



ISSN 1180-4335

**Legislative Assembly
of Ontario**

First Session, 38th Parliament

**Assemblée législative
de l'Ontario**

Première session, 38^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 13 April 2005

**Journal
des débats
(Hansard)**

Mercredi 13 avril 2005

**Standing committee on
government agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Tim Hudak
Clerk: Susan Sourial

Président : Tim Hudak
Greffière : Susan Sourial

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:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

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 416-325-7410 ou le 325-3708.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation 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 du Journal des débats et d'interprétation
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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 13 April 2005

Mercredi 13 avril 2005

The committee met at 1004 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Tim Hudak): We will call the standing committee on government agencies meeting of Wednesday, April 13, 2005, to order.

Our first order of business is the report of the subcommittee on committee business dated Thursday, March 31, 2005.

Mr. Ernie Parsons (Prince Edward–Hastings): I would move its acceptance.

The Chair: Mr. Parsons moves its adoption. Any comments, questions or debate? Seeing none, all in favour? Any opposed? It is carried.

Is there any other business to discuss before we get to the appointments review? All right; we will proceed.

INTENDED APPOINTMENTS

DEBRA MATTINA

Review of intended appointment, selected by third party: Debra M. Mattina, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: Let me see if I can remember how we start out. We will begin today—see, my clerk is on the ball. Questions will begin with the third party today in rotation. We only have one individual joining us as an intended appointee.

I would like to welcome Debra Mattina. Ms. Mattina, welcome to the standing committee on government agencies. Please make yourself comfortable. If you want a drink of water or juice or anything like that, it's all here for you.

Ms. Mattina is an intended appointee as a member of the Ontario Rental Housing Tribunal. Ms. Mattina, as you probably know, you're allowed to make a presentation—we invite you to do so—about your interest in this position and your qualifications. Then there will be up to 10 minutes of questions, rotating among the three parties and beginning with the third party. Any time that you take up is taken from the government side.

Ms. Mattina, the floor is yours. Welcome, and please go ahead.

Ms. Debra Mattina: Thank you, Mr. Chair and members of the committee, for affording me this opportunity to come before you as you review my proposed

appointment to the Ontario Rental Housing Tribunal. It is indeed an honour to be up for consideration in this capacity.

I purposely kept my resumé a little brief, so I'm sure there are lots of questions you have about my past, my future, whatever. I'd like to tell you a little bit more about myself in this presentation this morning.

It has been my privilege over the years to participate in serving my community both professionally and as a volunteer. My volunteerism began when I was 13 and I became involved with a youth group that organized activities for the mentally challenged in our community. We ran group recreational and social activities for the young adults and respite programs for the parents of younger children. I stayed with that organization until after I was married, a total of eight years.

Simultaneously, during the latter part of that period, I began coaching junior girls' softball at one of our local parks. I enjoyed the privilege of sharing my knowledge and experience in baseball with these girls for six seasons.

During that time, my husband and I became involved with the Big Brothers organization. Thirty-one years ago we were blessed with an introduction to an 11-year-old boy of Afro-Canadian descent. He was with us through Big Brothers until, because of his age, he could no longer participate in the program. After that time, he moved out of the province with his mother and her new husband. We kept in touch, and four years later he came back to Ontario seeking employment. We took him in temporarily and ended up supporting him for six years while he returned to college, and eventually he was married from our home. He is now an OPP officer, married with five children of his own, and we value him very much as a member of our family. My children, who are now adults, look up to him as their big brother.

During the blizzard of 1977, we volunteered our services to the Hamilton-Wentworth police. We owned a couple of snowmobiles, and I was pregnant at the time, so I acted as the dispatcher while my husband and neighbour responded as directed by the police. We assisted by delivering a woman in labour to the hospital and assisting a gentleman with chest pain who was stuck in traffic on one of our mountain accesses. He couldn't go up and couldn't go down and needed some health care, so we picked him up on a snowmobile. The last thing we did that night was that there was a group of school children

who had not arrived home, so we participated in a search for them. Eventually we were successful and they were returned to their parents. We subsequently received a letter of appreciation from the local police department.

I stayed home with my children for seven years, but when my youngest started kindergarten, I returned to college myself. I had graduated in the early 1970s from a business program. Thirteen years after I did that, I graduated as a radiological technologist. I tutored both physics and math and was the recipient of a Dupont of Canada award for excellence in anatomy and pathology.

This new career path has rewarded me in ways too numerous to report to you. The patients I have served have provided me with more personal satisfaction and gratification than I am capable of articulating.

