Next, independent member: subsection 43.1(7.1), page 9. MPP Collard.

M^{me} Lucille Collard: I move that section 4 of schedule 3 to the bill be amended by adding the following subsection to section 43.1 of the Courts of Justice Act:

“Same, reasons

“(7.1) If the Attorney General rejects a ranked list of recommended candidates under subsection (7), the Attorney General shall provide the committee with reasons for the rejection.”

And I'd like a recorded vote on that one as well.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Bell.

Ms. Jessica Bell: This is a matter that was raised with stakeholders as something that should be included in the bill, so I support it.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard.

M^{me} Lucille Collard: I just want to specify that this requirement would at least provide some kind of transparency for requiring additional names. The example that was given before is that we need more names because we need women. Then that should be transparent.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh.

Mr. Gurratan Singh: Yes, any sort of amendment that is going to require the AG to provide information and further accountability from the AG is a good thing, especially given the fact that our concerns are largely with the AG exerting undue influence with respect to this process.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Park.

Ms. Lindsey Park: I want to clarify that under the current legislation, the Attorney General is not required to provide reasons for why they send a list back to the Judicial Appointments Advisory Committee. I also want to clarify that the Judicial Appointments Advisory Committee does not have this standing, like perhaps an independent officer of the Legislature, where there is this obligation to go back and forth and provide reasons as to what recommendations you're following. This is an

advisory committee to vet candidates. They do that, and the Attorney General then considers who he or she wants to appoint.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? Any other debate? MPP Collard.

M^{me} Lucille Collard: Yes, I just wanted to add an additional final point for the reason for this amendment: The Ontario Bar Association is the only organization that has been supportive of the changes being brought to the appointment process, and that was the only sticking point that they insisted would be an improvement and a recommended change. So there's unanimity around this requirement being brought in, and I just want to put it out there. Again, we should get a recorded vote on that.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? Are members ready to vote?

Ayes

Bell, Collard, Gurratan Singh.

Nays

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): Amendment defeated.

Next, independent member: subsection 43.1(8), page 10. MPP Collard.

M^{me} Lucille Collard: I will be withdrawing this amendment and the following one, number 11, given the decision on amendment number 8. That wasn't carried, so it's kind of pointless to pursue that vein.

The Vice-Chair (Mr. Vijay Thanigasalam): Okay, 10 and 11 are withdrawn.

Independent member: subsection 43.1(9.1), page 12. MPP Collard.

M^{me} Lucille Collard: I move that section 4 of schedule 3 to the bill be amended by adding the following subsection to section 43.1 of the Courts of Justice Act:

"No consideration of political affiliations

"(9.1) Neither the committee in preparing a ranked list of recommended candidates for the purposes of this section, nor the Attorney General in making a recommendation under subsection (9) shall consider or otherwise take into account the political affiliation of a candidate."

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Collard.

M^{me} Lucille Collard: Just to explain the change: This subsection would provide some kind of safeguard against political appointments. It would also have the chance of improving public confidence in the process.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Bell.

Ms. Jessica Bell: This is a motion that I support. I lived in the United States for many years and have personally seen what happens when a judicial appointment process becomes incredibly politicized. We do not want judges making decisions based on ideology. We need judges to

make decisions based on the evidence at hand. The judicial appointment process that we use influences who those judges are. That's why I support this motion.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard.

M^{me} Lucille Collard: I just want to ask for a recorded vote, please.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: This motion somehow, I guess, suggests that currently, the Judicial Appointments Advisory Committee considers political affiliation in who they recommend to the Attorney General. I'm not aware of and certainly I've never heard that kind of criticism of the work of our Judicial Appointments Advisory Committee. In fact, as many have said, it's the gold standard. They assess people on merit, on qualifications, and they make recommendations based on that to the Attorney General. To even add that they need to somehow not consider something they're already not considering—I just don't understand where this is coming from.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Bell.

Ms. Jessica Bell: MPP Park, you just did an excellent summary of the value of the judicial appointment process that we currently have, which is why we are so concerned that Bill 245 gives the politicized person, the Attorney General, more influence over what is currently an impartial process.

1000

It is also important to put this in context: The Conservative government has made some very concerning appointments through the tribunal appointment process. It doesn't benefit anybody, and it undermines people's trust in the judicial process when we politicize who gets to hold the very important position of the judge. If you're not doing this or if you're not considering political affiliation, then what's your issue with this motion?

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Collard.

M^{me} Lucille Collard: I just want to add that making that requirement not only for the Attorney General but also for the committee is relevant, because under the new process, the Attorney General has more power to appoint the majority of the committee members, which is another incisive way of appointing people of the same affiliation. Again, this is a safeguard, and there's no reason to reject it, really.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: I notice everyone is on-screen now, so I just think as a matter of procedure, perhaps, to make the voting go quicker, we can now return to the traditional way of voting on-screen with hands up in favour and then hands up against, unless it's recorded, of course.

The Vice-Chair (Mr. Vijay Thanigasalam): Absolutely. It is a recorded vote for this amendment. Are members ready to vote?

Ayes

Bell, Collard, Gurratan Singh.

Nays

Kanapathi, McDonnell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): Amendment defeated.

Next, independent member: subsection 43.1(9.2), page 13. MPP Collard.

M^{me} Lucille Collard: I move that section 4 of schedule 3 to the bill be amended by adding the following subsection to section 43.1 of the Courts of Justice Act:

“Timely decision making

“(9.2) The Attorney General shall make reasonable efforts to make recommendations and other decisions under this section in a timely manner.”

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Collard.

M^{me} Lucille Collard: I'd like to explain that the Attorney General has indicated that getting more names to choose from to fill vacancies would improve delays in appointments. This provision simply ensures that the delay is not created by the Attorney General himself, and we've just voted on a provision that actually requires the committee to act in a timely manner. I think that's an obligation that should be both ways so that the delays would not be solely attributed to the committee. That's the reason for the amendment.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? MPP Park.

Ms. Lindsey Park: We've been very clear that our objective is to fill judicial vacancies faster. That's why there was a previous motion to make sure there are timely interactions between the JAAC and the Attorney General.

This particular amendment—I'm concerned that it's unclear and vague, and it's very subjective. It's unclear what is meant by “other decisions” that would be subject to this requirement. The requirement to make decisions in a timely manner: That language is also vague and open to subjective interpretation.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? This is going to be a show of hands for the vote. Are members ready to vote? All those in favour? All those opposed? Amendment defeated.

Shall schedule 3, section 4, as amended, carry? A show of hands. All those in favour? All opposed? Carried.

Shall schedule 3, section 5 to section 15, carry? MPP Singh.

Mr. Gurratan Singh: Just to clarify, right now we are talking about schedule 3, correct?

The Vice-Chair (Mr. Vijay Thanigasalam): Correct.

Mr. Gurratan Singh: Okay. We'll be seeking a recorded vote on this. Our position has always been that if it's not broke, we don't need to fix it, and if you're going

to fix it anyway, you need to ensure that there are consultations first. So we'll be voting against schedule 3, and we're seeking a recorded vote on that.

The Clerk of the Committee (Ms. Tonia Grannum): Mr. Singh, I just wanted to clarify: We're actually trying to group sections 5 through 15 of schedule 3. We're not at the end of schedule 3 yet.

Mr. Gurratan Singh: Oh, we're not there yet? Okay.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell.

Ms. Jessica Bell: It is difficult being on Zoom and following the procedure, and I'm trying as best I can. It would be really helpful if you could be patient with us and maybe repeat some of the directions or instructions you're giving, especially when we move from going through motions and then bouncing back to do big votes on sections of the bill, just to help us along here. It would be different if we were in the room.

The Vice-Chair (Mr. Vijay Thanigasalam): Absolutely.

Ms. Jessica Bell: Thank you.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Skelly?

