

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

**Official Report
of Debates
(Hansard)**

A-4

**Journal
des débats
(Hansard)**

A-4

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

2nd Session
42nd Parliament

Tuesday 16 November 2021

2^e session
42^e législature

Mardi 16 novembre 2021

Chair: Gilles Bisson
Clerk: Tanzima Khan

Président : Gilles Bisson
Greffière : Tanzima Khan

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<https://www.ola.org/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7400.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7400.

House Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

CONTENTS

Tuesday 16 November 2021

Subcommittee report	A-31
Intended appointments.....	A-31
Ms. Heather Kenny	A-31
Ms. Kathryn Grieves	A-36

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 16 November 2021

Mardi 16 novembre 2021

The committee met at 0900 in committee room 2 and by video conference.

The Chair (Mr. Gilles Bisson): The meeting is called to order. This is the Standing Committee on Government Agencies today, November 16. The purpose of our meeting is to review the appointment of two individuals, which we will do very shortly.

SUBCOMMITTEE REPORT

The Chair (Mr. Gilles Bisson): Before we start that, I think we have a subcommittee report to introduce.

Mr. John Yakubuski: Yes, we do, Chair. Thank you very much. I have a motion here.

I move adoption of the subcommittee report on intended appointments dated Thursday, November 4, 2021, on the order-in-council certificate dated October 29, 2021.

The Chair (Mr. Gilles Bisson): Is there any debate on the subcommittee report? Seeing no debate, all those in favour, please signify by raising your hand.

The Clerk of the Committee (Ms. Tanzima Khan): Can you ask everyone to turn their cameras on—

The Chair (Mr. Gilles Bisson): Turn on your cameras. Anybody opposed? Hands up.

Interjection.

The Chair (Mr. Gilles Bisson): That's okay. I'm confusing you. I'm allowed.

We have two more people who have joined us—if we can start with Mr. Miller.

Mr. Norman Miller: It's Norm Miller, MPP for Parry Sound–Muskoka, in my office at Queen's Park.

The Chair (Mr. Gilles Bisson): And Mr. Anand?

Mr. Deepak Anand: This is Deepak Anand, MPP, and I am in my riding of Mississauga–Malton.

The Chair (Mr. Gilles Bisson): Thank you.

Mr. Coe, please introduce yourself and say where you are.

Mr. Lorne Coe: It's MPP Lorne Coe. I'm in my office at Queen's Park.

The Chair (Mr. Gilles Bisson): Very good—and you have a constituent here in the name of my grandson, as a page. Congratulations.

The Clerk of the Committee (Ms. Tanzima Khan): Would you mind redoing the vote for the subcommittee report motion?

The Chair (Mr. Gilles Bisson): Let's do it again. We have a few joiners, so we're going to do it again.

There was a motion moved in order to adopt the subcommittee report. Can we once again indicate by lifting your hand and indicating your pleasure? Anybody opposed? Carried.

There we go. How's that? Okay.

INTENDED APPOINTMENTS

MS. HEATHER KENNY

Review of intended appointment, selected by official opposition party: Heather Kenny, intended appointee as member, Assessment Review Board.

The Chair (Mr. Gilles Bisson): We will start with our first appointee. It's a selection of the side of the official opposition: Heather Kenny, member of the Assessment Review Board.

You will have time to talk a little bit about yourself. Just remember, the time you take will be taken from the government side, and once you're done, we're going to go to the official opposition for the beginning of the questions.

Please, Madam Kenny.

Ms. Heather Kenny: Good morning, Mr. Chairperson, Mr. Vice-Chairperson, honourable members of the Standing Committee on Government Agencies. My name is Heather Kenny. Thank you for inviting me to appear in front of you today to discuss my qualifications to serve as a part-time member of the Assessment Review Board. I appreciate your time and your important role in the process.

Ontario's tribunal system is an integral part of our adjudication process and must be fair, transparent, impartial, accountable, timely and based on a rule of law. Of course, I'm telling the committee what the members already know, but it's important for me as a candidate who has served and hopefully will continue to serve the province to assure you that I have capably demonstrated these qualities as a member of the Criminal Injuries Compensation Board in this past year. Furthermore, the committee needs to know they're approving tribunal members who have the right skills and background to make informed, well-articulated and fair assessments and rulings. So let me respectfully provide you some details today to assure you that my appointment will be in the best interests of the people of Ontario.

I am a successful businesswoman. I owned and operated a tourism resort just south of Peterborough for over

two decades. Although on the surface this sounds like a simple business, when one delves into the details, a successful four-season cottage resort requires skilful diplomacy, tact and professionalism when dealing with members of the public; research abilities into policies, acts and regulations; as well as precision and clarity when dealing with municipal government, regulatory agencies, conservation authorities or provincial government.

I've worked for an international aid charity assisting Jamaican inner-city youth to acquire the literacy and life skills that help them escape poverty and gang violence, securing and negotiating funding contracts with specific measurable outcomes to the programs we funded on the ground in Kingston, Jamaica.

My tenure as business administrator of the Ontario maple syrup association helped hone my advocacy skills for an iconic agricultural sector while ensuring that the intensely individual natures of the membership were not diminished or neglected.

More recently, I serve on the Port Granby citizens' committee of the Port Hope Area Initiative, an important environmental, reclamation and restoration project. This project responded to the requests of local residents while maintaining the responsibility of the regulator and established new, safe protocols for the reclamation and sequestration of low-level radioactive waste systems, which will be replicated, if required, in the future in other regions.

In the past year and a half, I have led and advocated for a membership-driven organization representing members of a regulated health care profession.

