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Assemblée législative  
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## **Official Report of Debates (Hansard)**

**Wednesday 26 October 2005**

## **Journal des débats (Hansard)**

**Mercredi 26 octobre 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

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Wednesday 26 October 2005

Mercredi 26 octobre 2005

*The committee met at 1005 in room 151.*

## COMMITTEE BUSINESS

**The Vice-Chair (Ms. Andrea Horwath):** Good morning, everyone. We're going to start the meeting of the standing committee on government agencies. I'm going to, as usual, reserve the other business till the end of the meeting, if that's all right with the members, but I do want to begin with the Chair's ruling regarding Ms. Scott's motion of our meeting of last week. I can just share with you the ruling.

"On Wednesday, October 19, the member for Haliburton–Victoria–Brock, Ms. Scott, moved a motion regarding the Greenbelt Foundation. After some debate, the Chair stated that he would reserve his ruling on the orderliness of the motion until we could clarify the status of the Greenbelt Foundation, which we were unable to do at the time of debate.

"The Greenbelt Foundation is a non-profit corporation, with no shareholders, that is seeking charitable status. It was created in June 2005 by the government and was given a one-time \$25-million provincial grant to help cover start-up and ongoing costs. A five-member interim board was appointed by the Minister of Municipal Affairs and Housing via ministerial letter and announced on June 16, 2005.

"The orders of reference, standing order 106(e), for the standing committee on government agencies state that the committee is empowered to:

"review and report to the House its observations, opinions and recommendations on the operation of all agencies, boards and commissions to which the Lieutenant Governor in Council makes some or all of the appointments, and all corporations to which the crown in right of Ontario is a majority stakeholder ..."

"The Greenbelt Foundation is not an agency, board or commission to which the Lieutenant Governor in Council makes some or all of the appointments. It is not a corporation to which the crown in right of Ontario is a majority shareholder. The appointments to the Greenbelt Foundation are therefore not subject to review by the standing committee on government agencies.

"Therefore, the Chair must rule that the member's motion is out of order."

I thank you for that. Unfortunately, there is no debate on the ruling by the Chair on this matter. So we're going

to continue on in the meeting. If there's any other business, we can look at that at the end.

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** May I just ask, Madam Chair: You read something. Are you going to give us a copy of your ruling or should we take it from Hansard?

**The Vice-Chair:** Absolutely. We can provide copies.

The only other thing I wanted to bring to your attention—I believe you have copies in your package—is the correspondence that we received from Debra Roberts regarding the issue of vacancies on committee. You'll have that in your package as well. I wanted to bring that to your attention.

Also, to let you know, obviously our Chairperson is unable to attend this morning, so I've been asked to fill in. I would like to ask for the committee's permission to remain sitting in this seat as we go through the rotation to ask questions. That's certainly up to you, but I'd prefer not to have to play musical chairs every time. Is that a problem?

**Mr. Ernie Parsons (Prince Edward–Hastings):** Agreed.

**The Vice-Chair:** Thanks very much. I appreciate that.

## SUBCOMMITTEE REPORT

**The Vice-Chair:** Our next order of business is the report of the subcommittee on committee business dated Thursday, October 20, 2005. Can I have its adoption moved?

**Mr. Parsons:** Yes, I would move adoption.

**The Vice-Chair:** Thank you. Moved by Mr. Parsons. Is there any discussion? All those in favour? Any opposed? That's carried.

## INTENDED APPOINTMENTS

## PETER O'BRIAN

Review of intended appointment, selected by third party: Peter O'Brian, intended appointee as Chair, Ontario Educational Communications Authority (TVOntario).

**The Vice-Chair:** We're going to move right now, then, into the appointments review. Our first interview is with Peter O'Brian, intended appointee as Chair, Ontario

Educational Communications Authority, or TVO. Mr. O'Brian, if you're here, can you come forward to the end of the table?