Ms. Donna Skelly: Mr. Chair, is it possible to ask that we remove what's on the screen now, so we can have the full screen? I'm finding it hard to follow everybody on their voting pattern. I don't know if anyone else agrees with that.

The Vice-Chair (Mr. Vijay Thanigasalam): We can do that.

Ms. Donna Skelly: Is that okay with the rest of the committee? Okay. Thank you.

The Vice-Chair (Mr. Vijay Thanigasalam): All right. I'm going to repeat everything again. There are no amendments on schedule 3 from section 5 to section 15. Therefore, we're going to combine those, since there are no amendments.

Interjection.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh.

Mr. Gurratan Singh: I just want to make sure that there's clarity on the process. Subsequent to this, will there be a vote on schedule 3, or is this the final vote for schedule 3?

The Vice-Chair (Mr. Vijay Thanigasalam): This is not the final vote on schedule 3. For schedule 3 as a whole, there will be a final vote later.

Mr. Gurratan Singh: Okay.

The Vice-Chair (Mr. Vijay Thanigasalam): Again, on schedule 3, we are combining sections 5 to 15, as there are no amendments. Shall schedule 3, section 5 to section 15, all together, carry? All those in favour, please show hands. That's carried.

1010

Now we are going on to schedule 3, section 16. The independent member: subsection 126(8.1), page 14. MPP Collard.

M^{me} Lucille Collard: I move that section 16 of schedule 3 to the bill be amended by adding the following subsection to section 126 of the Courts of Justice Act:

“No undue delay

“(8.1) If a party to a proceeding exercises a right conferred by”—

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard?

M^{me} Lucille Collard: Yes?

The Vice-Chair (Mr. Vijay Thanigasalam): Are you on page 14?

M^{me} Lucille Collard: Yes, I am.

The Clerk of the Committee (Ms. Tonia Grannum): Sorry, page 14, section 16 of schedule 3 to the bill, “The following subsection to section 126 of the Courts of Justice Act”?

M^{me} Lucille Collard: Yes.

The Clerk of the Committee (Ms. Tonia Grannum): Okay. Sorry, go ahead. Can you read that again, then?

The Vice-Chair (Mr. Vijay Thanigasalam): My apologies. Can you please read that again, MPP Collard?

M^{me} Lucille Collard: Of course.

I move that section 16 of schedule 3 to the bill be amended by adding the following subsection to section 126 of the Courts of Justice Act:

“No undue delay

“(8.1) If a party to a proceeding exercises a right conferred by this section, the court shall ensure that there is no undue delay to the proceeding as a result of the request.”

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Collard.

M^{me} Lucille Collard: If I can explain, this amendment provides meaningfulness and a tangible measure to provide access to justice in French. The delay is already an issue—we know that—for accessing the justice system for francophones. If we are creating new rights without ensuring that they can be effectively implemented, we are not achieving the goal. So I think that’s an important safeguard to put in there to ensure that everything possible will be done to ensure that access to justice is a fact.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Park?

Ms. Lindsey Park: This motion would add a subsection to section 126 of the Courts of Justice Act requiring the court to “ensure that there is no undue delay” as a result of the exercise of a right conferred in section 126. Again, one concern is the motion is vague and doesn’t propose nor make any mention of the consequence for the delay. It also doesn’t define “undue delay” or determine how or through what mechanism delay would be measured.

I do want to point out the broader principle, that the judiciary has exclusive authority over the scheduling of court sittings and the assignment of judges to hear matters. The courts are independent of government and neither government ministries nor elected representatives can interfere with court scheduling and decision-making.

I also want to point out there are existing mechanisms to address delays in court proceedings, including ongoing case management requirements. In addition, service at courthouse counters where documents are filed and

translations can be requested are subject to strict customer service standards, including French-language service standards that require the offer of French-language services to be visible and accessible.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard?

M^{me} Lucille Collard: Yes, with respect, adding more precision and less vagueness would not be implementable. You can’t prescribe a number of days to be able to provide the services that you say people have a right to, but putting it in there certainly emphasizes the importance of the service provider to make every effort because there is an obligation in the legislation to say you have to do your best to do it. Otherwise, it would be undue pressure if we were to be more specific in terms of delays and being more precise. So I disagree with the disagreement of the government on this one.

I’ll be asking for a recorded vote, please.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? It is going to be a recorded vote. Are members ready to vote?

Ayes

Collard.

Nays

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): Amendment defeated.

We’re going to vote on schedule 3, section 16. Shall schedule 3, section 16, carry? All those in support, please, a show of hands. All those opposed, please, a show of hands. Section carried.

On schedule 3, from section 17 to section 28, there are no amendments, so we’re going to combine section 17 to section 28 of schedule 3. I’m going to ask for the vote: Shall schedule 3, sections 17 to 28, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Sections carried.

Shall schedule 3 as a whole, as amended, carry? Is there any debate before we go into the vote? MPP Singh.

Mr. Gurratan Singh: I believe we provided notice about our recommendation for voting against schedule 3. Is this the portion in which this notice will be made mention to?

The Vice-Chair (Mr. Vijay Thanigasalam): That’s correct.

Mr. Gurratan Singh: Okay. So the notice has been provided. The reason for a notice rather than a motion is that if the committee wishes to remove an entire schedule from the bill, the rules of parliamentary procedure require that the committee vote against the schedule rather than pass a motion to delete it. That is why as the official opposition we are recommending voting against schedule 3 to the bill.

The Vice-Chair (Mr. Vijay Thanigasalam): Shall schedule 3—

Interjection.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park?

Ms. Lindsey Park: I must say I'm a bit surprised by the opposition's position on this. Even if they had criticisms of particular sections of schedule 3, I'm surprised they would vote against the whole schedule. It has a number of very good things for enhancing access to justice in it. In addition to making amendments to the Judicial Appointments Advisory Committee process, it includes the right to file documents in French throughout the province. It includes the provision for the Office of the Children's Lawyer to investigate and produce reports on behalf of children pursuant to the Divorce Act and the Children's Law Reform Act, as well as changing the title of "master" to "associate judge" to keep up with the times. And so, I'm a bit surprised by this blanket characterization of this schedule and that the NDP would vote against these real measures that will enhance access to justice.

1020

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh?

Mr. Gurratan Singh: Just before I forget, we will be seeking a recorded vote on this as well.

It's very evident that the position the NDP is taking has very clearly been communicated by a variety of stakeholders. I'm shocked that the government was actually silent to the recommendations put forward by a slew of stakeholders, including FOLA, members of the South Asian Bar Association, the Black lawyers association and the Muslim lawyers association, who all completely stated that this is the gold standard of judicial appointments in the world, and that any—any—decision by government to impact negatively or change this gold standard is a bad thing. So obviously the official opposition is taking a position in line with the language and with the evidence provided in committee by a whole slew of stakeholders.

I'm flabbergasted that the government is trying to act like they were not criticized excessively for their decisions around changes to the JAAC. There have been Toronto Star reports that have described these changes to the JAAC as not a change for diversity but a "power grab." That's what it has been described as by racialized lawyers, so I am shocked that the government is silent to that, actually.

This is a system that is the gold standard. It is not broke; we do not need to fix it. Because of that, the NDP is going to be voting against schedule 3, and we are seeking a recorded vote.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell?

Ms. Jessica Bell: I do want to reiterate MPP Singh's concerns. Overall, the essence of this bill is to unnecessarily politicize a judicial appointment process that is considered to be the gold standard in impartiality. The government is fond to say that it is doing this because it wants to increase diversity through the judicial appointments process. Of course, diversity is a good thing, but it's

very clear that South Asian, Black and Muslim lawyers and their advocacy organizations that represent them were not consulted in this judicial appointment change, and they do not support these judicial appointment changes, so it really does beg the question of why you are doing it.