Through the tough times and the good, my work has been challenging, forcing me to be resourceful, entrepreneurial, strategic and focused. Whether running a resort, an advocacy organization, a charity, or serving on a tribunal, adherence to regulation and process is important, but so, too, is the ability to integrate into our decisions a measure of empathy, fairness and logic. By doing so, we can meet both the legal requirements and the public expectations of our office, earning respect and, when necessary, evolving our processes to become ever more capable in resolving differences and building consensus.

One of the committee's jobs today is also to ensure that tribunal members operate in a non-partisan manner, and I wholeheartedly agree. Each of us here knows there is an appropriate time to be partisan and represent our views. We also know there are times when partisanship is counterproductive. I know each of you understands that tribunal work must be non-partisan, and this morning, I assure you that I am not only capable of understanding but fully committed to a non-partisan approach, as I have been in this past year.

Again, I thank the committee for the time and consideration. I'm pleased to answer any questions you may have.

The Chair (Mr. Gilles Bisson): Thank you very much. With that, we're going to go to Mr. Gates, who is going to have questions for you.

Mr. Wayne Gates: Thanks very much for coming before the committee.

I've got a couple of questions. Don't feel special; I ask these questions to everybody who comes here.

Are you currently or have you ever been a member of the PC Party?

Ms. Heather Kenny: Ontario or federally?

Mr. Wayne Gates: I'll get to both, but you can—

Ms. Heather Kenny: Okay. Of the Ontario PC Party, yes.

Mr. Wayne Gates: Are you currently or have you ever been a member of the federal Conservative Party?

Ms. Heather Kenny: Yes.

Mr. Wayne Gates: That's two yeses?

Ms. Heather Kenny: Indeed.

Mr. Wayne Gates: Can you confirm what your current or past roles have been with the PC Party of Ontario?

Ms. Heather Kenny: I have no current roles with the PC Party of Ontario.

Mr. Wayne Gates: Can you confirm what your current or past roles have been within the federal Conservative Party?

Ms. Heather Kenny: I have no current roles within the federal Conservative Party.

Mr. Wayne Gates: You've never had a role with the federal or provincial PC Party?

Ms. Heather Kenny: There have been past roles, yes, but nothing current.

Mr. Wayne Gates: Can you explain what those were, please?

Ms. Heather Kenny: There have been roles on riding associations, electoral district associations. There have been executive roles.

Mr. Wayne Gates: Have you ever been the fundraising chair of the Durham Conservatives federally?

Ms. Heather Kenny: I do not believe I've been fundraising—sorry, give me a second on that one. I was a co-chair, indeed, of fundraising in Durham federally, yes. That's going back a year or two years now.

Mr. Wayne Gates: I've also got notes that say that you were the Peterborough–Kawartha PC riding association president at one time.

Ms. Heather Kenny: At one time, yes.

Mr. Wayne Gates: Would that be accurate?

Ms. Heather Kenny: Yes, at one time.

Mr. Wayne Gates: When would that be?

Ms. Heather Kenny: Peterborough–Kawartha federally—I would have to go back and look specifically at notes, but I believe I completed that role as president in 2015 or 2016. I would have to look exactly at notes.

Mr. Wayne Gates: So that we're clear on that, I'm going to ask you a question that's kind of outside of this, but I think it's important. It sounds to me like you were a pretty important person down in the Peterborough–Kawartha area when it came to the PC Party, provincially or federally. Are you aware of any General Electric cancer clusters that are in Peterborough that citizens there have been fighting to get compensated for? Are you familiar with any of that, being involved in the PC Party and knowing what a big issue it is in Peterborough—and how

big GE was for a number of years, until they closed—with the employees?

0910

Ms. Heather Kenny: I would say to you that I have no awareness of that issue as it relates directly to my involvement in anything politically in Peterborough. As a resident of Peterborough and that area for about 30 years, I am certainly familiar with GE, and familiar only inasmuch as I may have heard in the news about those sorts of clusters. But I have no first-hand knowledge of those clusters personally, nor anything connected with anything political.

Mr. Wayne Gates: I appreciate that response.

It's a big issue down in Peterborough. I've been to Peterborough over the last couple of years to meet with the residents—probably some of your friends, quite frankly—who have lost loved ones from GE. Although it was an important employer, it doesn't give them the right to kill people.

I'm glad that you're at least aware of it. Maybe follow it up even closer if you're going to stay involved with the PC Party, because those people need a voice down there that's not just me. I'm from Niagara Falls, so it's tough to have a strong voice in Peterborough–Kawartha. It would be nice if somebody from the PC Party was trying to help those people out. It's a really sad situation there, and it should be fixed.

Have you ever worked on a PC or a Conservative Party campaign?

Ms. Heather Kenny: Yes.

Mr. Wayne Gates: When was that?

Ms. Heather Kenny: The last federal campaign would have been in 2019. The last provincial campaign—

Mr. John Yakabuski: I have a point of order.

The Chair (Mr. Gilles Bisson): Point of order, Mr. Yakabuski.

Mr. John Yakabuski: Chair, I appreciate the questioning of the member of the opposition. But the potential appointee is not in any way denying her long-term involvement with the PC Party. That has been established. So all of these other questions are just reiterating that she's a long-term—

The Chair (Mr. Gilles Bisson): That's not a point of order. Members can use the time as they want, as long as they're within order.

Mr. Gates, you're in order. You have the floor.

Mr. John Yakabuski: Well, it reaches a point—

The Chair (Mr. Gilles Bisson): It is not a point of order.

Mr. Gates?

Mr. Wayne Gates: I can tell you that I'm not badgering anybody. I'm trying to make sure that we establish, because as you know, quite frankly, with—

Mr. John Yakabuski: It's about—she is—

Mr. Wayne Gates: I'm not—

The Chair (Mr. Gilles Bisson): Order. Members will not get into a debate about this.

Mr. Gates, you have the floor.

Mr. Wayne Gates: I appreciate that. Thank you very much.