**Mr. Peter O'Brian:** Thank you. Good morning.

**The Vice-Chair:** Welcome and good morning. I'm just going to explain to you a bit of our process here so that you have an understanding of what we do. You have an opportunity, initially, to make some remarks, to make an initial statement. If you choose to do so, the time that's allotted during that statement is then taken from the government side of the questioning. After you have completed your statement, on a rotational basis, you'll be asked questions by the various members around the table. That's pretty much it. So after you have completed your statement, we'll begin the questions with the government side.

Welcome, once again. Congratulations on being our first person of the day to interview. The floor is yours.

1010

**Mr. O'Brian:** I'm honoured to be nominated by cabinet for the position of chair of the Ontario Educational Communications Authority, comprising TVO, TFO, the Independent Learning Centre and other important components, which is collectively, for the purpose of discussion, referred to as TVO, in general. I hope that's OK. I'm pleased to be here today with you to discuss my background and where I would fit in with TVO. Thank you for the opportunity.

My background is as a producer of Canadian dramatic feature films for theatrical release and television broadcast. Maybe you've seen one or more of them. I'm always supposed to name some of them, because people ask. They include *The Grey Fox*, *My American Cousin*, *One Magic Christmas*, *Gordon Pinsent's John and the Missus*, *Far From Home*, and *Hollywood North* is a film I recently directed and was an executive producer on. These and other films have won 19 Genie awards at home, including two for best picture; a Golden Globe nomination, which was a great adventure and some international awards as well.

My career purpose has been to help bring the stories and cultures of our country to Canadians through film and television, and to help build or shape some of the various cultural agencies and institutions necessary to deliver them. Many of these didn't exist when I started out in 1970, which, coincidentally, was the beginning of channel 19 and TVOntario.

In that cause, I've served many non-profit media boards of directors. For example, at Norm Jewison's request, I served as a founding board member of the Canadian Film Centre, chaired its selection committee, served as its executive director for its first three years of operation and established its central educational program, called the resident program, which is still in place today.

I was on the board at the Toronto International Film Festival, the Canadian Film and Television Production Association and the Academy of Canadian Cinema and Television.

As far as TVOntario is concerned—now that that part is out of the way, fortunately—I've been an avid fan and

an audience member of TVOntario since it went on the air as channel 19 and subsequently as TVO in 1976. I have been impressed throughout that time with its outstanding service to Ontarians, which includes my own family: Carolyn and our two sons. It has made a great difference in our lives.

I'm excited about the added potential which comes as it supports the government's education agenda as it comes back into the Ministry of Education, with the mandate to align its services with the government's education goals and, I think, to take advantage of the changing technological and communications environment and the Internet world. I hope that my vision of high-quality, original programming, reflective of our own culture and its positive effect on people's lives, is complementary and supportive of TVO's mission.

I'm just going to read what the minister said—it's actually not the quote of the minister; it's in the news release of September 29. It says: "The new leadership" of TVOntario "will be asked to conduct an internal review of the organization. The review will have two purposes: to ensure that the government is getting full value for its \$58.8-million funding of TVOntario and to ensure that its activities align with the government's education priorities and becomes as relevant as possible to all Ontarians."

The government's decision to separate the roles of chair of the board and chief executive officer, the chair being a part-time, non-executive role, makes it possible for me to come out of my life as a producer in my work and allows me to potentially contribute to what I think is the brilliant future of TVOntario. I would very much like to do that.

**The Vice-Chair:** Thank you, Mr. O'Brian. We have about five minutes for the government to ask any questions they might have; they're first on our rotation. So I'll just leave it to you, Mr. Parsons.

**Mr. Parsons:** Mr. O'Brian, we have absolutely no question about your qualifications for this role and are simply pleased that you're prepared to take on the challenge.

**Mr. O'Brian:** Thank you.

**The Vice-Chair:** Mr. Tascona?

**Mr. Tascona:** Thank you, Mr. O'Brian, for attending here today. We have some questions with respect to this appointment. How were you approached about this position?