It's also important to remember that this is a government that chose to get rid of the child advocate, so when we're talking about supporting the rights of children, it is a bit rich, these accusations, coming from a government that has decided to get rid of the child advocate.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh?

Mr. Gurratan Singh: Further to that, with this narrative about a bill that's accelerating justice: If the government is going to take that position, that this is a bill that does accelerate justice, then I would just remind the government that this is a bill that is named "accelerating access to justice," but doesn't do a thing for legal aid. It doesn't do a thing for a variety of things that address access to justice.

You have to understand the context in which the government has put forward the piece of legislation. This section particularly deals with the JAAC. The JAAC is a gold standard. We do not need to change it. We've heard this evidence provided by a variety of witnesses in committee from a variety of different legal areas, associations and more. Because of that, we are voting against it and are seeking a recorded vote.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? It is a recorded vote. Are members ready to vote?

Ayes

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

Nays

Bell, Gurratan Singh.

The Vice-Chair (Mr. Vijay Thanigasalam): Schedule 3 carried, as amended.

MPP Park.

Ms. Lindsey Park: Would I be able to ask for a 10-minute recess, seeing that the time is—we're about half-way through the morning? Then we can all come back and resume.

The Vice-Chair (Mr. Vijay Thanigasalam): I'm going to ask the committee. Shall we have a 10-minute recess before we resume? Agreed? Thank you.

We'll have a 10-minute recess.

The committee recessed from 1026 to 1036.

The Vice-Chair (Mr. Vijay Thanigasalam): Hello, everyone. It's now 10:36.

We are on schedule 4. There are no amendments on schedule 4. Is there any debate? Does anyone want to speak to schedule 4?

On schedule 4, shall sections 1 to 3 carry? Please, a show of hands. All those in favour? All those opposed? Sections 1 to 3 of schedule 4 carry.

Shall schedule 4 as a whole carry? All those in favour, please show hands. All those opposed, please show hands. Schedule 4 carries.

On schedule 5, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, there are no amendments. Is there any debate? Does anyone want to speak to schedule 5, sections 1 to 9? Any debate? I see none. Shall schedule—MPP Bell.

Ms. Jessica Bell: I apologize; I thought my video was on.

Just overall, I have some comments around schedule 5, on changes to the Expropriations Act. We are concerned about the decision to eliminate the hearings of necessity, which is one of the measures that ensures that landowners, homeowners, get their day in court and their opinions heard when they're going through the very difficult process of having their land taken from them. There are reports in the news of Metrolinx offering \$1 to homeowners who are having their land expropriated because of transit expansion.

Transit expansion is good, expropriation for the public good is necessary, but homeowners and landowners need to feel confident that they are going to get fair market value, and the hearing of necessity and having a fair expropriations process are part of that.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? Okay, we're going to move on to the vote.

Ms. Lindsey Park: Chair?

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: I'll just remind committee members in advance of the vote that we heard from the Grange Community Association, I believe it's called; I might be getting that wrong. They were in favour of these changes and thought they were going to really increase the efficiency of some of the hearings around expropriation. They were very complimentary of the changes our government has already made to expedite hearings at the LPAT.

We've really gotten through the backlog of legacy cases from the OMB—we're getting there; we're almost through the backlog—just because of the changes that have been made in leadership there.

I must say, I hear lots of positive things about the way that the LPAT is running right now and as recently as yesterday heard from another expropriations lawyer who was pleased with the changes and thought they made sense. So I'm very proud of the changes our government is making in this schedule.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? Now we'll move on to the voting. Shall sections 1 to 9 of schedule 5 carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Sections carried.

Shall schedule 5 as a whole carry? All those in favour, please show hands. All those opposed? Schedule 5 is carried.

Now we're moving on to schedule 6. Is there any debate on schedule 6, sections 1 and 2? Shall sections 1 and 2 of schedule 6 carry? All those in favour, please show hands. All those opposed, please show hands. Sections 1 and 2 are carried.

Opposition members: subsection (6), page 15. MPP Bell.

Ms. Jessica Bell: I'll start out by reading out the motion, right?

The Vice-Chair (Mr. Vijay Thanigasalam): Yes, please.

Ms. Jessica Bell: I move that section 3 of schedule 6 to the bill be amended by adding the following subsection:

“Experience in subject-matter required for assignment
“(6) The chair shall not assign a member of the tribunal to preside over a proceeding unless the member has experience, knowledge or training in the subject-matter and legal issues to be dealt with in the proceeding.”

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any debate? MPP Bell.

Ms. Jessica Bell: This amendment came from many of the stakeholders who wrote submissions and came in and spoke to the committee about their concerns with the newly emerged Ontario Land Tribunal. One of the concerns is that, as it's currently written, the tribunal would be allowed to move adjudicators from one area of expertise to another, so you could have a situation where an adjudicator who has a lot of experience with the Local Planning Appeal Tribunal could all of a sudden find themselves overseeing a hearing that they have little experience or knowledge on, and that is a concern. It's a concern because it could affect the quality and the credibility of tribunal proceedings and outcomes, and it could do damage to the access to justice.

This issue was raised by many stakeholders, including Tribunal Watch Ontario, which is a public interest, non-partisan organization that represents many of the adjudicators and former adjudicators who sit on tribunals. They have first-hand experience with how these tribunals work and are adamant that it is absolutely critical that an adjudicator has the necessary knowledge and experience to oversee a hearing, especially when the decisions that the Ontario Land Tribunal will be making are significant. They could be overriding democratically decided municipal laws, as we've seen with the Airbnb ruling that went to the OMB. These are very significant decisions that could have a big impact on Ontarians, and it's critical that in the legislation, the requirement to have expertise over the decision that you're making is written in there. That's why I've introduced this motion.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Park.

Ms. Lindsey Park: If Bill 245 is passed into law, the Ontario Land Tribunal will hear matters under many different statutes. The expertise of the five land tribunals, which are currently already clustered together as the Ontario Land Tribunals, would be carried over to the new tribunal.

The existing members of the five land tribunals—I want to be clear on this—including the Environmental Review Tribunal and the Conservation Review Board would continue as members of the new tribunal, ensuring that that tribunal expertise is maintained.

The new Ontario Land Tribunal would also be subject to the Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009, which already requires candidates for appointment to an adjudicative tribunal to be selected through a competitive, merit-based process in which their experience, knowledge or training in the subject matter and legal issues dealt with by the tribunal are all assessed.

The chair of the Ontario Land Tribunal is in the best position to know and assess the skills and experience of the current complement of adjudicators as well as those required for a particular matter. Providing the chair with that discretion to make that determination promotes efficiency and effective use of tribunal resources.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard.

M^{me} Lucille Collard: I just want to add my voice in agreement for this change, because it is the first concern that I heard from stakeholders. It was the first one, and the one that remained through all the debates. People are still concerned that there are not enough measures to ensure that expertise will be preserved. I don't think it's an unreasonable change or request. It's not impossible to implement. Therefore, we'll be supporting it.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh.

Mr. Gurratan Singh: To add to what my colleague MPP Jessica Bell just stated, the purpose of tribunals—tribunals, we all know, are the main area of interaction for folks with respect to getting justice across Ontario. They're supposed to be more efficient, more specialized and have particular knowledge to deal with the tribunal that they're hearing, or of the matter that they're dealing with before that tribunal.

The amalgamation is going to impact, negatively so, the specialized nature of tribunals. This is a bad thing. It's important that we maintain as much specialization as possible to ensure that the tribunals can provide adjudicators who are well-versed and knowledgeable about the area which they're dealing with or the matters that come before them.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Bell.

1050

Ms. Jessica Bell: I just want to make sure that there's a recorded vote on this motion.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? It is going to be a recorded vote. Shall the schedule 6, section 3 opposition member amendment carry?