I think it's important to establish that we are trying to have these meetings be open and transparent, and we continually see this type of pattern when we're bringing appointments. I think it's important to establish the exact roles that they're playing, and that's what I'm trying to do. I'm trying to be as professional as I can. I hope the witness can appreciate that.

Can you confirm that you have donated upwards of \$2,000 to the provincial PCs and a sum of money to the federal Conservative Party as well?

Ms. Heather Kenny: Over a lifetime of donations, that could be an approximate total.

Mr. Wayne Gates: I'm not so sure it's a lifetime—I think that's a little bit of a stretch. But I'll accept your answer. Based on the facts that I've been given, it's certainly a shorter period of time than that. But that's fine.

I've got some other questions that I'd like you to answer.

What particular contribution does the witness hope to make to the board?

Ms. Heather Kenny: I have served as a member of the Criminal Injuries Compensation Board for this year. As a cross-appointee to the Assessment Review Board, I would anticipate using the skills that I have begun to develop and employed at the CICB for the cases that come before me at the Assessment Review Board.

Mr. Wayne Gates: We've established—and, thankfully, my colleague established it as well—that you've been a long-time PC supporter. What motivated you to seek this appointment?

Ms. Heather Kenny: As I said, it's a cross-appointment from my role at the Criminal Injuries Compensation Board, and those cross-appointments are researched and established from the Tribunals Ontario level. I was suggested as an appropriate cross-appointee.

Mr. Wayne Gates: Just a question: Did anybody ask you to seek the appointment? How did you come across this appointment?

Ms. Heather Kenny: The appointments are listed, of course, on the PAS online portal, and that was the application process that I put forward.

Mr. Wayne Gates: So nobody asked you to fill this role?

Ms. Heather Kenny: Not this specific role. At the CICB, there were conversations loosely under the subject heading of cross-appointments, and as tribunal members, we were encouraged to seek those out and apply as we were interested.

Mr. Wayne Gates: What particular contribution do you hope to bring to this board?

Ms. Heather Kenny: Again, to use the skill sets that I've gained and honed over this year in the CICB and be able to apply that and principles of natural justice as we apply those as adjudicators, and to adequately listen to the information brought before us as tribunal members and then deliver a fair, accountable and transparent decision.

Mr. Wayne Gates: This is one that I think is important, and maybe you can help me understand why you're

applying and that kind of stuff. This will give you an opportunity to explain all that to us, I believe. I might be wrong, but I think it should give you an opportunity. Do you have any experience, knowledge or training in the subject matter and legal issues dealt with by the board?

Ms. Heather Kenny: I think as an individual who, as I said, was a successful businesswoman who operated a resort for 20 years, certainly having owned property, I am aware of what the Assessment Review Board does. I'm also aware of the system of property tax and assessment, including mill rates, and how that interfaces between MPAC and the municipalities.

Additionally, I'm very aware that each tribunal, including the ARB, will do an onboarding session, and during that onboarding session, I will be able to further research and educate myself on the specific legislative roles around the ARB.

Mr. Wayne Gates: Let me go back a little bit. So you've never had any training on the subject matter at all? You've had no training at all on this, other than your life experiences with owning the resort?

Ms. Heather Kenny: Indeed. Similarly to any new appointee to any tribunal, I depend heavily on the training sessions that will happen for new tribunal members.

Mr. Wayne Gates: And you have no experience in it, as well. Would that be accurate?

Ms. Heather Kenny: Yes, indeed. As I said, I have sat on the Criminal Injuries Compensation Board. I've never sat on the Assessment Review Board.

Mr. Wayne Gates: And it's probably fair to say to you and to the committee, as well, that the knowledge you have is just life experience or stuff that you might have looked up on the Internet or that type of stuff. That would be your knowledge about this particular appointment?

Ms. Heather Kenny: I would suggest it's slightly more in-depth than that, but—

Mr. Wayne Gates: Well, it's your floor. You can answer that, and if you think that's not completely accurate, go ahead and respond at length if you like. I'm fine with that.

Ms. Heather Kenny: Sure. I am very aware of how municipalities set mill rates and the complicated factors that go into using mill rates to distinguish between business classes of taxes versus residential classes of taxes. So I'm aware of how that works. I'm aware of how municipalities rely on property tax in order to fund their day-to-day operations. I'm aware of how those rates interface with the assessment values that MPAC creates and, at an end of all of that, how increased assessment rates combine with mill rates to influence, usually in an upward fashion, the amount of property tax that residents, homeowners and business owners remit to municipalities.

0920

If there's a concern about that, I'm aware that the reconsideration process goes to MPAC first. Then, if the reconsideration does not satisfy the request, the Assessment Review Board is the next place of review for that taxpayer's concern.

Mr. Wayne Gates: Thank you.

Have you ever sat on a city council?

Ms. Heather Kenny: No, I've never been elected to a city council.

Mr. Wayne Gates: Have you ever ran for council?

Ms. Heather Kenny: I ran for deputy reeve when I was 17. I was unsuccessful, incidentally.

Mr. Wayne Gates: Well, you should keep trying. I was unsuccessful seven times before I got elected. Sometimes if you just hang around long enough, they start voting for you, I guess; I don't know what it is. I lost seven times, so I can relate to losing.

Do you believe that MPAC does a good job of assessing properties in Ontario?

Ms. Heather Kenny: I don't have a lot of in-depth knowledge about that. My initial answer to that would be yes, in lack of any other context for that question.

The Chair (Mr. Gilles Bisson): You still have a minute.

Mr. Wayne Gates: Okay.

Have you ever done a presentation to a council?

Ms. Heather Kenny: Yes.

Mr. Wayne Gates: I'll let you elaborate on that, but I want to ask this other question. Have you ever lobbied for your resort, and was that part of your presentation to council—an issue that might have come up with your resort?