**Mr. O'Brian:** Being in the media community, I knew that Isabel Bassett's term was coming up. However, I didn't apply on that basis. It wasn't until I knew that it would be split—Isabel Bassett was chair and CEO, as was her predecessor. When I realized that it would be separated, I mentioned it to a couple of people, and then I heard from the appointments secretariat, asking if I was someone who might be interested in doing that, and if so, I should apply like anybody else.

**Mr. Tascona:** Who in the appointments secretariat—

**Mr. O'Brian:** Debra Roberts.

**Mr. Tascona:** Debra Roberts.

**Mr. O'Brian:** So I immediately applied.

**Mr. Tascona:** But whom did you speak to? Did you speak to anyone from the government about this?

**Mr. O'Brian:** I did later on. After that, I talked to Minister Kennedy. I hoped he would speak to me about his vision of TVO, and he did. Consequently, I remained in application; I liked what he had to say.

**Mr. Tascona:** So you're obviously aware that TVO has recently moved to the Ministry of Education from the Ministry of Training, Colleges and Universities. Can you tell us what you think of that change?

**Mr. O'Brian:** What it does is bring into focus, obviously, the need to align—the original use in the act, I think; I haven't read the act recently, but if you read the CRTC information on TVO, it is very specific that it is to support the education agenda, so I think bringing it under the ministry brings that more into focus, perhaps, and allows those resources to come into play. TVO does this pretty well now, but perhaps we would be able to look at that when we do our review; that is to say, if I'm there. From my point of view—

**Mr. Tascona:** I'll get to that part.

Were the change in ministerial responsibility and the change of focus discussed with you during the selection process?

**Mr. O'Brian:** No, they weren't.

**Mr. Tascona:** The board has had very capable leadership over the last several years from Isabel Bassett. What do you see as your priorities during your term as chair?

**Mr. O'Brian:** For one thing, it would be a different role because those two roles are separated. The management, under the CEO, Lisa de Wilde, will run TVO and implement everything and look after everything.

**Mr. Tascona:** What are your priorities?

**Mr. O'Brian:** Firstly, the internal review and the assessment of how TVOntario is doing what it's supposed to be doing, the two particular priorities of the review being, is it delivering and what can it do better in terms of aligning its agenda with the government's education policies? So my first priority, once I have been in touch with the board and senior staff, and particularly the CEO, would be to get on with that assessment.

1020

**Mr. Tascona:** Any other priorities?

**Mr. O'Brian:** Until that's done, I don't think we'd be able to set priorities.

**Mr. Tascona:** What do you think TVO's greatest strength is?

**Mr. O'Brian:** As a public broadcaster, it educates, it illuminates. It is the electronic hearth for Ontarians—a little bit of an intellectual phrase—and I think it does that wonderfully well. It delivers original programming, high-quality news magazine programming and children's programming, as well as a student Internet interface, something that has to be incredibly important today, considering—and I don't know where this statistic comes from—that kids in the teenage years are in front of their computers more than they are in front of television.

**Mr. Tascona:** What areas, if any, do you think TVO needs improvement in?

**Mr. O'Brian:** Again, I don't think I can say without doing the review. As soon as people hear that you might have something to do with TVO, they start suggesting various things to you—TVO could do that or could do this—all very positive future things. But no one says, as they come to me, that TVO is doing anything particularly badly. I like the idea that there may be some things we can improve.

**Mr. Tascona:** While you're in this position as chair, I take it you'd continue with your—you're an independent producer of films?

**Mr. O'Brian:** Right.

**Mr. Tascona:** You're going to continue to do that?

**Mr. O'Brian:** Yes, I am.

**Mr. Tascona:** How do you think that fits in with your role as chair?

**Mr. O'Brian:** I think it's great. It allows me to do my own work. At the moment, that's writing and developing projects. There's plenty of time and flexibility to apply myself to this important role.