Ayes

Bell, Collard, Gurratan Singh.

Nays

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): Amendment defeated.

Shall schedule 6, section 3 carry? All those in favour, a show of hands? All those opposed, a show of hands? Section 3 is carried.

Schedule 6, from section 4 to section 12: There are no amendments. Is there debate? Does anyone want to speak on it? MPP Bell?

Ms. Jessica Bell: Just help me out here: With motion 16, it's subsection 13(4). Am I missing something here? I've lost my way, maybe. Do we need to debate that first?

The Clerk of the Committee (Ms. Tonia Grannum): No, we've just done the amendment to section 3. Now, there are no amendments to section 4 through to section 12 of schedule 6. That next amendment is to section 13 of schedule 6.

Ms. Jessica Bell: Got it.

The Clerk of the Committee (Ms. Tonia Grannum): Makes sense? Okay.

Ms. Jessica Bell: Thank you.

The Vice-Chair (Mr. Vijay Thanigasalam): Okay, I'll repeat: For schedule 6, from section 4 to section 12, there are no amendments. Is there any debate? Does anyone want to speak?

We'll move on to the votes. Shall schedule 6, sections 4 to 12, carry? All those in favour, please show hands. All those opposed, please show hands. Sections 4 to 12 of schedule 6 are carried.

Schedule 6, section 13, opposition members: subsection 13(4), page 16. MPP Bell.

Ms. Jessica Bell: Thank you for your patience with the process; I have a lot of papers here. I'll read it out.

I move that subsection 13(4) of schedule 6 to the bill be struck out.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate?

Ms. Jessica Bell: I'll just explain why and what this motion means. Essentially what this schedule does, as it's currently written in Bill 245, is that it removes the right of appeal to a decision made by the Ontario Land Tribunal.

This is very, very concerning, because tribunals hear more matters than our courts do. It is crucial to the public's faith in the tribunal system and to ensuring that we are upholding due process that there is a right of appeal. It is concerning because when you take away the right of appeal, which this bill is looking at doing, you open the door to the likelihood of bad rulings, and that's not what we want, so that's why I'm introducing this motion today: to return the right of appeal for any decision made by the OLT.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Park.

Ms. Lindsey Park: The proposed subsection 13(4) provides for finality of tribunal decisions and promotes

efficient use of judicial resources. The hearings of adjudicative tribunals are designed to be more flexible than regular court proceedings; that's one of the reasons why we created them. For example, the Statutory Powers Procedure Act—which sets out a bunch of the procedures, not just for the Ontario Land Tribunal that will be created if this is passed, but all tribunals. In that act, tribunals have the ability to make their own rules, and it allows for a waiver of their own rules to provide that flexibility.

All this provision would do, Chair, is provide that a decision of the Ontario Land Tribunal cannot be set aside unless it resulted in a substantial wrong and actually affected the outcome of the matter. Of course, if it affected the outcome of the matter and there is a substantial wrong, there should be that ability to appeal, and that will continue. All this is saying is if the outcome is not affected by the tribunal changing, perhaps, the rules for that particular procedure, there would be little or no value in reviewing—and using court time to review—that decision.

Again, other tribunal legislation, including legislation that governs the Human Rights Tribunal of Ontario and the LPAT, contains similar provisions.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? We'll move on to voting. MPP Bell?

Ms. Jessica Bell: I'd like to make sure it's a recorded vote.

The Vice-Chair (Mr. Vijay Thanigasalam): On schedule 6, section 13, opposition member's amendment, it is a recorded vote.

Ayes

Bell, Collard, Gurratan Singh.

Nays

Kanapathi, McDonnell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): Amendment defeated.

Shall schedule 6, section 13, carry? All those in favour, please show hands. All those opposed, please show hands. Section 13 of schedule 6 carried.

On schedule 6, section 14 through section 16, there are no amendments. Is there any debate? Does anyone want to speak? MPP Singh.

Mr. Gurratan Singh: Sorry, could you just repeat which sections you're referring to?

The Vice-Chair (Mr. Vijay Thanigasalam): Absolutely. On schedule 6, from section 14 to section 16, there are no amendments. We can combine to vote. Before the vote, I just want to open the floor for any comments or any debate. Is there any debate? I see none.

1100

Shall schedule 6, section 14 to section 16, carry? All those in favour, please show hands. All those opposed, please show hands. Sections 14 to 16 of schedule 6 carry.

Next, schedule 6, section 17: opposition member notice. MPP Bell.

Ms. Jessica Bell: I'm going to pass on commenting on this one and I'm going to comment on 17.

The Vice-Chair (Mr. Vijay Thanigasalam): This is section 17 of schedule 6.

Ms. Jessica Bell: My apologies. I meant the 17th motion, which is the one after this. I apologize.

The Vice-Chair (Mr. Vijay Thanigasalam): That's okay. Thank you.

Now we're going to combine sections 17 and 18 as there are no—MPP Singh?

Mr. Gurratan Singh: Sorry, just to clarify, right now we're dealing with section 17 of schedule 6, correct?

The Vice-Chair (Mr. Vijay Thanigasalam): Correct.

Mr. Gurratan Singh: I believe the NDP has provided notice about our intention to vote against section 17 of schedule 6 to the bill.

The Vice-Chair (Mr. Vijay Thanigasalam): Correct.

Mr. Gurratan Singh: Okay. We'll be voting against section 17 of schedule 6. The reasons for the notice rather than a motion is that if the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section rather than pass a motion to delete it.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell.

Ms. Jessica Bell: I want to apologize once again. The reason why we have recommended voting against section 17 of schedule 6 to the bill is because it limits the participation of the people who aren't the plaintiffs to giving written testimony in a hearing. What that means is, let's say a municipality is opposing a waste dump proposal in your community. That means that residents will no longer be able to speak at the hearing to express their concerns, even though they will be directly impacted by the decision that the OLT makes. That's really concerning.

I also want to bring up the example that I experienced with the Local Planning Appeal Tribunal around the Airbnb decision with the city of Toronto, where the OMB, or the LPAT, decided to uphold the city of Toronto's ruling. There were many experts who weren't the lead plaintiff who came and gave expert oral testimony during the proceedings that clearly influenced the adjudicator's decision. We're talking people who had spent 15 years studying the impact of Airbnb on housing prices and housing affordability, experts in tenants' rights and so on.

When these changes are made where third parties can't even speak at a hearing, it will, I believe, impact the quality of the decision that is made and it will lead to fast-tracking approvals like big development projects, to the detriment of residents and municipalities, and that's deeply concerning. It's why we chose to introduce this notice, to get it very clear on the record that this is not something that we support.

The Vice-Chair (Mr. Vijay Thanigasalam): Before we move on to other comments, I see MPP Hassan has joined. MPP Hassan, can you please confirm you are the

honourable member, and also, can you please confirm that you are currently in Ontario?

Mr. Faisal Hassan: My name is Faisal Hassan. I'm the MPP for the great riding of York South–Weston, and I'm here in York South–Weston, Toronto, Ontario.

The Vice-Chair (Mr. Vijay Thanigasalam): Thank you.

MPP Singh, and then MPP Park.

Mr. Gurratan Singh: We'll be seeking a recorded vote.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park?

Ms. Lindsey Park: This section is intended to give persons who are not parties to a proceeding—meaning, they didn't commence it and it's not against them—an opportunity to participate in the proceeding without causing undue delay or prejudice to the parties.