With this new career also came new involvement as a volunteer. I became active in my union local as an editor of the newspaper.

Just about then, the province began hospital restructuring. Because of our experience during the 1977 snow-storm and others, I knew that closing the only existing emergency department on Hamilton Mountain would be disastrous. Because I was well known and well respected in the community, I was asked to chair a committee to save the Henderson Hospital. As the chair of this committee, we organized public support around our hospital. We enlisted the aid of local politicians at every level and, at my insistence, mounted a non-partisan campaign that ultimately was totally successful.

Following this campaign, I was identified by the United Way as a prospective board member for one of four seats reserved for labour. Three and a half years ago, I accepted this board position, and have volunteered as a director ever since. I have also represented the hospital sector as a campaign representative during two consecutive fundraising campaigns.

1010

I continued to volunteer with my local, and held executive positions both with CUPE and, after a representation vote, with OPSEU. I was on the negotiating team as my local negotiated its first contract and am currently in bargaining for our second one. I have been involved in both the arbitration and mediation processes, representing individual members and during bargaining.

I have volunteered in an advocacy role on a personal basis, assisting co-workers with non-union-related matters. One case involved representing a complainant to the College of Physicians and Surgeons, which was followed by two appeals to the Ontario Ministry of Health. It involved hundreds of hours of research and preparation. As well, I filed and won a case in Small Claims Court for a co-worker that also involved significant preparation and organization.

These experiences, along with a reputation of being fair, sincere, caring and unbiased, I believe will correspond well with the qualities needed to discharge the duties as a member of the tribunal.

I thank you once again for the time and welcome your questions.

The Chair: Thank you very much for your presentation. As I mentioned, any questions or comments will begin with the third party.

Mr. Gilles Bisson (Timmins–James Bay): Hello and welcome. A couple of questions: How did you find out about this appointment? How did you come to apply for it?

Ms. Mattina: That's a good question. I didn't actually find out about this directly, originally. My father had been reading the paper where there had been a couple of JPs who had been discharged from their duties because of one thing or another. It's kind of been a joke in my family. Everybody kept saying, "You should be a lawyer. You should be a lawyer." My father saw this article and said, "You should apply for this."

I went to Dr. Marie Bountrogianni's office, which was virtually across the street from the hospital where I work. I had met her through the Save the Henderson campaign and I asked her how to go about doing this. She referred me to her assistant, Heather Shantora. Heather looked into it for me and came back and actually mentioned a per diem appointment on a medical review committee. I said that if I was going to change careers, I would want to do something more substantial.

Mr. Bisson: Why wouldn't you have stayed in your own field, though? I guess that's the question I'm really looking at. You have a huge amount of experience in the medical field, and you have advocated on behalf of workers through collective bargaining and the rest that is entailed. Why a departure from medical over to the housing tribunal?

Mr. Shafiq Qadri (Etobicoke North): To serve the people.

Ms. Mattina: Well, that's part of it. That's part of what I've always done. But to be quite honest, the medical field is very difficult physically. Emotionally and mentally, I'm up to the challenge, but my shoulders are shot. Yesterday I had a 450-pound patient. I can't lift those kinds of people—

Mr. Bisson: What I'm saying is, why not apply for a commission that basically deals with medical issues? You were involved in Save the Henderson. You've been involved in health for years. Why not use all that experience and apply for another position that is also involved with a per diem? There's nothing wrong with that.

Ms. Mattina: I wanted something more permanent than a per diem, though. I wanted something full-time and I enjoy the advocacy role probably as much as or more than the medical role.

Mr. Bisson: So what kind of experience do you have in understanding the Landlord and Tenant Act?

Ms. Mattina: To be honest, absolutely no understanding, except that I've read the act from cover to cover. I have an appreciation of what the intent is. I understand the language and the laws involved. I find it very fascinating, to tell you the truth. I have always had kind of a need to help people sort out their problems, a need to help them resolve them.

Mr. Bisson: You would know that the legal clinics in Ontario do some work in representing tenants when it comes to the Landlord and Tenant Act and going before the tribunal. There has been some concern from the legal clinics about the appointments, not just you, but generally appointing people to the tribunal who do not have a grounding in housing and have this great big learning curve to properly discharge their duties as hearings officers.

There's some concern, and I guess that's what I want to put on the record, on the part of those people in the legal clinics and also others who advocate for people when it comes to housing issues, that the appointments we've had so far—not all of them, but by and large—have not been people who are grounded in the housing side. How do you respond to those critics who say, "Listen, there's already a deficiency at the board when it comes to the number of people who come in new without full experience," and now you're going to be the next one to come in? How do you respond to those critics?