**Mr. Tascona:** Is there anything you want to add in terms of why you want this position?

**Mr. O'Brian:** I think I've said that TVO is an important part of my life as an Ontarian. I watch it every day. I'd like to see it continue to thrive. Public broadcasting is vitally important in the life of a community—I'm looking to see if I'm leaving something out. I'm interested in communications and technology and what they can do. I'm interested in the issue of teaching kids and being useful in that area. Our own children are now 24 and 22. I think that if some of the Internet programs had been available 10 years ago—they've started to come on at TVO in the last five years or so—that would have made a difference to me. I really think it's a very positive agency of the government.

**Mr. Tascona:** Looking at your references—you have three references—one is Barbara Hall, whom I think most people are familiar with: the former mayor of Toronto, now working for the Ministry of Health with George Smitherman. Chalmers Adams: I don't know who that person is.

**Mr. O'Brian:** Chalmers Adams is my lawyer. He does entertainment work. He was a producer and has produced something recently. He is a brilliant and thoughtful solicitor and friend—

**Mr. Tascona:** Is he with a firm?

**Mr. O'Brian:** He is in his own firm. He practises by himself.

**Mr. Tascona:** And Kevin Shea?

**The Vice-Chair:** That's about the end, Mr. Tascona—just this last question.

**Mr. O'Brian:** Kevin Shea of Global—what is Kevin Shea? It's gone straight out of my mind. He's just been involved in—anyway, Kevin Shea has been president for some time of a new Internet Webcast company.

**Mr. Tascona:** Thanks very much

**The Vice-Chair:** It seems awkward, Mr. O'Brian, but now it's time for the third party, which is me, and I've asked permission of the committee to stay here instead of

jumping back and forth to the seat over there. So I'll hand the chair over to Mr. Tascona while I ask my questions, if that's all right.

**The Acting Chair (Mr. Joseph N. Tascona):** Ms. Horwath, do you have any questions?

**Ms. Andrea Horwath (Hamilton East):** Yes, I do, thank you very much. Mr. O'Brian, you were talking a little earlier in the beginning questions of Mr. Tascona about how you heard about the position through the appointments secretariat. I want to follow up a little bit on your relationship with the government. Can we assume that you are a member of the Liberal Party?

**Mr. O'Brian:** Yes.

**Ms. Horwath:** And you're a donor to the Liberal Party?

**Mr. O'Brian:** Yes.

**Ms. Horwath:** Both provincially and federally?

**Mr. O'Brian:** Yes.

**Ms. Horwath:** Can I ask how well you know Minister Kennedy on a personal level?

**Mr. O'Brian:** I'm glad to say I know him a bit. I don't know what he would say to that. I've met him several times, and my wife, Carolyn Bennett, and he have met on occasion to talk about various things to do with government policy and that sort of thing, over quite a long period of time. That's how I met him.

**Ms. Horwath:** I'm glad you mentioned your wife's name, because I was going to ask. She supported the minister in his bid for the leadership of the provincial Liberal Party. Did you, as well, support Minister Kennedy?

**Mr. O'Brian:** I was a delegate. That was my role.

**Ms. Horwath:** OK.

**Mr. O'Brian:** I signed up as a delegate.

**Ms. Horwath:** So then you were part of the leadership campaign that Minister Kennedy was—

**Mr. O'Brian:** I actually didn't work on the campaign the way I do, say, on my wife Carolyn's campaign. I didn't bang in any—well, there weren't any signs to bang in.

**Ms. Horwath:** Just to carry around on the convention floor, right?

**Mr. O'Brian:** But I was there at Maple Leaf Gardens.

**Ms. Horwath:** So we can assume, then, at least in terms of your support for the candidates, that you were on the same side as your wife in that endeavour.

Would you say Minister Kennedy is a friend of yours? Would you characterize him as a friend?

**Mr. O'Brian:** That word has a difficult definition, but I would say yes. I hope so.

**Ms. Horwath:** OK, that's fair.

I want to talk a little bit about, you have an extensive resumé—there's no doubt about it—with lots of experience. But what experience do you have particularly in public broadcasting?