I understand that the opposition has a view that all development should be stopped, all new housing projects should be stopped and dragged on as long as possible. We have a different view. As the governing party, we think it's important to increase housing supply while we are in a housing challenge across the province. It's one of the reasons why we've made it a priority to reduce the backlog at the LPAT, so final decisions can be made quicker. If that is that the project can't proceed, fine; if that is that the project can proceed, fine. It's a final decision that the community can rely on with certainty and move forward, rather than these projects being stuck at a tribunal for years on end, creating an incredible backlog of housing, which is affecting the prices on the housing market. We think this appropriately balances, still giving non-parties the ability to comment and participate in the proceeding, without causing undue delay or prejudice to the parties of the proceeding.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell?

Ms. Jessica Bell: It's important to put into context that the NDP is very supportive of development projects that tackle the affordable housing crisis. We do have a supply problem. The challenge, of course, is that the development that is proceeding is not necessarily the development that is going to improve housing affordability and increase the kind of supply that we truly need. Having 600-square-foot condos in a 70-storey building being sold off at prices that no reasonable person working in Toronto can afford is clearly not addressing the housing crisis that we have.

It's also important to remember—and this was raised by people who spoke to us and gave written submissions—that sometimes the lead plaintiff doesn't fully represent all the interests of an area. So if you've got a situation where a municipality is the lead plaintiff, the municipality doesn't always represent the many diverse opinions that residents might have about a specific project. They might be concerned about it in some way, but residents might have a different opinion, and they could be directly impacted by it. Residents who live near a big construction project are impacted by that construction project. It affects school crowding. It affects traffic. If it's a waste dump

disposal project, it can affect the water quality that exists in nearby creeks and rivers and so on.

It's really critical that tribunals give participants, and not just the lead plaintiff, the opportunity to speak and share, because then it ensures that a better decision is made, and it also ensures that people have faith in the process that is set up to make a decision. If you're completely cut out of a tribunal process, you're going to have less faith that the decision that is being made is in the best interests of everybody, and that's deeply concerning.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Collard?

M^{me} Lucille Collard: I just want to add that limiting the right for people to be heard is never a good idea. People need to speak out on issues that are impacting them even though they might not be a party to a proceeding. Limiting it to a written submission is a prejudice, maybe, for some people who can speak to issues but might not have the ability to actually write eloquently on that, and there is no guarantee that the tribunal will read a submission, while if you can speak out to the judge, then he has at least got your opinion in sight. For that reason, I'm in support of not allowing section 17 to move forward.

1110

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? We'll move on to the voting.

Interjection.

The Vice-Chair (Mr. Vijay Thanigasalam): Yes, thank you, MPP Bell; it is a recorded vote.

Interjection.

The Clerk of the Committee (Ms. Tonia Grannum): MPP Bell?

Ms. Jessica Bell: I support voting against section 17 of schedule 6 to the bill.

The Clerk of the Committee (Ms. Tonia Grannum): We're voting on section 17 of schedule 6 of the bill. Are you in favour?

Ms. Jessica Bell: I'm voting in support of my motion, but I'm voting in—

The Clerk of the Committee (Ms. Tonia Grannum): That's not a motion, sorry. That's just a notice.

Ms. Jessica Bell: Okay. So I'm voting in opposition to section 17 of schedule 6.

The Clerk of the Committee (Ms. Tonia Grannum): Correct.

Ms. Jessica Bell: Okay, correct. Thank you.

The Clerk of the Committee (Ms. Tonia Grannum): So you're opposed, correct?

Ms. Jessica Bell: Correct.

The Clerk of the Committee (Ms. Tonia Grannum): Okay. Thank you.

The Vice-Chair (Mr. Vijay Thanigasalam): Shall section 17 of schedule 6 carry?

Ayes

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

Nays

Bell, Collard, Hassan, Gurratan Singh.

The Vice-Chair (Mr. Vijay Thanigasalam): Section 17 is carried.

We are moving on to section 18 of schedule 6. There are no amendments. Is there any debate? I see none. We are going to move to voting on section 18. All those in favour, please show hands. All those opposed, please show hands. Section 18 is carried.

Section 19 of schedule 6: opposition member, clause 19(1)(c) on page 17. MPP Bell?

Ms. Jessica Bell: I move that clause 19(1)(c) of schedule 6 to the bill be struck out.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any debate? MPP Bell?

Ms. Jessica Bell: The reason we're introducing this amendment is because many of the stakeholders who came to the committee and also gave written testimony were very concerned that Bill 245 will allow an adjudicator to dismiss a hearing without hearing any of the evidence. That is very concerning. That is why I am introducing this motion: so that an adjudicator can hear the evidence before deciding on the ruling.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh?

Mr. Gurratan Singh: What we've seen—and we heard a lot of evidence come from committee about this, as well—is that this clause will allow for developers to request that matters be dispensed without a hearing. Ultimately, if developers have further resources, have further access to lawyers and other access to resources, then if someone—a neighbour, an ordinary citizen—has an issue with a project, they could then be faced with all these motions to dismiss. That would ultimately limit access to justice. It would be in contradiction to the name of this piece of legislation and, ultimately, would stop people from being able to have their voices heard. So it's important that we don't allow for any sort of process that allows for motions to be dismissed like this and that is so clearly stacked in favour of developers over everyday folks.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: I want to be clear that dismissal of such proceedings that don't have merit at an early stage would save parties time and money, and allow for more efficient use of tribunal resources that otherwise would be spent preparing for and attending a hearing that was never going to go anywhere and is taking time away from proceedings that do have merit and should be heard in a more timely way.

Procedural fairness is ensured by requiring the tribunal—it's not true that the tribunal won't hear any evidence; that's not true—to notify parties of an intention to dismiss the proceeding, and it allows the parties to make submissions before any determination is made.

I also want to reiterate that this is not a new concept. Anyone who has ever been in the courts or before tribunals knows that this is common practice. It's a way that our judicial and tribunal resources are used efficiently, making sure they're focusing on cases that have merit, not frivolous cases, not cases that have no chance of success. The power to dismiss matters on these kinds of grounds is common in the courts, as well as other tribunals like the Landlord and Tenant Board.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell.

Ms. Jessica Bell: Thank you for bringing up that matter, MPP Park. There is clearly already a process in place, which already exists—before Bill 245 was introduced—that allows adjudicators to dismiss frivolous hearings, hearings that are outside the scope of the tribunal. That measure already exists; the adjudicator can move them aside.

What is very concerning about this new bill is that it would allow adjudicators to dismiss hearings when they haven't seriously heard the evidence. That's the point. "A reasonable chance of success" is a pretty ambiguous term, so giving an adjudicator latitude to fast-track a proceeding for a development, a waste-disposal site or a warehouse on wetlands, for instance, without hearing any of the evidence, is deeply concerning.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh.

Mr. Gurratan Singh: Further to that, if an individual has a legitimate qualm with a project, before the matter is heard before the adjudicator, the developer could put forth this motion for it to be dismissed. Is that correct, MPP Park?

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate?

Mr. Gurratan Singh: And further to that, that would ultimately allow for developers to continually put forth motions to dismiss challenges to their project that they found they didn't like. Ultimately, it can be used as a sword to say that, "Okay, a project is coming forward. We're going to, first and foremost, put forward this motion."

That will result in individuals—the neighbours, individuals who don't have lawyers or resources; they're just going to a tribunal because they're concerned about a project in their community. It would actually prevent them from dealing with the matter immediately, because they would have to deal with the motion and they may not understand this motion. They have to go through the process of responding to that.

They have to go through this layer of dealing with the motion before they could even deal with the substantive issue that they put forth before the tribunal. That is clearly a limit to access to justice and that's clearly something in favour of those who have resources, like huge development companies. It's very apparent.

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There is a system that was in place beforehand. This is clearly a new process for this kind of tribunal; that's why

it's being introduced by the government. There was already a process beforehand to deal with frivolous cases, so this is going to be used—and we heard this testimony in committee. If the government has a problem with the position of the opposition, then hear the evidence provided in committee.