Ms. Heather Kenny: This experience goes back a number of years. I would say, in the 1990s, I would have approached a council, township council, perhaps about a subject—we're going back to the 1990s. I'm reasonably certain that I would have appeared there. The resort hasn't been in operation since 2006, and indeed doesn't truly exist as a resort at this time, so this is—

Mr. Wayne Gates: Do you have other businesses currently?

Ms. Heather Kenny: I'm a traditional Chinese medicine trained acupuncturist, and—

The Chair (Mr. Gilles Bisson): I'm sorry. That concludes the time we have for the official opposition.

First up is Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much for your presentation and applying for this position, Ms. Kenny. I really appreciate you being before us today.

While I know some of the questions sounded like they minimized your life experience, I happen to believe that life experience is hugely important, and the fact that you operated businesses—a tourism business, which is a challenging business. Our oldest son has recently opened in the last couple of years an ecotourism business, and I know what an all-consuming job that is. You also talked about the maple syrup, which is a unique type of business here in Ontario—unique with regard to its tax assessment issues as well.

Your life experience and charitable ways and everything else as well—when you're talking about people coming before this tribunal, you've been on the other side in real life, maybe not necessarily before a tribunal, but you know what it's like to pay taxes, operate a business and wonder about whether or not those assessments are what you'd like to see.

I'd just like you to reiterate a little bit about how you feel life experience makes you appropriate for this committee.

Ms. Heather Kenny: Thank you for the question.

I do believe that wide and varied life experience allows you to bring more diverse qualities of opinion to any decision that comes in front of you. In my role, as well, at the CICB this year, I was able to relate well to some of the people who came before the Criminal Injuries Compensation Board and also enable myself to deliver some decisions with qualities of empathy and understanding that allow people to know that their concerns have been heard.

As I look at how I would apply those qualities to the Assessment Review Board, similarly as an owner at different points of business, commercial-taxed real estate, farm real estate, housing—residential permanent housing and also vacation housing—sorry—anyway, cottages and waterfront, I think that knowing how those different mill rates affect how the taxes work again will allow me to be very empathetic when dealing with those concerns that come before the ARB.

Mr. John Yakabuski: I'll pass this on to MPP Pang.

The Chair (Mr. Gilles Bisson): Mr. Pang, you have the floor.

Mr. Billy Pang: Good morning, Ms. Kenny. It's nice to meet you here. Thank you for putting your name forward.

What do you believe it takes to be an effective member on the ARB?

Ms. Heather Kenny: Thank you for the question.

Effective members need to be able to listen very well to all of the information that's coming to them. At the CICB—and I know I'm leaning heavily on my experience there in the past year—we would receive significant files in advance of the hearing, and we would review those files. Those files would be anywhere from 90 pages to well over 300 to 400 pages. We would review all of that information in advance of the hearing and also highlight different areas that we might have questions about.

During the hearing, of course—COVID-19 has been really challenging, as the checkerboard of faces in front of me today also reminds me that enabling us to speak to each other without the benefit of Zoom meetings or in-person meetings has been quite the challenge. The CICB moved to an oral electronic model only, so we were doing all of our hearings by phone. We didn't employ a Zoom visual model at all, which meant that your ability to listen to the nuance of who was speaking to you was very, very important. So I think that, this year, I've definitely been able to use those other skills much, much more than I would have in the past. You have to be organized and also be able to look at the details required.

Mr. Billy Pang: Now we are in an audiovisual online meeting. Do you think audio is better or both—audiovisual is helping you to become more effective?

Ms. Heather Kenny: I think audiovisual is much more effective for sure. There's a lot of visual information that's passed on during hearings.

Mr. Billy Pang: Thank you. May I ask the next member?

The Chair (Mr. Gilles Bisson): All right. Who wants to be next?

Interjection.

The Chair (Mr. Gilles Bisson): Oh, excuse me. I thought you were trying to point to something else. Yes, please go ahead.

Mr. Deepak Anand: Thank you so much, Ms. Kenny. You talked about empathy, and you talked about connecting with the community. I know that in order for us to know the people's pain, we need to be with the people, and that comes through a lot of community service, volunteering. I just want to talk a little bit on what your experience is in volunteering and how you think that can help you on this board.

Ms. Heather Kenny: I was a small business owner, and one of the gifts as a small business owner is your ability to determine your own time. At the same time that I ran that resort for 25 years, I also raised four children. My kids are all well old now, but in that period, I had four kids, all under seven, and when they all went through school, I was able to be the class mom. So I did a lot of volunteering at my school. That was also at the same time when school councils started to roll out across Ontario. I did a lot of leadership in developing our local school council as well as our high school councils for our public school board as well. So there has been a lifetime of service there.

0930

Once my kids got old enough, once they got into high school, of course they didn't want their mom hanging around on a school council anymore, so then I started to look at other areas to volunteer.

I was talking about the Port Granby initiative. That's a really unique volunteering role. It's a citizens' liaison committee that—we interface between the community members, concerned members of the community, to the group that's doing the cleanup. The cleanup is a legacy of low-level radioactive waste left around the Port Hope and Port Granby communities, sometimes appearing on the sides of roads, sometimes used as fill in road construction. Sometimes we were finding the low-level radioactive waste in people's homes in Port Hope itself. This is a Cameco, Chalk River kind of legacy. There have been a lot of different owners of this one particular plant in Port Hope. So—thank you.

Mr. Deepak Anand: Thank you. That's enough.

MPP Robin Martin would like to ask the next question.

The Chair (Mr. Gilles Bisson): Mrs. Martin, you've got about a minute and a half.

Mrs. Robin Martin: You mentioned the challenges of COVID-19 and how the CICB has adapted, how they're doing hearings. I'm just wondering if you would expect the ARB to do something similar and, really, do you have concerns about not being able to conduct in-person hearings for ARB at this time?

