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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 4 March 2024

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 4 mars 2024

*Report continued from volume A.*  
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ENHANCING ACCESS TO JUSTICE  
ACT, 2024

LOI DE 2024 VISANT À AMÉLIORER  
L'ACCÈS À LA JUSTICE

Continuation of debate on the motion for third reading of the following bill:

Bill 157, An Act to amend various Acts in relation to the courts and other justice matters / Projet de loi 157, Loi modifiant diverses lois en ce qui concerne les tribunaux et d'autres questions relatives à la justice.

**The Acting Speaker (Ms. Bhutla Karpoche):** I recognize the member from Essex.

**Mr. Anthony Leardi:** I'm going to be speaking to the bill this evening and I wanted to do a few things with this very short commentary from myself.

First, I'm going to be generally speaking with regard to what this government has done to enhance the judicial system and the law enforcement system so far, and then I'm going to perhaps give a brief description of some of the practical improvements made to the judicial system. And finally, I'd like to share a letter from one of my constituents.

I think that the government has made itself clear with regard to legal matters in the province of Ontario. We are going to continue supporting our police, and we're going to do this not only through legislation, but we're also going to do this through budgetary measures. We're going to do that to keep streets safer and protect peoples' property and protect peoples' lives.

Now I'd like to provide the assembly with a few examples of what the government has done to uphold the law in the province of Ontario and help our police do their jobs. We have helped police forces right across the province to improve their emergency 911 systems. For example, the LaSalle police force right in my riding of Essex, which is serving the people of the town of LaSalle, received over half a million dollars to help upgrade their emergency 911 system and now it's being improved to something called Next Generation 9-1-1. That didn't happen just with one with police service; that happened with many, many police services right across the province.

Here's another example: We're helping police departments with bail compliance and warrant apprehension. Bail compliance is a system of enforcing the conditions that judges place on people who have been arrested and

then released on bail. Those conditions can be very different in various cases. For example, one of those conditions might be to refrain from being present at a playground or other places where children congregate. Other bail conditions require an individual to stay away from a person's place of employment or their home. It's important that these conditions are enforced, and we are assisting our police departments in enforcing those conditions.

There is also warrant apprehension. A warrant has to be enforced by police and they need resources to do that job, and they're getting those resources from this government. Let me provide you with an example: The Windsor Police Service, which covers not only Windsor but also Amherstburg in my riding, submitted a joint application together with the LaSalle police service, which also covers a portion of my riding, and together those police services will share \$2.2 million in funding from the provincial government, which they can use now to enforce bail conditions and also to enforce warrant apprehension. They can go after people who are breaching their conditions of release, re-arrest them and get them back in jail where they belong.

While there might be some people who believe in a system of catch-and-release, I do not. I don't believe you catch criminals just to re-release them into the general population. Our police know who the reoffenders are. Our police know who the violent criminals are. They can identify them, catch them, and keep them in jail, where we want them to be.

It would be nice if we had the support of our federal government to help us achieve these objectives. I'll make that call again. Everybody knows what's going on at the port of Montreal. At the port of Montreal, stolen vehicles from Ontario are being shipped out of country. We need more enforcement at the port of Montreal. We can break the chain, we can break that business model, and we can put criminals in jail with the assistance of the federal government.

1700

Now, I'd like to share with you a letter that was sent to me by one of my constituents. This is a constituent who is well known to me. He and I have known each other for at least three decades. We used to work together. He is a hard-working individual. He has invested his own money into many small businesses in the riding of Essex. He's a hard-working person who cares about his community. This is what he wrote to me:

"The very foundation of our community is under threat, not from the shadows of the unknown, but from the visible cracks in a system that seems to favour the perpetrator

over the victim. It's a war, not against crime, but against a structure that fosters it.

"As a local business owner, I have felt the sting of crime repeatedly. Four break-ins in 18 months, and with each occurrence, the message from the system seems clear: the consequences for criminal actions are insufficient. We have been patient, we have co-operated, we have done everything by the book—and yet, the same cycle of crime continues unabated.

"There is a breaking point. When the scales of justice don't balance, they tip in favour of those who will protect what's theirs. Businesses are more than" just "brick and mortar; they are extensions of our homes, our lives. To expect passive resignation from business owners under assault is to misunderstand the basic human instinct to protect one's own.

"We speak with our officers, and their message echoes our frustration. They ask for the freedom to do their jobs, yet the hard work of these dedicated men and women is often nullified by the swift stroke of a lenient judicial pen. The revolving door at the courthouse has made our streets a playground for those who scoff at the law.

"This is not about promoting vigilantism; this is about the legitimate right to defend one's property and safety. If a business owner, driven to the edge by a system that has failed them, decides to stand their ground, who is to blame? They are merely filling the void left by the very entities meant to protect them.

"The price of inaction is high, and it's paid for by every law-abiding citizen. We see it in the uptick of prices, in the shuttering of businesses, in the rising tide of fear. And when politicians point fingers at price gouging instead of addressing the root causes, they add insult to injury.

"The time for soft words and patience is over. We need decisive action, and we need it now. We need leaders who will restore order and confidence, who will ensure that doing the right thing is not just the best thing but the only thing.

"We are not advocates for taking the law into our own hands, but advocates for a system that doesn't compel us to consider it. We demand a system that protects, serves, and upholds the rights of those who contribute positively to society."

Madam Speaker, this letter is signed by Chris Bernauer. Chris Bernauer is a hard-working individual. He's a small business owner. And as he stated in his letter, his business has been victimized four times in 18 months by a repeat offender who gets let out of jail and let out on bail time and time again, like many others.

**Ms. Sandy Shaw:** Fix the court system.

**Mr. Anthony Leardi:** Now, I can hear the members of the NDP, and they don't seem to take these matters seriously, but I do.