I ask the government to clarify their position on record, right now, if what I just explained is not a very clear possibility, given the government's suggestions or the government's changes brought forth in this bill.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Park.

Ms. Lindsey Park: Based on the comments of the opposition, I can only assume they haven't read the bill; that's all I can really assume. So I'm just going to read the section of the bill so they can understand exactly how it's going to work.

Frankly, anyone who is in favour of access to justice would agree that if a proceeding has no reasonable prospect of success, it should not proceed. How do they determine there is no reasonable prospect of success? How does a tribunal determine that, Chair? Well, it's quite clearly laid out. Are you ready for this? Subsection 19(1) sets out what I just explained: "(c) if the tribunal is of the opinion that the proceeding has no reasonable prospect of success"—that's when on a motion of any party, not one party, or on its own initiative; it doesn't even have to be on a motion—the tribunal can "dismiss a proceeding without a hearing."

But what do they have to evaluate before they do that? Well, it says, "(2) The tribunal shall give the parties notice of its intention to dismiss the proceeding, setting out the reasons for the dismissal and informing the parties of their right to make written submissions to the tribunal with respect to the dismissal within the time specified in the notice.

"(3) A party who receives a notice under subsection (2) may make written submissions to the tribunal with respect to the dismissal within the time specified in the notice.

"(4) The tribunal shall not dismiss a proceeding under subsection (1) until it has given notice under subsection (2) and"—ready for this, Chair?—"considered any submissions made under subsection (3)."

It's very clear. We're in favour of this. We're in favour of efficient use of tribunal resources and them spending time on cases with merit.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Hassan.

Mr. Faisal Hassan: I would like to state that we have read the bill, and that's why we are striking this out: Because there's a new ask for a written submission and notes a specific, limited time. Considering that there are a lot of folks who don't have representation—and also, we talked about and folks also made presentations about the access to justice representation at the tribunal. If you're not able to have those resources or the ability to quickly put a written submission, that also creates imbalance. That's why I think it's important to strike this out and

make sure there is enough time and also appropriate hearings, rather than just limiting to a written submission.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell.

Ms. Jessica Bell: Let's put this overall thing in context. We have a situation where we're creating a new mega-tribunal that is exceptionally powerful. The appointments process has become politicized, where people who now sit on this tribunal are often not even going through the committee appointments process to be questioned by the committee process. And then the situation overall is the adjudicator can deny a hearing very quickly, there are no appeals and they are limiting people who are impacted by the decisions that the OLT is making to not even give oral testimony, even though they could be directly impacted by the decision.

Putting that in overall context, we could be facing situations where proposals to build big without proper public consultation are fast-tracked through this process. This government very clearly has a track record of taking donations from the very developers that are getting fast-tracked approvals through MZO's. There's a very clear process for that. So let's put this overall change to how land use planning decisions are made within that broader context.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh.

Mr. Gurratan Singh: So just to, first off, very clearly state, written submissions—and I don't know if MPP Park misspoke or not—are not evidence, and for her to suggest that is incorrect. Evidence would be affidavit evidence or evidence provided by witnesses or submitted documentation. So that's incorrect on its face.

Secondly, in her testimony, MPP Park clearly articulated the reasons why this is going to limit access to justice. She herself describes a huge, cumbersome process in which an individual would have to face—if an individual wants to provide evidence or wants to, basically, challenge a development project that is being brought forward, that developer, before the matter is even being heard, can then put forward a notice to dismiss the hearing. Then the individual would have to respond to it. Clearly, if a developer has access to a lawyer or other resources, then they would be in a more advantageous position to put forward a motion to dismiss. Afterwards, the other party would have to respond accordingly with the written notice.

All of this is being done before the substantive issue before the tribunal is even being heard. So I don't understand how the government can, with a straight face, say that this is not going to create further barriers to justice. And just to reiterate: Submissions aren't evidence. If the Conservative member attended an evidence class, they would know that. I'm shocked that this is the testimony we're hearing from the government right now.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? I see none. We'll move on to the voting. We will be voting on the opposition members' motion. Those who are in favour, please raise your hand. Thank you. Those who are opposed, please raise your hand—

Mr. Gurratan Singh: I have a—Chair? Sorry. I think I'm still unmuted.

The Vice-Chair (Mr. Vijay Thanigasalam): Go ahead, MPP Singh.

Mr. Gurratan Singh: Yes, sorry. We had earlier stated NDP motions would require a recorded vote. We had stated it at the onset of this—

The Vice-Chair (Mr. Vijay Thanigasalam): You would have to ask each time. We can do a recorded vote.

Mr. Gurratan Singh: Okay, we are seeking a recorded vote.

Ayes

Bell, Hassan, Gurratan Singh.

Nays

Kanapathi, McDonnell, Mitas, Oosterhoff, Park, Skelly.

The Vice-Chair (Mr. Vijay Thanigasalam): The motion is defeated.

1130

We're now going to move on to the section 19 vote. Shall schedule 6, section 19, carry? All those in favour, a show of hands? All those opposed, a show of hands? Section 19 is carried.

Next, on schedule 6, from section 20 to section 74, there are no amendments. I will repeat that: On schedule 6, from section 20 to section 74, there are no amendments. I'm opening the floor for any comments or debates on these sections. I see none.

We're going to move on to the voting, from section 20 to section 74 of schedule 6. Shall schedule 6, sections 20 to 74, carry? All those in favour, please show hands. All those opposed, please show hands. Sections 20 to 74 of schedule 6 are carried.

Schedule 6, section 75: government members, subsection 75(3), page 18. MPP Park?

Ms. Lindsey Park: I move that subsection 75(3) of schedule 6 to the bill be amended by adding "or any other person or entity" after "the commission" in clause 43(1)(a) of the Ontario Northland Transportation Commission Act.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there debate? MPP Park?

Ms. Lindsey Park: This is just a technical amendment, Chair. Schedule 6 contains numerous consequential amendments to statutes as a result of the proposed consolidation of the Ontario Land Tribunals. This motion would make a technical amendment to the proposed amendments to clarify that the Ontario Land Tribunal has authority to hear applications with respect to contravention or non-compliance with railway laws, regulations, bylaws or agreements by not only the Ontario Northland Transportation Commission, but also other parties and entities.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell?

Ms. Jessica Bell: I pass.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? I see none. We are moving to vote on the government member's motion on page 18. All those in favour, please show hands. All those opposed, please show hands. Motion carried.

Shall schedule 6, section 75, as amended, carry? All those in favour, please show hands. All those opposed, please show hands. Schedule 6, section 75, as amended, carried.

Now, we are moving on to schedule 6, from section 76 all the way through to 101. I'll repeat: Schedule 6, section 76 all the way through to section 101. There are no amendments. I'm opening the floor for comments or debate. MPP Singh.

Mr. Gurratan Singh: Yes, just a point of clarification: You must have received the Ontario NDP's notice of voting against schedule 6. Are we at that portion, or are we at—

The Vice-Chair (Mr. Vijay Thanigasalam): That will be the next one.

Mr. Gurratan Singh: The next portion. Okay. No problem.

The Vice-Chair (Mr. Vijay Thanigasalam): Are there any comments? Anyone want to speak to it? I see none.

Shall schedule 6, from section 76 all the way to section 101, carry? All those in favour, please raise your hand. All those opposed, please, a show of hands. Sections 76 to 101 carried.

There is an NDP notice on schedule 6. Shall schedule 6, as amended, carry? Is there a debate? I see MPP Singh.

Mr. Gurratan Singh: I'll defer first to MPP Bell and then we'll come back to me.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Bell.

Ms. Jessica Bell: Overall, we're very concerned about schedule 6, which is why we're putting in a notice of motion, as we have attempted to improve the Ontario Land Tribunal in order to make it more accountable, ensure it can make better decisions, and those amendments have been rejected.