Ms. Heather Kenny: I guess I was a little long-winded on some of those other answers. Sorry about that.

I think that visual hearings are important. I think that the CICB managed very well to do oral hearings. We did

have a lot of visual information. The reports were very detailed, so we did have a lot of information that came to us. We just had to review that information. However, again, I have not yet been onboarded at the ARB level, so I'm not sure what their specific hearing strategies are right now—whether they're doing Zoom or any other sort of audiovisual component, or if it's just audio—but I look forward to learning how they're going to do that.

The Chair (Mr. Gilles Bisson): I want to thank you for your answers. Rest assured, anybody who is presenting before the committee can take as much time as they want, within the rules, to respond to questions, and we appreciate that.

That concludes the time we have for the appointment to the Assessment Review Board. You are now dismissed.

MS. KATHRYN GRIEVES

Review of intended appointment, selected by government party: Kathryn Grievés, intended appointee as member, Ontario Civilian Police Commission.

The Chair (Mr. Gilles Bisson): We are now going to move to the selection of the government, which is a member for the Ontario Civilian Police Commission, Kathryn Grievés.

Kathryn, if you want to start off by saying a few things about yourself, you have up to 15 minutes, and that will be taken from the government time.

Ms. Kathryn Grievés: Thank you. Good morning, Mr. Chair and committee members. My name is Kathryn Grievés. I have the honour of being here today to present my qualifications for my pending appointment as a member of the Ontario Civilian Police Commission.

In terms of my background and education, I was born and raised in Alberta, where I completed my undergraduate degree in business management at Concordia University of Edmonton. I moved to Ontario to attend Queen's University, where I obtained my law degree and a certificate in international business law in the UK. After I was called to the bar in Ontario, I practised law in Toronto for several years as a litigator specializing in insurance law. I continue to be a member of the law society in good standing.

Since January 2018, I have been a full-time adjudicator with the Licence Appeal Tribunal, where I hear appeals from individuals who were injured in motor vehicle accidents regarding their claims for benefits from insurers.

I believe that my experience with impartial adjudication will be an asset to the OCPC, should I be appointed.

My current role as an adjudicator with the Licence Appeal Tribunal essentially has two main components: dispute resolution and decision-making. As you may be aware, after an application is filed at the tribunal, the parties participate in a case conference by telephone. At that stage, I engage the parties in dispute resolution and attempt to resolve the claim. I would also hear motions and make rulings throughout the process to ensure the fair, proper and expeditious conduct, control and completion of

the matter. If it isn't resolved through the dispute resolution mechanisms, the matter moves to the hearing stage. A hearing could be in writing, by video, or a combination of both. In that role, I review and analyze the evidence and submissions and make findings of fact, interpret the law, and prepare orders and decisions with reasons that are clear, concise and well-reasoned that reflect a solid understanding of the issues, evidence and the law.

A lot of my work involves the most serious cases that come before the tribunal. I am part of a team of adjudicators who provide settlement conferences for our catastrophically injured applicants. It's essentially a final dispute resolution opportunity for the parties to attempt to settle their cases before engaging in a lengthy hearing.

I've also been asked to take on a mentorship role with my colleagues, to help new appointees learn about their new role and provide assistance and feedback with their cases. I try to foster a collegial environment and provide both formal and informal peer review and support, either in reviewing decisions and orders, answering their questions, or providing advice on how to handle issues that may come up during the process.

As an adjudicator with the Licence Appeal Tribunal, I've gained an understanding of the justice system and administrative law, as well as the concepts of fairness and natural justice. I have experience in applying the law and making decisions that are fair, accountable, transparent and timely.

I am committed to respecting diversity and treating everybody with the utmost fairness, respect and courtesy, with a view to facilitating access to justice.

I believe that my skills and experiences would be an asset to me, should I be appointed to the OCPC.

I appreciate having been nominated for this role, and I look forward to continuing to serve Ontarians.

Thank you very much for the invitation to be here this morning. I would be pleased to answer any questions that you might have.

The Chair (Mr. Gilles Bisson): Thank you, Ms. Grievés.

I'll start with my friend Mr. Yakabuski. You've got about 11 and a half minutes.

Mr. John Yakabuski: Thank you very much—I know you go by Kate, so I will say thank you very much, Kate, for joining us this morning.

Ms. Kathryn Grievés: Thank you.

Mr. John Yakabuski: I had to ask who you were when your picture came on there, because, as you know, we've never met.

We've reviewed your CV, and I want to thank you for being willing to take on this position.

What motivated you to apply for this position, and was it the only one that you did apply for? You certainly have a tremendous background that is most impressive.

Ms. Kathryn Grievés: Thank you. Thank you for that question.

I actually had applied for an appointment for the Social Benefits Tribunal. I understand that there is a pending

attendance at special committee for that one as well, but I haven't been given a date yet, so I'm not sure.

I actually didn't apply for this role. I was asked to consider a cross-appointment for this by the executive chair of Tribunals Ontario. He approached me.

Mr. John Yakabuski: I can see why. Thank you very much for accepting that invitation.

Ms. Kathryn Grievés: Thank you.

Mr. John Yakabuski: I will pass this on to MPP Anand.

The Chair (Mr. Gilles Bisson): Please go ahead, Mr. Anand.

Mr. Deepak Anand: Thank you, MPP Yakabuski.

Through you, Chair: Kathryn—Kate—you have experience with the parole board. Could you please share with the committee, what was your observation in terms of being an effective member of the board and how you can take that experience for this board?

Ms. Kathryn Grievés: I think there might be a bit of a misunderstanding. I've never been a member of the parole board. I'm a full-time adjudicator with the Licence Appeal Tribunal.