*Interjection.*

**Mr. Anthony Leardi:** Maybe you can hear them laughing too, Madam Speaker. Maybe you can hear them laughing too. But I can tell you, Chris Bernauer is not laughing. He's a hard-working person who put his money into his own business. He wants criminals kept behind bars, just

like I do, and just like the Premier of Ontario does. And we're going to give the police officers of Windsor and Essex county and LaSalle and Amherstburg the resources they need to keep criminals behind bars, even if the NDP keep laughing at that and even if they don't support our strong legislation to help police officers protect law-abiding citizens.

**The Acting Speaker (Ms. Bhutla Karpoche):** Questions?

**Mr. Wayne Gates:** The government says this piece of legislation delivers better access to justice to people in this province. However, this government barred people from taking corporations that allowed seniors to die in our long-term-care homes to court and hold them accountable, and they have worked to make it impossible for the government to be sued as well.

Even in government agencies committee, which I've been taken off of a number of times, last week I asked a government appointee if they believed the government should be writing laws that protects them from being sued when they're responsible for their decisions. The appointee said the following: "No, I don't believe that"—a retired lawyer, by the way. They also said, "If harms have occurred, people have the right to sue them on that basis, to bring a lawsuit, to make those allegations, and people have a right, who are sued, to defend them. So I think that's an important check and balance in our justice system."

Does this government disagree with that statement, and will your government continue to protect yourselves from lawsuits?

**Mr. Anthony Leardi:** Once again, the member from Niagara makes reference to something that occurred during the COVID-19 pandemic.

Let me say this: When we opened the cupboard to find out where the protective equipment was for emergencies, where was that equipment? It was expired because the previous government had let it expire and the cupboard was bare. But notwithstanding the fact that the cupboard was bare, our Premier took action to protect all the lives in the province of Ontario and suffered all the slings and arrows and criticisms of all the opposition members.

Notwithstanding that, after the pandemic, we are coming out now stronger than ever, more confident than ever, creating more jobs than ever. Everybody wants to locate in Ontario because we're coming out stronger than ever and that's because of the Premier of the province of Ontario.

**The Acting Speaker (Ms. Bhutla Karpoche):** Next question?

**Ms. Jess Dixon:** Like the member for Simcoe-Grey, I was also present at the committee and I would appreciate if the member could speak a little bit more about the amendments that were made pursuant to the Victims' Bill of Rights, as far as victims of sexual assault and other types of offences as well as child abuse, because I have a distinctly different memory of those amendments than the member from across earlier. I felt that my amendments were actually quite successful in that regard and I would like to hear the member's opinion on that.

**Mr. Brian Saunderson:** They got very exercised over there. It's a very good question though, so I hope he's just as excited about the answer.

The Victims' Bill of Rights, the regulations set out those provisions for crimes that are eligible (a) to seek compensation, and then (b) in a smaller subset of the larger enumeration, it sets out which offences are going to allow for the presumption of emotional distress to alleviate the revictimization of the victims and the claimants when they're seeking compensation against their offenders to presume emotional distress.

The regulations had a very narrow subset. It did involve spousal abuse, attempted sexual assault or sexual assault, and we broadened that based on what we were hearing from our witnesses to include two very important categories, and that is: sexual abuse or attempted sexual abuse of a minor, or people who are under a disability who are unable to pursue claims at that time. So it broadens that category. It presumes it and it—

**The Acting Speaker (Ms. Bhutla Karpoche):** Thank you very much.

Next question?

**MPP Kristyn Wong-Tam:** We have a government that's talking about supporting survivors and victims of sexual assault, and yet the government's move is to make it a little bit easier for them to actually sue their abusers and assailants in court. And yet it takes five years—five years, Speaker—for the wealthy who can afford to sue their assailant and perpetrators of violence in court because we have the very worst record of judicial expediency in the country when it comes to administering justice.

Why did this government not move to support survivors by actually funding the programs that they need to have funded?

1710

**The Acting Speaker (Ms. Bhutla Karpoche):** Response? The member from Simcoe–Grey.

**Mr. Brian Saunderson:** First of all, it's a very important distinction. As I outlined in my earlier answer, the presumption of emotional distress and harm does a great deal to push the claim forward so that you don't actually end up in court. We know that in the civil bar, less than 5% of claims end up going to trial. Negotiation, mandatory mediation, mandatory mediation in case management was brought forward by a previous Conservative government in 1995 and it reshaped the legal landscape.

By allowing the presumption of emotional distress, it takes away one of the critical issues that goes to quantum of damages, and it does a lot to accelerate resolution so that most of these claims will not see the light of the day in a courthouse.

**The Acting Speaker (Ms. Bhutla Karpoche):** Next question?

**Mr. Ted Hsu:** My question is to my honourable colleague from Essex, who spoke about bail and touted what the government was doing. I wanted to ask him about the contradiction that I see between his remarks and the remarks of the John Howard Society talking about their Bail Verification and Supervision Program when appearing

before the finance committee. They said that their budget has been cut. Inflation has not been corrected for for many, many years now. Their budget has been cut and that affects public safety, and it also makes the bail system cost more if they can't do as much as they could to make sure that people who are on bail get supervised.

My question to my honourable colleague is, how does he reconcile the fact that this government has cut support for the Bail Verification and Supervision Program of the John Howard Society and what's in this bill?

**Mr. Anthony Leardi:** First, let me praise the John Howard Society for the excellent work that they do. Let me also find that, when somebody is going to breach their bail conditions, they don't need the John Howard Society. Somebody who's going to comply with their bail conditions doesn't need that. What they need is to continue complying with their bail conditions. The people who need the police are the people who are not going to comply with their bail conditions.