Ms. Mattina: Initially, I would respond that I'm not totally without knowledge around that. I am, as I said, involved with the United Way. Certainly, we have knowledge and have had presentations from people who deal with the housing situation locally. So I do have some information on that; I get reports on that sort of thing.

Also, the way I see it from my perspective, I'm here—or will be here, if you approve this appointment—to apply the law. With that, I would try to balance this issue of being unbiased, hearing both sides and making a determination that is based in law. I think that I've also shown in my resumé that I am a very quick study.

Mr. Bisson: I have no doubt of that, but have you ever been involved in the housing movement whatsoever?

Ms. Mattina: I have not.

Mr. Bisson: Just an observation to the government: It seems to me that this is a strong candidate for a health appointment. I wonder why we would not have encouraged her to go the other way, where you can use the many years of experience you have in your field on a number of commissions and boards that we do have that do very good work and are also full-time. I sometimes wonder why we do that. It's not just your government that has done that; other governments have done the same. I just sometimes wonder why we don't encourage the people to go where they have their grounding.

Another question before we run out of time. You mentioned that you're bargaining on behalf of CUPE, I think it is.

Ms. Mattina: OPSEU, at this point, yes.

Mr. Bisson: You used to be CUPE, didn't you?

Ms. Mattina: I was CUPE at one time. We underwent a representation vote.

Mr. Bisson: With OPSEU, do you plan on completing negotiations in your position as negotiator?

Ms. Mattina: I would say probably not.

Mr. Bisson: How do you feel about—

Ms. Mattina: I will continue for the next few days.

Mr. Bisson: OK. How much time?

The Chair: You still have three minutes.

Mr. Bisson: Wow, I'm doing rather well. I can't believe this.

Interjection.

Mr. Bisson: I think I can.

The Chair: Two minutes and 45 seconds.

Mr. Bisson: Two minutes and 45—not bad.

Are you a member of any political party?

Ms. Mattina: Not at this current time, no.

Mr. Bisson: Not that that's a bad thing. Have you ever worked on political campaigns?

Ms. Mattina: I have.

Mr. Bisson: Whose?

Ms. Mattina: Brian Charlton's.

Mr. Bisson: Very good. Anybody else?

Ms. Mattina: No.

Mr. Bisson: OK. Very good.

You've read the Landlord and Tenant Act.

Ms. Mattina: I have.

Mr. Bisson: You obviously have some experience advocating for people. I guess the question I'm trying to square away here is, as you go into this, do you see yourself as somebody who is an ally of renters or an ally of tenants? How do you position yourself?

Ms. Mattina: I would say I'm not an ally of either. I would say that I'm sympathetic to both sides. I understand that there has to be a balance achieved. Obviously, people who own the buildings are in there to make money; obviously, the people who rent the buildings have economic pressures on them as well. I would have to say that each case would be individual, based on the law. I don't see myself leaning either way, to tell you the truth.

Mr. Bisson: All right. That's it.

The Chair: For the government side—

Mr. Parsons: We're satisfied, thank you.

The Chair: To the official opposition, Ms. Scott.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Thank you for appearing here today, Debra.

Ms. Mattina: Thank you for having me.

Ms. Scott: That's great. Were you working part-time? Is it radiologist or—

Ms. Mattina: I'm a radiological technologist. I've been working part-time for the past six months. Prior to that, I was full-time, and as I indicated earlier, my shoulders are shot. I injured, initially, the left one, and now the right one is going too. It's just too difficult physically to maintain it full-time.

Ms. Scott: I worked in the medical field in the past too, and I understand the physical challenges that are involved with the profession.

When you were bargaining on behalf of OPSEU, was that a job, a part-time job or anything?

Ms. Mattina: No. I was part of the local bargaining team. We had undergone a representation vote, and therefore we had no first contract. We were a new local, so we virtually bargained every word in the contract—every word, every phrase.

Ms. Scott: That wasn't a paid job. That was just part of your—

Ms. Mattina: Well, yes and no. You were booked off by the union to do it. I would go to work three days and negotiate two and so on. It would be kind of back and forth.

Ms. Scott: OK. You said you went to Minister Bountrogianni's office and applied. Then they came back with an opening in this board?

1020

Ms. Mattina: Actually, it was several months later, because Heather called me about the per diem on medical review, and I said no, that if I was going to go—

Ms. Scott: You wanted full-time?