Mr. Deepak Anand: My apologies. I was under the impression—never mind.

What do you think you will bring to be an effective member of the board?

Ms. Kathryn Grievés: I have a history of impartial adjudication. I think that's the most important requirement for this role. I think that I have a good understanding of the rule of law and upholding the principles of natural justice, and I think that those skills would be an asset to me.

0940

Mr. Deepak Anand: Chair, MPP Miller would like to ask the next question.

The Chair (Mr. Gilles Bisson): MPP Miller, please go ahead.

Mr. Norman Miller: Thank you, Ms. Grievés, for putting your name forward for this position. You certainly seem to have some great qualifications.

I'm just wondering about your community involvement, volunteer work, that sort of thing. Could you talk a little more about that and what you've learned from your community work and how it will inform your work on the OCPC, please?

Ms. Kathryn Grievés: Thank you for the question.

I've spent many years as a litigator and then as an adjudicator now and have an understanding of communities and some of the challenges they face. I do work within the government of Ontario with their United Way program and fundraising with that and contributing in that manner, and donating mostly money at this point—not as much time available these days—to various food banks in the community as well.

The Chair (Mr. Gilles Bisson): Mrs. Martin?

Mrs. Robin Martin: Thank you, Ms. Grievés, for putting your name forward.

COVID-19 has really presented some challenges for the board that you currently are working with. I know that

they've had some adaptations to try to manage that. I'm just wondering if you think similar changes would have to be made or have been made on the OCPC, which you may be appointed to, and really, do you have any concerns about not being able to conduct in-person hearings?

Ms. Kathryn Grievés: Thank you for the question.

Yes, certainly, COVID-19 has presented a lot of challenges and a curveball for everybody involved. Obviously, I'm not appointed to the OCPC yet, and I'm not sure about the format of their hearings at this point. It would be speculation, but I would suspect they're also not conducting in-person hearings anymore. I know that the website indicates that none of the publicly available services are available at the counter anymore, similar to my tribunal that I'm currently appointed to.

Certainly, we had to pivot and adapt by not having in-person hearings anymore, but I think that we've worked really hard to get platforms and systems in place that ensure that the parties still have a fair and efficient and effective hearing. I've conducted several hearings now since we've shifted to an online platform, and I do find them quite effective. Subject to what the realities are at the OCPC, I'm sure that we can spearhead those challenges head on. And should it be a virtual-type hearing, I'm confident in my ability to adjudicate in that manner.

The Chair (Mr. Gilles Bisson): We've got about five minutes. Mr. Babikian?

Mr. Aris Babikian: Thank you, Ms. Grievés, for coming and sharing your skills and experience with us.

You have a wide offering of professional experience in your career. Could you please share how this experience has prepared you for your work with the OCPC?

Ms. Kathryn Grievés: Thank you for the question.

I think my experience as a litigator prior to becoming an adjudicator was very helpful in terms of understanding perspectives of representatives of the parties and the parties themselves. Having taken on that role prior to being an adjudicator, having participated in dispute resolution as a party as opposed to being the adjudicator certainly gave me valuable skills before I became an adjudicator. But having spent the last four years—almost five now—as an adjudicator in this role, I think that although the subject matter may be different at the OCPC, there are very valuable transferable skills I've gained as an adjudicator, having conducted various types of hearings and writing decisions, making orders, hearing motions over the course of my experience.

The Chair (Mr. Gilles Bisson): Mr. Pang?

Mr. Billy Pang: Good morning, Ms. Grievés. You are currently appointed to the Licence Appeal Tribunal, LAT. How do you think your experience on the LAT will inform your work with OCPC?

Ms. Kathryn Grievés: Thank you for the question. It's still under the heading of Tribunals Ontario—so understanding how that operates within the system and the mandate of Tribunals Ontario.

Having conducted hearings virtually with the Licence Appeal Tribunal, it sounds like it's likely going to be a similar format with the OCPC—having experience with

the dispute resolution stage, which, as I understand, is sort of the first stage of the OCPC hearings before it moves to the actual hearing stage; hearing evidence; making findings of fact; applying the law; and writing decisions that are clear and concise and transparent.

The Chair (Mr. Gilles Bisson): Mr. Coe?

Mr. Lorne Coe: Thank you, Chair. Through you to Ms. Grievés: Thank you very much for your presentation and responses to some of the earlier questions.

Do you foresee any caseload issues that may arise from being appointed to three tribunals?

Ms. Kathryn Grievés: Thank you for the question.

I don't anticipate that necessarily being an issue. I won't be working two full-time jobs and a part-time. As I understand it, my time will be split accordingly, and it would be subject to which tribunal has the greatest need for my assistance. I have deferred to the associate chairs to make the determination as to where I could be most useful; it's subject to the demands and who needs me when. My time would be split between the three tribunals.

Mr. Lorne Coe: Thank you for that response, and thank you once again for your excellent presentation and responses to the questions.

The Chair (Mr. Gilles Bisson): Mrs. Martin, you have just under two minutes.

Mrs. Robin Martin: I'm honoured to get an opportunity to ask you another question, Ms. Grievés.

I actually am a litigator myself and spent 10 years practising downtown. We didn't cross paths, but you seem to have an illustrious background in that regard. So I just wanted to ask you about that and how you feel that your training—you mentioned earlier, talking about how you see from the perspective of the advocates representing the various parties; it's helpful in that way. Can you shed some light on how that's helpful for you in other parts of this adventure, I guess, in being in a tribunal position and adjudicating on those cases that come before you?

Ms. Kathryn Grievés: Thank you for the question.