We need to support our police to get those people, get them on the breach of their bail conditions, and get them back behind bars. We are tired of people being revictimized over and over and over again, such as my friend Chris Bernauer, who has just written us a letter which I've read to this assembly. We need to get the breachers, the people who breach their bail conditions. We need to get them enforced. We need to get them back in jail, where they belong, so they stop victimizing people.

**The Acting Speaker (Ms. Bhutla Karpoche):** Next question?

**Mr. Trevor Jones:** It's my understanding that this bill saw a successful, productive and robust stakeholder deputiation when it was proposed to committee, a committee I was privileged to serve on for over a year. Would the member from Simcoe–Grey, who's on that committee, please outline how this process went and share some highlights, perhaps?

**Mr. Brian Saunderson:** Yes, thank you very much to the member for his question. We had two days of hearings. We heard from a broad cross-section of our stakeholders. We certainly heard from the architectural association of Ontario. We heard from the Association of Architectural Technologists. We heard from the committee of architectural technologists, and we heard from individual practices, practitioners and businessowners.

On the victim-of-crime front, we had a number of delegations from organizations representing victims of crime and law firms from the private sector that deal in that area, as well as some individual stakeholders from the community, all of whom brought forward excellent evidence. Particularly when it came to the victim-of-crime issue, we made some very significant amendments to the legislation which I think have enhanced it and improved it dramatically.

**The Acting Speaker (Ms. Bhutla Karpoche):** Quick question?

**MPP Kristyn Wong-Tam:** To the member from Simcoe–Grey: He mentioned that many of the legal challenges will actually be settled out of court and that

somehow, by ensuring that victims have an opportunity to sue their abusers, they're going to get a better outcome, and he was suggesting that you don't need to go to court. But yet that's exactly what the government is producing out of this amendment. They are actually telling the survivors to go to court in a very long and expensive emotional process. Instead, this government could be using the billions that they have in the unallocated contingency funds to better fund survivors—

**The Acting Speaker (Ms. Bhutla Karpoche):** Response?

**Mr. Brian Saunderson:** Thank you for the question. It's a good question and I think, perhaps, it displays a little naïveté about the whole legal system. A claim is commenced by a statement of claim in civil courts, and it goes through a number of processes, including mandatory mediation. The changes to the regulations under the Victims' Bill of Rights, by presuming the harm, the emotional distress—that is one of the big evidentiary issues that a trial focuses on. If you bypass that causation—

**The Acting Speaker (Ms. Bhutla Karpoche):** Thank you very much.

Further debate?

**Mr. Joel Harden:** I want to begin again by thanking my colleague from Toronto Centre for a truly great one-hour lead and all the work that has been done to engage people in a serious way with respect to access to justice. I agree with the member when they said that the goal of access to justice has to be a fundamental goal to the province of Ontario. I think that until you become responsible for the development of policy, you don't see it. When people think about provincial politics, we think about health care and education, the two biggest items—apart from tax expenditures—on the government's budget. And rightly, we should, but we don't think about how we fund opportunities for people to get access to justice when they are accused of a crime or when they are victims seeking redress for a crime.

So I want to thank the member for Toronto Centre for the work that was done in that one-hour lead, and I really hope a lot of people paying attention to this debate will revisit this, because the 11 proposals that we brought forward were brought forward in good faith, and it's disappointing in this House to know that these proposals were rejected and to hear them being rejected in this chamber again.

I want to also thank—getting myself ready for today were a couple of very talented criminal lawyers from back home, one of whom is known as a leading criminal lawyer in the country, Michael Spratt, who has spoken eloquently in recent months; and Erin Durant, whom the member for Toronto Centre also mentioned. These are members who are ringing the alarm bell because, once upon a time, we used to have a Judicial Appointments Advisory Committee that was the envy of the world, regarded as the gold standard. Visiting jurists and visiting legal experts from other countries would actually come to this part of Canada, come to Ontario, to understand how we select our justices. But that all changed under the terms of this government.

In 2019, Attorney General Downey was very clear in an interview with Steve Paikin from TVO. The Attorney General wants judges appointed that “resemble my values.” Attorney General Downey beat the Premier to the punch. The Premier is getting a lot of negative press—deservedly, I think—in the last two weeks, but the Attorney General made that very crystal clear in 2019.

Then, in 2021, the Attorney General got the power, thanks to something afforded to him by this government, to reject suggestions from the Judicial Appointments Advisory Committee, to ask for the deck to be reshuffled until the political purity test was reached. Now we have the situation where there are two individuals now involved with the Judicial Appointments Advisory Committee, one of whom is a very close ally of this government, Mr. Bondy, and another, Mr. Vandrick, who is known to have very conservative, punitive-minded opinions about how we deal with criminal justice in this province.

It's never been ambiguous, I will say that, about where this government is going. What is ambiguous is the commitment this government has to justice. I will note only the adjectives of the bills that are before this house. We're talking about Bill 157 today, the Enhancing Access to Justice Act. Three years ago, we were talking about the Accelerating Access to Justice Act. Do the adjectives get weaker as the lousy pieces of legislation get proposed? What's going to be the next one? Inching towards access to justice?

Because when I talked to Michael Spratt back home, he tells me that the Ottawa courthouse is not just, as we heard from the member for Toronto Centre's remarks at committee and here today, double-booked; last year, the Ottawa courthouse was triple-booked; currently, right now, as I'm making my remarks, it is quadruple-booked. So if you've been waiting for your day in court, to stare someone who has harmed you in the eye—thinking about someone who is the victim of gender-based violence—and you summon that courage and you marshal your resources and you walk into the Ottawa courthouse today, there's a 25% chance that you're going to get your day in court, despite the fact that you've waited your time. Can you imagine the message that sends? What is the message that that sends?