Ms. Mattina: I wanted full-time. So she called me back a few weeks later and said that this one was up, and it was similar to the JP thing that I was interested in initially, and would I be interested? I said absolutely; that was exactly the type of thing I would like to do.

Ms. Scott: Because it's full-time employment.

Ms. Mattina: It's not just the full-time employment, because, quite frankly, I'm happy with the part-time employment that I'm doing now, but it's an area of interest. It's what I'd like to do. It's something that I've long been interested in.

Ms. Scott: Did Minister Bountrogianni support you? Did you speak to her at all during this process?

Ms. Mattina: Just initially; I haven't had any contact with her, really.

Ms. Scott: So who interviewed you specifically?

Ms. Mattina: For the Ontario Rental Housing Tribunal?

Ms. Scott: Yes.

Ms. Mattina: That would have been Beverly Moore and two of the vice-chairs of the tribunal.

Ms. Scott: So there was no ministry staff or anything at that interview.

Ms. Mattina: Not there, no.

Ms. Scott: And you filled out the forms. Did you go on-line, or did you fill them out by hand?

Ms. Mattina: I did it both ways. Initially, I put it on-line, and then I was asked to fax it in afterwards, so I did both.

Ms. Scott: Do you know how much the position pays?

Ms. Mattina: I believe Ms. Moore told me it was just around \$68,000 a year.

Ms. Scott: When Mr. Bisson asked you about whether you've helped on any campaigns, you mentioned a gentleman. Which party was he affiliated with?

Ms. Mattina: He was with the NDP in the 1970s. I used to be a member of the NDP at one time; I haven't had a membership there for—

Ms. Scott: Have you ever donated to the Liberal Party?

Ms. Mattina: I have.

Ms. Scott: What riding would that be? To whom?

Ms. Mattina: It wasn't so much a donation as supporting an event. There was a partial donation involved in it. I've also endorsed all three political parties after the

Save the Henderson campaign. The particular representatives who helped out on the campaign were running for office afterwards and I endorsed people from every party based on how I worked with them during that campaign.

Ms. Scott: Have you ever been a landlord or a tenant?

Ms. Mattina: I'd been a tenant, 30-odd years ago, but never a landlord.

Ms. Scott: You talked a little bit about your knowledge of the system and it's quite new to you. Do you feel that the present legislation is weighted toward tenants or landlords? Do you know enough about how the tribunal is functioning now, and whether it's fair to one side or another?

Ms. Mattina: That's a question that I really can't answer at this point. I think that my job, again, will be to apply the law. It's not to judge the law, to decide whether it's good or bad or favourable or unfavourable. My job will be to take the law and enforce it, and to do it to the best of my abilities with as much compassion and understanding as I can apply to it. I would say I can't really answer that the way—

Ms. Scott: Do you hear anything in your community from landlords or tenants? Is there a lot of talk?

Ms. Mattina: I haven't heard a lot, no, to be honest.

Ms. Scott: OK. Last year the government undertook the consultation process for the Tenant Protection Act. Are you aware of that? Did you participate in it?

Ms. Mattina: No, I haven't participated in it, but I was aware of it.

Ms. Scott: So you don't really know what the report recommended?

Ms. Mattina: No.

Ms. Scott: Do you feel you have enough adjudicative experience to be on the board?

Ms. Mattina: I believe I do. I would say yes.

Ms. Scott: Because of your experience, mainly, with CUPE and OPSEU?

Ms. Mattina: Mostly with the union, but also, as I say, with the other things I've done over the course of my lifetime. I've been involved with the adjudicative process quite often, not always as an adjudicator, but I've certainly seen it in action on many occasions.

Ms. Scott: Those are all the questions I have. Thank you very much.

The Chair: Ms. Mattina, thank you very much for your presentation and your response to our members' questions. You're invited to stay for our concurrence debate, which will take place after all of our presentations, which is now; a short schedule today.

Ms. Mattina: I very much appreciate your time. Thank you.

The Chair: So, to be formal about it, we will now consider the intended appointment of Debra M. Mattina, intended appointee as member of the Ontario Rental Housing Tribunal.

Mr. Parsons: I would be pleased to move concurrence.

The Chair: Mr. Parsons is pleased to move concurrence. Is there any discussion on Ms. Mattina's intended appointment?

Mr. Bisson: Again, just for the record, I don't have particular problems with the individual. The only thing is—to the government—I don't know how you deal with this, because this is not just an issue that arises with your government; it happens, I think, overall. Sometimes we have a perfect candidate to go into some field, because they have experience in the particular field they come from. It just seems to me we should have some sort of check and balance to make sure the applicants know that there may be something else of interest within their own field which they may not have considered or even known about that might be well in keeping.