Our amendments included ensuring that each adjudicator overseeing each hearing has subject matter expertise. We want to return the right to allow third parties to speak at hearings. We want to return the right to allow decisions that are made by the OLT to be appealed. We want to ensure that an adjudicator doesn't have the right to dismiss a hearing without hearing the evidence, based on a pretty vague definition of a reasonable chance of success.

It is very concerning that those amendments were rejected. The overall impression that we get from the Ontario Land Tribunal is that it will be a way for developers to get their development projects fast-tracked without properly considering the very real concerns that municipalities and residents have to ensure that development isn't just built, but that it's built right. That's why we have decided to put in this notice to vote against schedule 6.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh.

Mr. Gurratan Singh: Chair, it's very, very clear that tribunals are supposed to be faster, cheaper and have more expertise. The changes put forth by the government in schedule 6 are going to make it slower because of the cumbersome motion to dismiss, which will allow for matters put before the tribunal to first have to prove that they're even worthy of being heard before the substantive issue is heard before the tribunal; it's going to be more expensive because developers can use their lawyers to put forth these motions, and everyday folks are even going to have to respond with their use of time or hire counsel for themselves to respond to these notices; and they're going to have less expertise because they're being amalgamated, and you're going to lose that specific expertise that is required and made these tribunals better areas to adjudicate issues from the onset.

1140

The government—very contradictory to the name of their bill, which, as stated, is Accelerating Access to Justice Act—is putting forward clear changes that are going to limit access to justice. This is a problem, this is wrong, and that's why the NDP will be voting against schedule 6.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any other debate? MPP Bell.

Ms. Jessica Bell: I just want to ensure a recorded vote.

The Vice-Chair (Mr. Vijay Thanigasalam): Now we'll move on to the voting process. It is a recorded vote. Shall schedule 6, as amended, carry?

Ayes

Kanapathi, McDonnell, Mitas, Oosterhoff, Park, Skelly

Nays

Bell, Hassan, Gurratan Singh.

The Vice-Chair (Mr. Vijay Thanigasalam): It's carried.

Ms. Lindsey Park: Just to clarify, that was the schedule, as amended?

The Vice-Chair (Mr. Vijay Thanigasalam): I just want to make it clear: Schedule 6, as amended, is carried.

We are on schedule 7 now. On schedule 7, from sections 1 to 17—my apologies. From sections 1 to 16 on schedule 7, there are no amendments. I will repeat that: On schedule 7, from sections 1 to 16, there are no amendments. I will open the floor for any comments and debate. I see none. We'll move on to the voting process. Shall schedule 7, section 1 to section 16, carry? All those in favour, please raise your hand. All those opposed, please, a show of hands. Sections 1 to 16 on schedule 7 is carried.

Shall schedule 7, as a whole, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Schedule 7, as a whole, is carried.

We are on schedule 8 now. On schedule 8, sections 1 to 5, there are no amendments. I'll repeat: On schedule 8,

sections 1 to 5, there are no amendments. I'll open the floor for any comments or debate. I see none. Shall schedule 8, sections 1 to 5, carry? All those in favour, please raise a hand. All those opposed, please, a show of hands. Sections 1 to 5 in schedule 8 carried.

Now, shall schedule 8, as a whole, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Schedule 8, as a whole, carried.

We are on schedule 9. On schedule 9, sections 1 to 3, there are no amendments. I'll repeat that: On schedule 9, sections 1 to 3, there are no amendments. I'll open the floor for any comments or debate. I see none. We'll move on to the voting process. Shall schedule 9, sections 1 to 3, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Sections 1 to 3 of schedule 9 carried.

Schedule 9, section 4: government member's motion, subsection 4(2), subclause 17(4)(a)(i) on page 19. MPP Park.

Ms. Lindsey Park: I move that subsection 4(2) of schedule 9 to the bill be amended by striking out subclause 17(4)(a)(i) of the Succession Law Reform Act and substituting the following:

“(i) they lived separate and apart as a result of the breakdown of their marriage for a period of three years, if the period immediately preceded the death,”

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any debate? MPP Park.

Ms. Lindsey Park: This is a clarification that we heard from some stakeholders based on cases that have come before the courts. It's a similar provision to the language that's used in family law when there is a separation.

I'll give a case-in-point example of why this is needed. Sometimes, there are periods of separation at multiple times in a relationship, and so we want to be clear that if they separated for a year or a year and a half earlier in their marriage and then again when they are, let's say, 60 and now considering a divorce, but haven't yet made the decision, all those periods of separation would not be added together to create the three-year period we're talking about. The three years would have to be immediately before, immediately preceding, as it says in the motion, the death of the individual who the estate discussion is taking place over.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there any debate on this motion? I see none. We'll move to the voting process on this government motion. All those in favour, please, a show of hands. All those opposed, please, a show of hands. The government motion carried.

Shall schedule 9, section 4, as amended, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Schedule 9, section 4, as amended, carried.

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We are on schedule 9, section 5. There are no amendments. I'll open the floor for any debate on section 5. I see none. We'll move to the voting. Shall schedule 9, section 5, carry? All those in favour, please, a show of hands. All

those opposed, please, a show of hands. Schedule 9, section 5, is carried.

Schedule 9, section 6, government motion: subclause 43.1(2)(a)(i), page 20. MPP Park.

Ms. Lindsey Park: I move that section 6 of schedule 9 to the bill be amended by striking out subclause 43.1(2)(a)(i) of the Succession Law Reform Act and substituting the following:

“(i) they lived separate and apart as a result of the breakdown of their marriage for a period of three years, if the period immediately preceded the death,”

The Vice-Chair (Mr. Vijay Thanigasalam): Any debate? MPP Park.

Ms. Lindsey Park: This is the same reasoning as the previous amendment proposed by the government—just a subsequent section of the bill that needs clarification.

The Vice-Chair (Mr. Vijay Thanigasalam): Any debate? I see none. We’ll move to the voting. We’re going to vote on the government motion. All those in favour, please raise your hand. All those opposed, please, a show of hands. The government motion is carried.

Shall schedule 9, section 6, as amended, carry? All those in favour, please raise your hand. All those opposed, please, a show of hands. Schedule 9, section 6, as amended, is carried.

On schedule 9, section 7, section 8 and section 9 have no amendments. I’ll repeat that: On schedule 9, sections 7, 8 and 9 have no amendments. I’ll open the floor for any comments or debate. I see none. Shall schedule 9, sections 7 to 9, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Schedule 9, sections 7 to 10, is carried.

Shall schedule 9, as amended, as a whole, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Schedule 9, as amended, as a whole, is carried.

Now we are on schedule 10. On schedule 10, from section 1 to section 9, there are no amendments.

Mr. Gurratan Singh: Chair, just a quick note: I believe you will see before you a notice from the NDP to vote against schedule 10. I just want to know if this is the appropriate point for that, or is that later on?

The Vice-Chair (Mr. Vijay Thanigasalam): That’s correct; that comes right after that.

Mr. Gurratan Singh: Okay.

The Vice-Chair (Mr. Vijay Thanigasalam): I’ll repeat: On schedule 10, from section 1 to section 9, there are no amendments. I’ll open the floor for any comments or debate. I see none—MPP Singh?

Mr. Gurratan Singh: Sorry, this is with respect to which schedules?

The Vice-Chair (Mr. Vijay Thanigasalam): Schedule 10, section 1 to section 9.

Mr. Gurratan Singh: And subsequent to this, there will be another—

Interjection.

Mr. Gurratan Singh: On the entirety. Okay. I’ll reserve my comments until then.

The Vice-Chair (Mr. Vijay Thanigasalam): All right. Now we are going to vote on schedule 10, sections 1 to 9. Shall schedule 10, sections 1 to 9, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Schedule 10, sections 1 to 9, carried.