**Mr. O'Brian:** Every program you make, initially, even before you make it, you are selling to a broadcaster, so you're aware all the time of what's going on and you are trying to fulfill the needs of whatever public broad-

caster—not necessarily public: whatever broadcaster it might be. I worked at the CBC way back in the 1970s as a production manager, an assistant director. Really, as someone who is a freelance producer or a producer in my own company, my relationship with broadcasting is in who I know and what I see and who I sell to and that sort of thing.

**Ms. Horwath:** Very good. Are you committed to seeing TVO continue as a public broadcaster?

**Mr. O'Brian:** My personal view is that only a public broadcaster can really deliver the kind of programming it does, and certainly in terms of an educational agenda, I don't see how it would be able to be effective in the private sector. I'm sure that will be discussed, and in the internal assessment perhaps that will be looked at. That's my own view. I haven't really talked to anyone about that.

**1030**

**Ms. Horwath:** As the assessment rolls out, would you, for example, oppose the introduction of advertising into TVO programming?

**Mr. O'Brian:** TVO of course has sponsors and that sort of thing. I think that's a great way to go. There's quite a considerable revenue stream that TVO brings in. Certainly there are problems that would be attached to public broadcasting. It's an ongoing debate. I know that the CBC and others, particularly the CBC—not knowing now what everyone really feels about this kind of thing, I would have to look at that. I think it's a problem.

**Ms. Horwath:** That's fair. You may know that last year the Liberal government cut about \$3 million in funding from TVOntario. In considering the challenge of making sure that TVO remains strong and viable, particularly with its new role, as the chair coming in, how do you feel about the withdrawal of \$3 million from the government's commitment to TVO last year? More importantly, how can we expect you to react to similar kinds of announcements, should they come in the future, around funding reductions?

**Mr. O'Brian:** First, the person who has the biggest problem with that is the CEO, I think. From my point of view, I know what a budget cut does right the way down through an organization. It causes uncertainty and various other problems. I don't like it. At the same time, an organization obviously has to run efficiently and within the budget that is provided.

**Ms. Horwath:** Can I ask then, within the context of funding difficulties or the constant challenges around funding, would you be active in resisting any attempts by government—this one or one in the future—to move away from a publicly funded model?

**Mr. O'Brian:** First, TVOntario comes under the purview of the ministry, and I think we are bound to follow the government's strategy and policy. Having said that, I repeat: You want your organization to flourish and to be excellent. You don't want to see budgets cut, but we would take our instructions. That is the way that works, I believe.

**Ms. Horwath:** As chair of an organization, if the unthinkable happened and there was a suggestion by the

government that there would need to be a sell-off of TVO or any of the parts of TVO, could we as the public of Ontario rely on you to be vocal about that issue? I guess what I'm getting at is, considering your relationship with the minister, and your partner has a relationship with the minister, can we as a public, with you being the chair of this organization, feel comfortable that if there was a threat to TVO as a result of government policy, you have a sense of independence that's strong enough to be able to speak for the organization and for the value of this publicly funded public broadcasting entity, over and above what government might be doing?

**Mr. O'Brian:** Yes, I would want to defend TVO. I'm passionate about TVOntario and the idea of it being dismantled in any way—I would certainly want to know why and for what reason. I certainly don't expect that and haven't heard anything like that in the air. Have you? I'd like to know.

**Ms. Horwath:** Stranger things have happened, believe me.

**The Acting Chair:** The time for questions has expired. I want to thank Mr. O'Brian for attending here this morning.

**Ms. Horwath:** Thanks, Mr. Tascona. Do I take the Chair back now?

**The Acting Chair:** Yes.

**The Vice-Chair:** I appreciate that.

The way the process goes from here is that we have a couple more people to interview. At the end of that process, we'll be moving concurrence on the various appointees. You're welcome to stay during that process. If you have other things to do, the clerk will be notifying you of the results of the committee.

#### ANDI SHI

Review of intended appointment, selected by third party: Andi Shi, intended appointee as member, Ontario Rental Housing Tribunal.