I think there's a number of things that shed light on my current role from having litigated: understanding that there are aspects of a case that are maybe not clear to me as an adjudicator but are going on in the background that counsel is aware of; having had experience with various mediators in the past as a litigator and having seen what was effective from other people—when I participated in mediations with other people, what did I find helpful that other people did; maybe what not so much, and trying to remember that when I became an adjudicator—understanding what people's different motivations may be and understanding that they have clients and they take instructions, and that you don't always know what those are and what other kind of competing concerns they may have.

The Chair (Mr. Gilles Bisson): That's all the time that we have.

Now we're going to go to the official opposition. Mr. Gates.

Mr. Wayne Gates: I've taken a good look, and you are extremely qualified for this position. You have an extensive legal background.

I was interested in your presentation—I don't know if it's Kathryn or Kate, whatever you like. You are a lawyer for insurance law. I just happened to have a car accident two weeks ago, so I'm dealing with that process right now, which is a very interesting process for sure.

I don't want you to be surprised by this first question. I ask everybody this question. We ask everyone because so often these appointments are friends, donors and former candidates of the PC Party. They have a very strong track record of handing out paid positions to their friends, whether they are qualified for the positions or not. Do you have any connection with the Ontario PC Party? Have you donated to or been a member of the PC Party, both provincially or federally?

0950

Ms. Kathryn Grievés: I have not. I have never donated. I have never been a member of either the federal or the provincial party.

Mr. Wayne Gates: I congratulate you on that. Thank you very much—one of the few who come before this committee.

What inspired you to apply for this position? Have you always had an interest in police oversight or in the criminal justice system in the province of Ontario?

Ms. Kathryn Grievés: Thank you for the question, Mr. Gates.

I think I might have mentioned earlier that I didn't actually apply for this position. The executive chair of Tribunals Ontario sought me out, contacted me and asked if I would be willing to consider a cross-appointment to the OCPC.

Mr. Wayne Gates: I apologize, but I did these questions up last night. I didn't have your presentation in front of me, so I may ask a question that you've already answered for somebody else, but I think that's fair on my part for trying to do this ahead of time.

What particular aspects of your previous professional and volunteer background do you think will translate to your position with the commission?

Ms. Kathryn Grievés: Having been an adjudicator for the last several years with Tribunals Ontario already, those skills in dispute resolution and decision-making and decision-writing—although the subject matter from the OCPC and the law is going to be different, those skills are still the same. It's still the same dispute resolution strategies that we use and still the same skills that I plan to transfer in terms of applying the rule of law and principles of natural justice in writing my positions—well, hearing the evidence and writing my decisions and ensuring that the decisions I do deliver at the OCPC, as with my current role, will be fair and accountable and transparent, and similarly on a timely basis.

Mr. Wayne Gates: I think it would be interesting for the committee—being a past president of a relatively big local and doing arbitrations, I was always amazed at how long it took an arbitrator to write their ruling. How long would you take to write a ruling? Give us a little background on the thought process for that. It's a tough decision, and people are reading it right across the country when you make your ruling, and your name is tied to it.

Ms. Kathryn Grievés: My decisions were published on CanLII. That's right; they are widely read by parties. Certainly, a lot of work goes into writing a decision, but before you put pen to paper, there's mountains of evidence to review. That's part of the process.

In terms of a timeline, I understand that the timeline for a decision for the OCPC is 90 days, so I would endeavour to have my decision released within 90 days.

Mr. Wayne Gates: Yes, it's not an easy process. Case law is very important, as you know. It was one thing that I was always surprised at—how long it took an arbitrator to make a ruling, and then you realize that it is public. People compare cases and go back years on some of those rulings. So it's an interesting process.

Coming into your new role at the commission, could you discuss your top three priorities or goals while serving on the commission?

Ms. Kathryn Grievés: I think I would need to get in there and understand what the challenges are, what the objectives are and what the cases are before I could really set very strategic goals. From a high-level perspective, it would be to continue to deliver quality adjudication to the people of Ontario.

Mr. Wayne Gates: I think you've already answered this one, but I'm going to read it again because, like I said, I did it last night, so I might as well put it to use. I see that you currently sit as a full-time member of the Licence Appeal Tribunal. Do you believe you will have the full capacity to serve in both these roles? And then—to our conversations this morning—you may be even getting onto a third. So what do you think the time—are you going to be okay, and why do you feel that way?

Ms. Kathryn Grievés: Thank you for the question.

While I would be cross-appointed across several boards, it's my understanding that it's going to be left to the associate chairs to decide where I would be best used, who has the greatest need for my assistance at any given time. The associate chairs are aware of my cross-appointments and that there are going to be obligations from other tribunals. We'll craft a plan to fit once the appointments have gone through and we've decided where best to split my time, and ensure that there's sufficient writing time to write decisions and hear cases wherever I'm needed.

Mr. Wayne Gates: Thank you very much for the response.

In Ontario, we have three oversight agencies. The SIU, which many are familiar with, and also the Office of the Independent Police Review Director work alongside the commission to hold police activity in the province accountable. Do you believe the commission can best work alongside these other organizations? Are they effectively working alongside each now?

Ms. Kathryn Grievés: Without having my appointment yet, I'm not sure if I can speak to it—

Mr. Wayne Gates: You'll get appointed, just so you know. I'll help you out there on that one.

Ms. Kathryn Grievés: Okay. Until it goes through and until I'm there, I don't think I can really speak to how they interact, because I don't know how they interact and

whether they interact well and if it's successful. I can't really speak to that until I'm in there.

Mr. Wayne Gates: Yes, that's a fair comment.

Do you believe there is an issue of systemic racism within our criminal justice and police systems here in Ontario, and if so, what more can be done to address this issue?

Ms. Kathryn Grievés: I would agree, yes, there is systemic racism across Ontario, and I think everybody has an obligation to do what they can to remediate the situation.

Mr. Wayne Gates: I agree with you. I think that we have to collectively work to fix that particular problem in Ontario. There's no doubt about that.