We are now moving on to schedule 10 as a whole. The NDP notice on schedule 10 as a whole: I’ll open the floor for debate or comments. MPP Bell?

Ms. Jessica Bell: Yes, we are recommending a vote against schedule 10, and the reason is this: Schedule 10 removes the right of appeal for various environmental statutes that are very important. The reason there needs to continue to be a right of appeal is that there does need to be a release valve that allows for the reconsideration of decisions made under the act.

What is also concerning is that schedule 10 was introduced without any consultation to people who use these avenues of appeal. In addition, schedule 10 should have been put on the Environmental Registry from the get-go. It is a schedule that has an impact on the environment because it has an impact on environmental land use and planning decisions. It is likely a violation of the Environmental Bill of Rights, which continues the government’s track record of not showing the appropriate respect for the environment, which is really not a value that makes sense in 2021.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Singh?

Mr. Gurratan Singh: Just to briefly add, in addition to my colleague’s points: This is a bill that’s called “accelerating access to justice.” Removing the right to appeal is not something that furthers access to justice. The right to challenge on matters of fact is an important tool that Ontarians have. To take that away from them will inhibit their ability to hold the government to account.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Hassan?

Mr. Faisal Hassan: I echo my colleagues’ comments here that I think our system has that kind of a balancing. Also, an ability to have an appeal—the right to appeal, especially in environmental issues, is very important. I think that’s why we are recommending voting against this. I just want to put that on the record.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Park?

Ms. Lindsey Park: I do find this proposal by the opposition a bit perplexing. On the one hand, they’re trying to say our government is trying to be more political; on the other side, they’re trying to say we should be more political.

In this schedule, they’re saying that instead of going to an independent tribunal, decisions should go directly to a minister, who is political. Anyway, it makes absolutely no sense and we won’t be voting in favour of this proposal to vote against schedule 10. We’ll be voting in favour of schedule 10 and the thoughtful proposals that our government is putting forward.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Singh?

Mr. Gurratan Singh: I can assist the government in understanding our position: Very clearly, we think that Ontarians should have the right to hold government to account, that Ontarians should have the right to hold ministers to account, and they should be able to challenge the government. Any attempt to take that right away from Ontarians is undemocratic, it is wrong and it goes against access to justice. Hopefully that clarifies that point.

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The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? Now we are going to the voting process. MPP Bell?

Ms. Jessica Bell: I just want to make sure that it's a recorded vote.

The Vice-Chair (Mr. Vijay Thanigasalam): We can move on to the voting process. Shall schedule 10, as a whole, carry?

Ayes

Kanapathi, McDonnell, Mitas, Oosterhoff, Park, Skelly.

Nays

Bell, Hassan, Gurratan Singh.

The Vice-Chair (Mr. Vijay Thanigasalam): Schedule 10, as a whole, is carried.

Now we're on schedule 11. For sections 1 all the way through to section 43 there are no amendments. I will repeat: On schedule 11, from section 1 to section 43, there are no amendments. I'll open the floor for any comments or debate. I see none. We'll move on to the voting process. Shall schedule 11, sections 1 to 43, carry? All those in favour, please, a show of hands. All those opposed, please, a show of hands. Schedule 11, sections 1 to section 43, is carried.

Shall schedule 11, as a whole, carry? All those in favour, please, a show of hands. All those who are opposed, please, a show of hands. Schedule 11, as a whole, is carried.

Now we are going back to the bill's sections 1, 2 and 3. There are no amendments. I'll open the floor for any comments or debate. I see none. I'm going to move on to the voting process. Shall sections 1, 2 and 3 carry? All those in favour, please, a show of hands. All those who are opposed, please, a show of hands. Sections 1, 2 and 3 of the bill are carried.

Shall the title of the bill carry? All those in favour, a show of hands. All those opposed, please, a show of hands. The title is carried.

Shall Bill 245, as amended, carry? All those in favour? All those who are opposed, please, a show of hands. Bill 245, as amended, is carried.

Shall I report the bill, as amended, to the House? All those in—

Interjection.

The Vice-Chair (Mr. Vijay Thanigasalam): Ms. Bell?

Ms. Jessica Bell: Sorry, just a few things. I've had my hand up for a little while. First, I'd like to make a few comments to the title of the bill, and secondly, I want to make sure that our vote on Bill 245 in committee is a recorded vote. I wasn't sure if that was clear.

The Vice-Chair (Mr. Vijay Thanigasalam): Please, go ahead with the comments.

Ms. Jessica Bell: I just want to make some concluding comments overall on Bill 245. I think it is very concerning that, in the middle of a pandemic, our priorities should be to change land use planning laws in favour of developers at the expense of residents, municipalities and the environment, and to further politicize the judicial appointment process. That is the essence of this bill. That is essentially the purpose of this bill.

My hope is that as provincial elected officials, we dedicate our precious time at Queen's Park to really focus on the pandemic and what we can do to bolster our health care system, improve vaccine rollout, help public health with contact tracing and all that they need to do, make schools and workplaces safer, help small businesses recover, support child care centres that are going under right now because they can't make it through this pandemic, and take measures to keep tenants safe and house the homeless. I believe that Bill 245 is the wrong bill at the wrong time.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? MPP Hassan.

Mr. Faisal Hassan: I echo my colleagues: This bill is horrible. In the middle of a pandemic, we need support for members of our communities across the province, and this bill doesn't do that. I want to echo my colleagues' comments here this afternoon and make sure—bills like this are not needed in this province.

The Vice-Chair (Mr. Vijay Thanigasalam): Any other debate? I see none.

I'm going to go to the last vote, which is going to be a recorded vote. Shall I report the bill, as amended, to the House?

Interjection.

The Clerk of the Committee (Ms. Tonia Grannum): MPP Skelly?

Ms. Donna Skelly: Sorry, can you repeat—we're voting on the—

The Vice-Chair (Mr. Vijay Thanigasalam): I'll repeat that. The question is, shall I report the bill, as amended, to the House?

Ms. Donna Skelly: Sorry, yes.

The Clerk of the Committee (Ms. Tonia Grannum): MPP Bell?

Ms. Jessica Bell: Thank you, Tonia. Just to clarify here: I want to make sure that there was a recorded vote on Bill 245 overall. With the issues of Zoom, it's sometimes difficult for me to raise my hand at the appropriate time.

The Clerk of the Committee (Ms. Tonia Grannum): The question, "Shall Bill 245, as amended, carry?"—we already voted on that. It wasn't a recorded vote. We can ask for unanimous consent to redo that vote. Right now, we are on, "Shall I report the bill, as amended, to the House?"

Ms. Jessica Bell: Yes, that's what I thought. My request is that we do a recorded vote on Bill 245, and that is what I originally requested. I think some latitude around that should be given, given that we are on Zoom.

The Clerk of the Committee (Ms. Tonia Grannum): Sure. The Chair is going to ask the question.

The Vice-Chair (Mr. Vijay Thanigasalam): MPP Skelly?

Ms. Donna Skelly: I have no problem with that.

The Vice-Chair (Mr. Vijay Thanigasalam): Is there unanimous consent in the committee to do a recorded vote on Bill 245, as amended? Agreed? Thank you. It's going to be a recorded vote.

Ayes

Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

Nays

Bell, Hassan, Gurratan Singh.

The Vice-Chair (Mr. Vijay Thanigasalam): Bill 245, as amended, is carried.

Shall I report the bill, as amended, to the House? It's a recorded vote.

Ayes

Bell, Kanapathi, McDonell, Mitas, Oosterhoff, Park, Skelly.

Nays

Hassan, Gurratan Singh.

The Vice-Chair (Mr. Vijay Thanigasalam): That's carried.

That concludes our business for today. Thank you, everyone. This committee is now adjourned.

The committee adjourned at 1213.

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