**1720**

Now, I heard one of the members over there talk about the fantastic investments made in courthouse staff. I'm not aware of it. I know the member for Toronto Centre has consulted extensively with the people required, the staff—not just the jurists, but the staff required to do all of the work to bring people through the system. We haven't seen those investments trickle through.

So maybe we are inching towards justice. Maybe we are reclining towards justice. Maybe we are backsliding in the face of injustice. Maybe that's what's actually going on.

Let me give you an anecdote, Speaker. I want to talk about the courthouse in Cornwall, neighbouring city to Ottawa, where I live in eastern Ontario. I want to talk about the needs that they have.

On November 19, 2021, the Attorney General was advised of the fact that there would be an imminent va-



cancy in that courthouse and that action needed to be made in order for the Judicial Appointments Advisory Committee to drop a list to replace that jurist. On December 24, 2021, the vacancy actually happens.

July 15, 2022, recommendations are submitted to the Attorney General. And I have on good authority from people who are consultants to that process, involved in that work, that they were wonderful names, wonderfully talented people who were known not as partisans but as lawyers that could have filled that spot.

But on February 8—so let's go through the chronology here: July 15, 2022, the recommendations are submitted to the Attorney General. The following year, February 8, 2023, Attorney General Downey rejects the list. Now all this time, from December 24, 2021, to February 8, 2023, the people of Cornwall are without a jurist in their court. They're short a jurist in their court.

So I just want to say for the record in this House that I am making this speech today, in early March 2024, and the position has yet to be filled. The position has yet to be filled. How in heaven's name can a government that purports to care about crime and to support the victims of crime kick the can down the road for three years? How can you purport to hold forth in this place and talk about the need for us to be serious about crime and ignore due process and access to justice in the city of Cornwall?

What I do know is that the Attorney General has been busy, though not in the helping the staff of the courthouse in Cornwall, but he has been very busy in judicial appointments.

Since 2019, Attorney General Downey has appointed 90 judges to the Ontario Court of Justice, and interestingly, as Michael Spratt notes, 70% of those appointments are provincial or federal prosecutors. Fifteen per cent of the appointees had a background in criminal defence. So what kind values are we—now, nobody, whether one is a prosecutor or a defender, you don't come with the exact world view, but it's important, I would think, for a measure of balance in our system to have different mindsets of practice entering into the bench, but that is not what we're seeing in the appointments Mr. Downey is making. And I'm not even doing a political screen; I'm doing an employment screen.

So the Ottawa courthouses are quadruple-booked. In Toronto, they're double-booked. And what happens? Let's drill down, Speaker, to what happens at the individual level when these things take place, when you wait for your day in court and you go to court hoping that you get your measure of justice.

CBC Toronto reported the story of someone named Taylor—this isn't the actual person's name, it's a pseudonym because this is a sexual assault matter. But Taylor had waited for a day of court justice and stood before that court, only to find out that it was actually not going to be heard that day. It had already been dismissed once for seven months.

In this moment, and I'm going to quote Taylor's words: "I made eye contact with [the accused] in the courtroom. It's like your body is going into fight-or-flight mode when

you're there and you have to live through that whole experience." She feels the system failed her, and it did. And yet, this government has a \$5.4-billion contingency fund; and yet, we find the capacity to utilize the public servants of Ontario to sign a 95-year lease for a private luxury spa at what is now Ontario Place; and yet, we can spend all kinds of money on things. But we do not put it into courthouses in Cornwall, we do not put it into courthouses in Toronto, and we sure as heck don't put it into the courthouse in Ottawa.

Now, Speaker, I'm going to get into another challenging story in a minute, but I actually want to talk about someone who, in the middle of this mess, is trying to make some humanity happen at the Ottawa courthouse. I want to talk about Constable Sue Kelly. Constable Sue Kelly runs a winter clothing drive at the Ottawa courthouse, has done it for a long time, and why? Because, if you can believe it, Speaker, in many cases when someone is into the court and they have been arrested and detained in spring, in summer, and you are released in the wintertime, it is often the case, Constable Kelly tells me, that you are pushed outside with literally nothing warm to wear, with nothing to your name.

As I said before in questions to a different member of this House, I hope every member of this House does get the opportunity, if you haven't yet, to visit your local correctional institution and to talk to the people incarcerated there, to talk to the people who work there and to talk to some of the families who advocate for their loved ones in there—or, frankly more likely, the people who have no one to advocate for them in there. What I think you're going to find, and what Constable Kelly has certainly found, is that our corrections systems have become the new warehouse for the poor, for people who have mental health trauma. And the amount of money we spend in that warehousing system, and then shunting people in my very cold city, in Ottawa, in the middle of the winter—we've literally had people have to be admitted, according to Constable Kelly, to the emergency rooms in our city because of frost exposure. Constable Kelly's colleagues have picked up people just released from the Ottawa courthouse and brought them directly. The amount of money that we are spending because of a misguided approach to how we deal with people who have made mistakes, made errors, is staggering to me. It's absolutely staggering.

But I want to thank Constable Kelly for her leadership. She runs a clothing drive. Our office is proud to take part in it. Other political offices do. I think this is an example of somebody in a deeply inhumane situation trying to show some respect to people who deserve respect.

I want to now go, Speaker, to a challenging story. I want to talk about Anne-Marie Ready and Jasmine Ready. These are two wonderful people we lost, who actually lived not in Ottawa Centre; they lived in Ottawa South. If you type those names into the Google, you'll find the story yourself. Anne-Marie and Jasmine were killed in their own home by a deeply troubled, habitually violent young man. I knew them because they were black-belt teachers in my

son's martial arts studio. I knew Anne-Marie and Jasmine because they had helped train my son.