I just ask the government to keep that in mind when we're taking in applications through the secretariat, because we see that far too often. You have somebody who has, in this particular case, a lot of experience in the health care field, who probably has a lot more to give in the health care field, I would think, given her experience, and there may have been something more appropriate in the health care field as compared to housing.

I'm sure she's a quick study. I don't argue that for a second. I know, having been a member of the labour movement for years, you've got to learn pretty damn quick. If you've been able to last this long, you probably did OK in that department. But the point is that far too often we end up with people in positions of having to have a learning curve, learning new legislation, learning an entirely new field, where it might have been more appropriate to leave those people—not leave those people, but at least make it known that there are other appointments available in the field they come from, as in this case with health care.

I just put that as a comment to the government and say it's something that maybe we should be thinking about as a sort of question that we ask people as their applications come into the Public Appointments Secretariat, that that is looked at. That's all I'm asking.

The Chair: Any further discussion?

Mr. Parsons: Could I respond to that? That's certainly a valid concern. I have two responses to it. One is, in many of the boards where we're looking for someone to represent the community, we're not necessarily looking for someone who's a specialist in that field, but someone who comes in and has the perspective of an outsider, which I think is advantageous.

I also want to compliment the Public Appointments Secretariat office, because they have developed a new

Web page that I think is very open and very accessible for any potential candidate to access all of the positions that are available. Certainly we've had feedback from people who have spent a lot of time on it to see what's available. I think they've done a good job of making public what all of the options are for appointments.

The Chair: Do any other members have further discussion on the intended appointment?

Mr. Bisson: Just to make something clear, I understand why we put laypeople on boards. There are times, given the composition of a board, that you want to have cross-representation that represents our society. For example, I can think of a number of boards where that would be quite appropriate and you'd want to bring those various points of view. But when you're appointing somebody to be a hearings officer, it's a little bit of a different threshold. That's the point I'm making.

It seems to me that we need to have some sort of check and balance to say that as people apply to the Public Appointments Secretariat, and they have a wealth of knowledge in a particular field, there be some sort of mechanism to say, "Listen, I know you're applying for a JP or the housing tribunal or whatever it might be, but did you know there are other appointments in the health care field that might be very suitable and quite in keeping with what you're looking for?" That's all I'm saying.

The Chair: Folks, we're getting a bit away from Ms. Mattina's intended appointment. We could return to this, if members so feel. Any more discussion on the intended appointment?

Mr. Bisson: The point's been made.

The Chair: Any further discussions on Ms. Mattina?

Mr. Parsons has moved concurrence. All those in favour? Any opposed? It is carried.

Ms. Mattina, congratulations and all the best on the Ontario Rental Housing Tribunal. Thanks for being here.

Folks, two quick matters for housekeeping. I'm going to exercise the Chair's prerogative and introduce to committee members Rosemary Legge. Rosemary is a student at Brock University and has been helping out in my office. She's a resident of Fort Erie, Ontario. It's her first day here at Queen's Park, so the committee welcomes Ms. Legge to the session.

Secondly, just so members are aware, our next meeting will be April 27. So two weeks from today, same time, 10 a.m., April 27, and we'll just confirm with members as to the meeting room.

Thank you very much. This meeting is adjourned.

The committee adjourned at 1029.

CONTENTS

Wednesday 13 April 2005

Subcommittee report	A-381
Intended appointments	A-381
Ms. Debra Mattina	

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Chair / Président

Mr. Tim Hudak (Erie–Lincoln PC)

Vice-Chair / Vice-Présidente

Ms. Andrea Horwath (Hamilton East / Hamilton-Est ND)

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

Mr. Michael Gravelle (Thunder Bay–Superior North / Thunder Bay–Superior-Nord L)

Ms. Andrea Horwath (Hamilton East / Hamilton-Est ND)

Mr. Tim Hudak (Erie–Lincoln PC)

Mr. David Oraziotti (Sault Ste. Marie L)

Mr. Ernie Parsons (Prince Edward–Hastings L)

Ms. Laurie Scott (Haliburton–Victoria–Brock PC)

Ms. Monique M. Smith (Nipissing L)

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford PC)

Substitutions / Membres remplaçants

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Mr. Pat Hoy (Chatham–Kent Essex L)

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Clerk / Greffière

Ms. Susan Sourial

Staff / Personnel

Mr. Larry Johnston, research officer,
Research and Information Services