Do you believe that the province currently has enough appointment of oversight on our police forces?

Ms. Kathryn Grievés: I can't speak to that. I'm not sure. That's not really within my role.

Mr. Wayne Gates: It's okay. I ask the questions, and you can answer them whatever way you like. I'm fine with that.

COVID-19 has changed the operations of many of our agencies, our boards, our commissions and tribunals. What challenges or necessary changes has the Ontario Civilian Police Commission faced due to the pandemic, and what can be done to address these challenges as you get on the commission?

Ms. Kathryn Grievés: Without being there, I can't really speak to what challenges they're facing. I suspect that they're similar to the challenges that we have been facing at the Licence Appeal Tribunal, but, without being a member currently, it would be speculation for me to comment.

Mr. Wayne Gates: I'm going to close by saying that for whatever reason—and we've been arguing about this as a party—nobody can see these; this is really kept away from the public, so nobody sees these type of interactions for these agencies. I think they should be open. I think they should be transparent. These type of interviews would go a long way, quite frankly, in showing, if we did this particular committee properly and put qualified people on these agencies, that they could all work for the betterment of the province of Ontario. This type, with you—I'm giving you a compliment; obviously, you're very, very qualified for a number of the tribunals, quite frankly. I do appreciate the fact that you put your name forward. I appreciate the fact that you want to make a difference in our society. It would be nice if people outside this committee room could hear these interviews, could see the quality of people we do have in the province of Ontario that could make these appointments better.

I want to thank you very much for coming today. You're a very good example of what could happen with this committee if we decided to do this committee right and make it open and transparent. Thank you very much, and I wish you the best.

Ms. Kathryn Grievés: Thank you, Mr. Gates. Thank you, everyone.

The Chair (Mr. Gilles Bisson): I think Mr. Yakabuski had a point of order.

Mr. John Yakabuski: Yes, I do, Chair. Thank you very much for that.

And thank you again, Ms. Grievés, for joining us.

I just want to clarify that, as a result of changes that we made as government, this committee is being live-streamed, and it is available to the public. I appreciate MPP Gates's concern, but we've taken the steps to ensure that the public does have access to this committee and this hearing and to look at and listen to great candidates like Ms. Grievés. So I think we've addressed that, and we took the steps to make this transparent and open to the public.

Mr. Wayne Gates: I appreciate that. It was a long time coming after a lot of pushing from the NDP. I was using her as an example of why it should be open and—

The Chair (Mr. Gilles Bisson): All right. We're not going to have a debate about this. Mr. Yakabuski, you had a point of order. It was in order. You made your comment, Mr. Gates. I hear what you're saying. Very good.

That concludes the time that we have for this particular review.

We're going to start with the concurrence for the Assessment Review Board in the name of Heather Kenny. I believe we have a motion coming from the government.

Mr. John Yakabuski: I move concurrence in the intended appointment of Heather Kenny, nominated as member of the Assessment Review Board.

The Chair (Mr. Gilles Bisson): Any discussion?

Mr. Wayne Gates: Can we have a recorded vote on both individuals, please?

The Chair (Mr. Gilles Bisson): Okay, we'll do them separately, but you're asking for a recorded vote on both—

Mr. Wayne Gates: On both. Yes, please.

The Chair (Mr. Gilles Bisson): All right. Are members ready to vote? Okay. I'm going to ask members to indicate by raising their hand either for the affirmative or the negative. We're going to start with all those in favour of the appointment to the Assessment Review Board of Heather Kenny. Please raise your hand and leave it up until you're called by the Clerk.

Ayes

Anand, Babikian, Coe, Martin, Norman Miller, Pang, Yakabuski.

Nays

Gates.

The Chair (Mr. Gilles Bisson): The concurrence is passed, so you are now appointed.

We will now move to the member of the Ontario Civilian Police Commission, Kathryn Grievés. I believe Mr. Yakabuski has a motion.

Mr. John Yakabuski: I move concurrence in the intended appointment of Kathryn Grievés, nominated as member of the Ontario Civilian Police Commission.

The Chair (Mr. Gilles Bisson): So moved. Is there any discussion on this motion? No discussion. Are members ready to vote?

You were calling for a recorded vote, Mr. Gates?

Mr. Wayne Gates: Yes. Thank you.

The Chair (Mr. Gilles Bisson): All those people in favour of the motion, please raise your hand by signifying "aye," and the Clerk is going to call out your name.

Ayes

Anand, Babikian, Coe, Gates, Martin, Norman Miller, Pang, Yakabuski.

The Chair (Mr. Gilles Bisson): The concurrence is achieved and you are now appointed, Ms. Grievés, to the Ontario Civilian Police Commission.

Congratulations to both of you.

That concludes the time that we have for reviews. I'm just going to check with the Clerk—there's nothing else on the agenda, as far as I know. Members are free to go. We are now adjourned.

The committee adjourned at 1003.

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Président

Mr. Gilles Bisson (Timmins ND)

Vice-Chair / Vice-Président

Mr. Aris Babikian (Scarborough–Agincourt PC)

Mr. Deepak Anand (Mississauga–Malton PC)

Mr. Aris Babikian (Scarborough–Agincourt PC)

Mr. Gilles Bisson (Timmins ND)

Mr. Lorne Coe (Whitby PC)

Mr. Wayne Gates (Niagara Falls ND)

Mrs. Robin Martin (Eglinton–Lawrence PC)

Mr. Norman Miller (Parry Sound–Muskoka PC)

Mr. Billy Pang (Markham–Unionville PC)

M^{lle} Amanda Simard (Glengarry–Prescott–Russell L)

Ms. Marit Stiles (Davenport ND)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Clerk / Greffière

Ms. Tanzima Khan

Staff / Personnel

Ms. Lauren Warner, research officer,
Research Services