On June 27, 2022, when Raphael, the husband, was in Barbados on business, a troubled person enters the family home. He proceeds to clinically go through the process of a stupendously violent act, the details of which I won't rehearse here; you can find them. Raphael and Catherine, the two survivors of this family tragedy, have decided to be public about this, courageous as that is, difficult as that may be.

But what troubles me in this bill, Speaker, is when I think about something like this. The member for Ottawa South—what we have tried to do to comfort Raphael—what is in this bill to help families who find themselves in situations like this? I note that the Victim Quick Response Program+ exists, but as the member for Toronto Centre has said, it's a dramatic downscaling of capacity to help families in crisis. Basically, if you qualify for the financial income screen, you might get a thousand dollars for counselling—you might.

1730

Under the previous Criminal Injuries Compensation Board, someone could apply for up to \$30,000 in support and \$5,000 specifically for pain and suffering. But if you talk to Raphael today—and I've given his contact information to members of the government who tour through our city because I want them to meet him, because what he has seized to do, working with the Ottawa Police Service, with victim and survivors groups, is he wants to mobilize his grief and pain into action to help other families survive the horror that he and his daughter Catherine, who survived this attack, are going to live with for the rest of their lives.

There is nothing in Bill 157 to move any serious steps towards that—nothing at all. And that's a real missed opportunity, because the member for Toronto Centre went to committee, and one of the specific proposals was to finally ramp up resources for rape crisis centres and sexual assault organizations in our city so we don't just, as was said already very well, wear the purple shirts and the purple scarves, but we bring the resources of this province to bear on the organizations in our communities that are going to be there for Raphael, for Catherine, for so many other people across this province.

We have the Renfrew county inquest report in our hands. As the member said, we are dealing with an epidemic of violence in our communities. And if you did have occasion to read—and you should, if you haven't yet—the inquest in Nova Scotia into the multiple-shooting incident out there, again, the evidence keeps coming back to the fact that if we can reach people who have propensity to pathological violence early as these behaviours develop, we prevent tragedy later. But that expertise is found in the community—it's found in the community—and it needs to be funded. It shouldn't be on the back of an envelope.

Many of us recently, I think, were marching in the Coldest Night of the Year in events all over Ontario, all over Canada. At home, we were holding up the Ottawa Mission and the Cornerstone women's shelter as wonder-

ful organizations that do a lot of good. That's terrific. But I actually want to see an Ontario one day where support for people facing gender-based violence, sexual assault, trying to recover; perpetrators of these crimes too—we actually take this as seriously as we treat health care and education.

Because to my mind, our family's raising two children. There are lots of parents in this House. I can only imagine we want to have a criminal justice system that will be there long before tragedy happens to help people. Because if it isn't, then we're failing people.

We're failing the 125 cases that were tossed out last year in the province of Ontario, sexual assault and gender-based violence cases, because of lack of access to justice. Because we have a precedent—*R. v. Jordan* in 2016—that says if you have to wait for longer than 30 months in Superior Court or 18 months in provincial courts, you can have your case thrown out. But what also gets thrown out apart from the case, in my opinion, Speaker, is the dignity of this province, not just the dignity of the person. We fail ourselves. And it's a preventable situation.

I want to end, Speaker, on a completely different note, and I hope my colleagues permit me to say it. Yesterday, I was at the St. Elias church just south of where I am in Ottawa Centre. I was invited there by the Syrian club of Canada. And I was in the room with family members, as I have been—and I'm sure all of this have been doing this—who have lost family members given the war in Gaza and in Israel. We have talked to people who have suffered from violence in Israel and suffered from violence in Gaza. And there is yet to be a unified statement in this place to join what our Prime Minister has said finally to call for an end to that violence.

I was asked yesterday by the elders of the Syrian club of Canada if I would bring that message again—because I have brought it here before—for us to come together all caucuses, regardless of partisan lines, to simply say, "It is time for the violence to stop and everybody who has suffered—all the crimes that have been committed must be investigated." But the horrifying images we are continuing to see on our television screens—Speaker, this Legislature needs to stand together, and we have to say, "Stop." And I want to thank the 100,000 people in Michigan who told President Biden very clearly that he must play a role on the world stage as a global leader to ask for this to stop.

We all want access to justice, Speaker. We want it here in Ontario. We want it for people in Gaza. We want it for people in Israel. We want it for people everywhere. But it will never happen by accident. The only way we get results is if we use the resources we have to speak out, we use the platforms that we have to speak out.

So this is our opportunity to do it and I hope the government was listening to the member for Toronto Centre. This bill could be made better; it doesn't have to be ceremonial.

**The Acting Speaker (Ms. Bhutila Karpoche):** Questions?

**Mr. Sam Oosterhoff:** My thanks to the member for participating in debate this afternoon. I very much appreciated

the way that the member opposite has of bringing this from sort of a sometimes lofty legal discussion to a very practical, very personal discussion, and to bring forward some of the voices that he spoke about with particular poignancy from his community, which I thought was very relevant and I appreciated him raising that.

Of course, I understand that he has some concerns around various aspects of this legislation and would like to see more, and also around the funding pieces. I understood that that was an area of particular concern, but I'm wondering if there are potentially aspects of the legislation—I guess what I'm saying is that, at one point, you kind of used the word that this does “nothing” for any of these people. That was kind of what you were getting at. Do you think that's a completely fair assessment of the legislation? Doesn't it do something to help families in this province in many areas who are now able to apply for some of those areas?

**Mr. Joel Harden:** Thank you to the member from Niagara West. What I'll say in response to that is, as I think the member from Toronto Centre said, there's supportable aspects of this bill, absolutely. But to take the case of being able to seek redress personally, given changes in definitions around who qualifies to be understood with priority in courts around sexual assault—I mean, these are good things, provided one has the resources to pursue that justice. And that's why it does come back to funding. It does come back to the resources.

As Isaiah Berlin, the great political theorist, said, it's about positive liberty, not just about protection from discrimination but having the resources available to you to pursue the justice that you deserve.

There's a lot in this bill that we like, but it doesn't go far enough, and it's the second attempt of which I'm aware that we have to improve the court system. We have to do better.

**The Acting Speaker (Ms. Bhutla Karpoche):** Next question?

**Ms. Teresa J. Armstrong:** Thank you to the member for Ottawa Centre for providing his feedback on this bill.

You know, we've been talking a lot about how public trust is being eroded, I'd say, by this government in the justice system with all these types of legislations they bring forward. The government politicized JAAC in the judicial appointments in Ontario, and under Bill 245, Accelerating Access to Justice Act, the government increased the cabinet's influence on JAAC by increasing the number of committee members that could be appointed by the Attorney General.

The other thing we do know is that JAAC is required by law to produce an annual report, and we have seen that the reports for 2019 and 2020 and to 2021 were only revealed in 2023. How does this government neglect a law that's requiring JAAC to produce reports for 2021 and 2022 and 2023? What does that say about this government's competency when it comes to justice?

**Mr. Joel Harden:** The only answer I can conclude, Speaker, reasonably, is that there's a suspicion from this

government on the capacity of the courts to pursue a justice agenda with which they agree.

But look: If, in 2021, Attorney General Downey said, “I need to have the power to say no to the JAAC, no to this process, because otherwise, we're not going to have protections against racial bias”—that was the justification at the time—then why are there other aspects of this legislation that are giving away that data collecting? Again, this piece of legislation rose in a different direction than the last bill.

So I will end, again, just repeating the advice given to me by folks I respect back home, who have said, “There's a lot in here that's good, but our court system is really, really suffering.” And when the court system suffers, there are real human beings that suffer.

**The Acting Speaker (Ms. Bhutla Karpoche):** I recognize the Minister of Public and Business Service Delivery.

**Hon. Todd J. McCarthy:** To the member's point: This bill specifically addresses the wasted resources and time associated with vexatious litigants. This bill addresses the interruption of child protection proceedings when a judge presiding is appointed to another court. These are real, practical measures that will address delays in the system.

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In addition, we're making it easier, we propose here, for victims of crime to bring their own civil proceeding for causes of action related to terrorism, hate crime and targeting of religious officials.

No bill is perfect. We're at third reading. In light of all of that, why will the member not support this bill?

**Mr. Joel Harden:** The good news, I think, for the member is that you might be happy—you might. But we'll be happier over here if there's money put behind this come budget time, if there's money put behind this for our court system.

The member is one of the more successful solicitors in Ontario. He has won awards. The member knows that our degree of access to justice right now in Ontario is often dependent upon your bank account, and that's not right. The threshold for legal aid is terrifyingly low.

If we're going to ask people, particularly people who have suffered through gender-based violence, to marshal the courage to go through the court system, to go to court and then to be tossed out later, we're failing.

So I think the member might be ultimately happy with this particular bill, but if he could please go to the cabinet table and get us some more resources for our courthouse, I think everybody in this province would be better off.

**The Acting Speaker (Ms. Bhutla Karpoche):** Next question?

**Miss Monique Taylor:** Thank you to the member from Ottawa Centre for his debate today. He brought up Cornwall, one of the court systems that we know, throughout the province, are failing, as many are failing, due to hiring practices, hiring retention and just the courts being able to retain the employees. We're seeing crisis after crisis happening. We're seeing cases thrown out of court because they can't get their day in court in due time.

And yet, during committee New Democrats brought forward an amendment to help retain—the employee issue that’s happening and the crisis in our courtrooms, and the government refused to accept that.

Could the member explain his thoughts on why the government continues to talk about equality and yet fails to fund our courtrooms?

**Mr. Joel Harden:** Well, again, someone over there is going to get angry with me if I speculate about motivations. I’m not supposed to do that.

What I will do is say that for every day we fail to invest in courthouses in Cornwall—to anybody in this room, how could it possibly take three years to fill a spot for a judge in a courthouse? For every day we do that, there is someone who is going to be harmed. So I frankly don’t want to hear the next tough-on-crime speech from the Premier—the quintupling down—because it’s a lot of baloney if you’re not filling the spot for a courthouse in Cornwall.

**The Acting Speaker (Ms. Bhutla Karpoche):** Next question?

**Mr. Andrew Dowie:** I want to thank the member for Ottawa Centre. I always appreciate you being here because I learn a lot from your comments.

In the spirit of constructive criticism, I wanted to understand, going back to the pandemic, when we saw the delays at the LTB and the court system as a whole—looking back, what would you say we’ve learned from that experience and what could we apply going forward?

**Mr. Joel Harden:** Thank you for the question.

What we’re still dealing with is the aftermath of some of the backups and the gridlocks in that system, so we do have to work on that. I’m familiar with cases, through our office, of tenants who have been evicted through online proceedings in less than four minutes, where linguistic capacity was an issue, where understanding the facts of the case before them was an issue. Again, on an access-to-justice front, at the LTB, for a tenant, for a landlord, that’s preposterous. We have to aim higher than that, because, ultimately, you can shuffle one through an eviction; you can fill in your N1 form, but you don’t solve the problem. It just gets shuffled to a different part of the community and probably intensifies.

**The Acting Speaker (Ms. Bhutla Karpoche):** Quick question?

**Ms. Sandy Shaw:** I want to again thank the member from Ottawa Centre for bringing the story that you shared—a very difficult story.

I’m wondering, in the time that’s left, if he wanted to send some of our best wishes and some of the concerns that we have, and share how brave and courageous that family is. Hopefully, their input will make a difference in the system.

**The Acting Speaker (Ms. Bhutla Karpoche):** A quick response.

**Mr. Joel Harden:** I will say that Associate Minister Charmaine Williams has already spoken to Raphael. That means a lot to me, and I know that means a lot to the member for Ottawa South.

This was a truly clinically planned attack, and it’s horrifying when you look at the degrees of violence to which some people in our society are willing to commit. We try to think about, how do we deprogram that violence? There are a lot of good experts in this country who can help us get there, but we don’t do this on the cheap. We have to fund this. We have experts to help us; we need to use them.

**The Acting Speaker (Ms. Bhutla Karpoche):** Further debate?

**Mrs. Karen McCrimmon:** I’m not going to touch on all of the schedules in the bill, but I do want to start by talking about the proposed changes in schedule 1. Speaker, one of the most important steps in developing new policy or legislation is, I think, conducting thorough consultations. Policies can’t be made in a backroom with only a few people around the table, and in order to achieve strong policy and legislation, decisions must be made with a holistic picture of the broader impacts in mind, which can only be achieved when a range of diverse voices are taken into account.

That is why I was concerned to hear that the Association of Architectural Technologists of Ontario, the AATO, had not been consulted in any way for this bill. In his comments, both in this House and in committee, the Attorney General indicated that the changes included in schedule 1 of the act were simply intended to address the situation created by the recent court ruling against the Ontario Association of Architects, or the OAA. As a result of that court ruling, the approximately 150 technologists licensed by the OAA lost their licence, along with its expanded scope of practice.

Admittedly, this is a regrettable situation, and we received many submissions at committee from these very people, who simply wanted to have their licences reinstated and to get back to work building the housing that this province so desperately needs. But who brought that successful litigation against the OAA in the first place? It was the AATO. So the Attorney General brought schedule 1 forward to essentially reverse the court’s decision, which was in favour of the AATO, but he didn’t think it was necessary to consult with the AATO about the underlying reasons why they brought that litigation forward in the first place and to try to resolve those underlying issues.

The minister had the opportunity to take a holistic approach to the situation, to look at the broader sector, how the various professions and professional titles work together, to identify areas of weakness and opportunities for improvements that would reduce confusion and better protect the public, but that’s not what was done. They took the easy way out and simply reinstated the status quo.

The key question must always be, what is in the best interest of the public? Unfortunately, we don’t really know, because the government simply didn’t do the needed homework, didn’t conduct the consultations with the sector and consider that holistic approach. It will do nothing to resolve the long-standing disagreements between the AATO and the OAA, and it will do nothing to resolve the confusion that can exist in the public from

having two very similarly titled professionals, the architectural technologists and the licensed technologists. Schedule 1, in my opinion, is a band-aid solution—a return to the status quo with all of its shortcomings—and I think Ontarians should expect more from their government.

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I want to now move on to discuss schedule 4 of the bill, which amends the Community Safety and Policing Act with regards to expunging disciplinary actions on the record of a police officer. The schedule requires the chief of police to remove disciplinary measures made in a police officer's employment record two years after the day the disciplinary measure was imposed. This reduces the timeline from five years to two years for certain acts of misconduct.

Now, my understanding is that this is not an uncommon timeline for removing disciplinary measures from an employee's record. In fact, some companies actually will do it after only one year. So, from a regular human resources perspective, this change makes sense. However, the Community Safety and Policing Act does not deal with just your average worker; it deals with police officers.

Police officers are figures of authority in our society and are given special powers to be able to protect the public. We should be holding them to a higher standard, not a lower standard, or even an equal one, to that of the general public. The public needs to know that the officers they interact with are only the most responsible, trustworthy, honourable and dependable people. Human resources policies for police officers should reflect that.

Schedule number 5: In committee, we heard from unions who were supportive of this change to the coroner's inquest. We do know the value of coroner's inquests—not tools to lay blame, but solely with a goal of making life-saving recommendations.

I'm concerned about invisible barriers that these coroner's inquests changes might make. Making them available to family members is well and good, but the original mandatory nature ensured that all workers had care given to the nature of their death. This limitation creates a barrier in certain circumstances.

Now, families that have a language barrier, have financial constraints or are too busy working, or even families without a helpful advocate like a union, may struggle to realize the option laid before them. What about migrant labourers without family in this country? What option do they have?

Furthermore, this bill forgets that we live surrounded by, yes, family, but also friends and co-workers. There are more than just family members who have an interest in the care given to a construction worker's life. To be blunt, a co-worker has an extra interest in the safety recommendations that would be made for their workplace.

Yes, this move will contribute to reducing the backlog of inquests—a good thing. It will also reveal trends in accidents, letting us respond in a more systematic way, but that does not mean that the current system can be discarded so fully. The devil is the details, and how the Solicitor General supports Ontarians in a tragic and vul-

nerable time will make all the difference in how exclusionary or marginalizing this schedule's changes would end up being.

Let's turn to schedules 6 and 12 of the bill. These schedules are similar in that they remove the requirement for the Judicial Appointments Advisory Committee and the Justice of the Peace Appointments Advisory Committee to include statistics in their annual reports about the cultural identity of candidates for appointment.

The Attorney General has remarked during public hearings that these statistics would still be collected; they just wouldn't be reported upon. While I'm glad that the data on cultural identity of candidates will continue to be collected, I'm still concerned that the reporting requirement is being removed. In his response to the member from Vanier's questions earlier this session, the minister mentioned "aligning the new standards" so that they are "collecting the data in accordance with new and current standards." I'm not exactly sure which standards he was referring to, but his response still only touched on the collection of data without providing a rationale for no longer reporting these statistics.

As I said, I'm glad that the data regarding the cultural identity of candidates will still be collected, but it is concerning that these reporting requirements will no longer be in place. This is about transparency and clear communication with the public. If we are not actively reporting on the cultural identity of our candidates for judicial appointments, then how is the general public supposed to get a sense of whether or not these advisory committees are indeed making recommendations that are in line with the diversity of the province, as required by the Courts of Justice Act?

At the end of the day, if we are serious about wanting to improve the cultural diversity of our judiciary so that it reflects the diversity of our population, and if we take seriously our responsibility to be transparent with Ontarians, then reporting on these statistics can only help. It can only be a positive action. Put another way, what harm will reporting on these statistics do, particularly if we are, as the minister indicated, still collecting this data? How hard could it be to simply include it in the annual reports? It seems to me like one small, simple, easy step to take that has no downside but could be quite beneficial in demonstrating to Ontarians that this government is actually committed to being transparent with the public and to make real steps towards improving the diversity of our judiciary. True representation matters; transparency also matters.

The last schedule I will touch on is schedule 18, which amends the Victims' Bill of Rights. In particular, it adds to the list of victims who are presumed to have suffered emotional distress for the purposes of recouping damages. We heard from a number of different presenters at public hearings about this schedule, and I want to thank everyone who came to share their perspectives. I was encouraged to see the government adopt some of the changes that were recommended, particularly the inclusion of victims of sexual crime regardless of age.

In conclusion, Speaker, overall this bill is fine enough. It includes some positive measures. But when it comes to accessing justice, these are not the issues I am hearing about from Ontarians. Ontarians want this government to tackle the backlogs and delays in our courts and tribunals by ensuring that they are adequately staffed. They want expanded access to legal aid so they can get the legal advice and the support that they need when they need it.

The reality is that most of these problems cannot be solved through legislation; they require funding. The

government is in the process of preparing their 2024 budget, and I encourage them, I ask them, if you are truly committed to enhancing access to justice for Ontarians, as the title of this bill suggests, to back this legislation up with action and with sufficient resources.

*Third reading debate deemed adjourned.*

**The Acting Speaker (Ms. Bhutla Karpoche):** Thank you. It is now 6 pm. The House stands adjourned until tomorrow at 9 a.m.

*The House adjourned at 1800.*







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Saunderson, Brian (PC)	Simcoe—Grey	
Schreiner, Mike (GRN)	Guelph	
Scott, Laurie (PC)	Haliburton—Kawartha Lakes—Brock	
Shamji, Adil (LIB)	Don Valley East / Don Valley-Est	
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
<b>Skelly, Donna (PC)</b>	Flamborough—Glanbrook	Deputy Speaker / Vice-Présidente Chair of the Committee of the Whole House / Présidente du Comité plénier de l'Assemblée législative
Smith, Dave (PC)	Peterborough—Kawartha	
Smith, David (PC)	Scarborough Centre / Scarborough-Centre	
<b>Smith, Hon. / L'hon. Graydon (PC)</b>	Parry Sound—Muskoka	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts
Smith, Laura (PC)	Thornhill	
<b>Smith, Hon. / L'hon. Todd (PC)</b>	Bay of Quinte / Baie de Quinte	Minister of Energy / Ministre de l'Énergie
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	Leader, Official Opposition / Chef de l'opposition officielle Leader, New Democratic Party of Ontario / Chef du Nouveau Parti démocratique de l'Ontario
<b>Surma, Hon. / L'hon. Kinga (PC)</b>	Etobicoke Centre / Etobicoke-Centre	Minister of Infrastructure / Ministre de l'Infrastructure
Tabuns, Peter (NDP)	Toronto—Danforth	
<b>Tangri, Hon. / L'hon. Nina (PC)</b>	Mississauga—Streetsville	Associate Minister of Small Business / Ministre associée déléguée aux Petites Entreprises
Taylor, Monique (NDP)	Hamilton Mountain / Hamilton-Mountain	
<b>Thanigasalam, Hon. / L'hon Vijay (PC)</b>	Scarborough—Rouge Park	Associate Minister of Transportation / Ministre associé des Transports
<b>Thompson, Hon. / L'hon. Lisa M. (PC)</b>	Huron—Bruce	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
<b>Tibollo, Hon. / L'hon. Michael A. (PC)</b>	Vaughan—Woodbridge	Associate Minister of Mental Health and Addictions / Ministre associé délégué au dossier de la Santé mentale et de la Lutte contre les dépendances
Triantafilopoulos, Effie J. (PC)	Oakville North—Burlington / Oakville-Nord—Burlington	
Vanthof, John (NDP)	Timiskaming—Cochrane	Opposition House Leader / Leader parlementaire de l'opposition officielle

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
Vaugois, Lise (NDP)	Thunder Bay—Superior North / Thunder Bay—Supérieur-Nord	
Wai, Daisy (PC)	Richmond Hill	
West, Jamie (NDP)	Sudbury	
<b>Williams, Hon. / L'hon. Charmaine A. (PC)</b>	Brampton Centre / Brampton-Centre	Associate Minister of Women's Social and Economic Opportunity / Ministre associée des Perspectives sociales et économiques pour les femmes
Wong-Tam, Kristyn (NDP)	Toronto Centre / Toronto-Centre	
Yakabuski, John (PC)	Renfrew—Nipissing—Pembroke	
Vacant	Lambton—Kent—Middlesex	
Vacant	Milton	