**The Vice-Chair:** Our second interview is with Andi Shi, intended appointee as member of the Ontario Rental Housing Tribunal. Mr. Shi, did you want to come forward? You've had a chance to see a bit of the process here. As you are aware, you have an opportunity to say a few words of introduction and make some comments about your interest in this position. As you also may be aware, any comments you do make, in terms of time frame, will be deducted from the government side's questions. Once you've completed your comments, we'll go in rotation and ask you questions, 10 minutes for each caucus. This time around, with your questions, we'll be starting with the official opposition. Welcome. I hope you're comfortable. You're welcome at any time to begin.

**Mr. Andi Shi:** Madam Chair and members of the committee, thank you for the opportunity to appear before you today to go through this process, which I respect and believe is important for the public, the tribunal and also myself. I assume you all have a copy of

my resumé. What I would like to do with my statement is highlight my many qualifications that would enable me to be an effective member of the tribunal, which are not reflected in my resumé.

To be a good, effective adjudicator, one needs to have a whole set of abilities and skills, of which the most important ones, I believe, are fairness and insight. I care a great deal about social justice and have a strong sense of fairness. In fact, I studied in Canada's only school of human justice.

I'm known for being insightful. I'm a very careful listener, always with an open mind. As a practice, I do not bring any preconceived notion to any conflict situation. I do not judge people or situations simply by their appearance. My experience working in the Regina Police Service has taught me that to every story there are always two sides. My principle is to hear both sides completely before I form any judgment. I have the ability to see both the big picture and the fine details, to cut through the facades, get to the crux of a problem and make a creative and interest-based decision that is fair to both sides.

As you may have noted in my resumé, I've done research in both science and social science fields. I have a master's degree in biochemistry, and I am forever grateful for that part of my training. It has taught me to be very analytical, thorough and rigorous and to never make any statement unless it can be substantiated by verifiable evidence. Those are qualities that would carry me well through the most difficult cases if I'm appointed as a member.

My science training has also taught me how to write clearly and concisely, with only meat—no rhetoric or wishy-washy ambiguity. As a result, I'm now one of the best editorial writers in the Chinese community.

I'm a board member of a number of non-profit organizations. Over the years, I have chaired many meetings and major events. My presiding skills have been well recognized. In fact, just last week I received a comment from a fellow board member on the way I chaired a recent AGM, which read, "Andi is a great chair—experienced, effective and calm." A few weeks ago, I was called "a paragon of organization" by the director of a project I was working on.

I'm sure you appreciate that Ontario's demographics have changed significantly. The tribunal's clientele is changing. I am an immigrant and a person of a visible minority group. I bring the understanding, empathy and a diverse range of skills that few others have, which I believe are valuable assets to the tribunal.

#### 1040

I have often exceeded expectations. I'm confident that my skill set is adequate for this new challenge and that I can make a positive contribution to the work of the tribunal. I hope you too will find me qualified and give me the opportunity to contribute my abilities, skills and knowledge.

I thank you for the opportunity to speak with you today and look forward to your questions.

**The Vice-Chair:** Thank you very much for those comments. I'm going to turn the questioning over to Mr. Tascona from the official opposition.

**Mr. Tascona:** Are you a member of the provincial Liberal Party?

**Mr. Shi:** Yes.

**Mr. Tascona:** Who is your MPP?

**Mr. Shi:** David Zimmer.

**Mr. Tascona:** Have you been a donor to the provincial Liberal Party?

**Mr. Shi:** Yes.

**Mr. Tascona:** Who was the contact person for you to become aware of the position?

**Mr. Shi:** I don't have a contact person. It all started with the Maytree Foundation. About the beginning of last year I received a call from the Maytree Foundation. I'm a graduate of the Maytree Leaders for Change program. I understand the government was committed to increased diversity on the boards and contacted the Maytree Foundation for recommendations of people in different communities. That's why Maytree called me and recommended me to the government. As a result, I was appointed to the College of Opticians of Ontario.

**Mr. Tascona:** Did you talk to David Zimmer about this appointment?

**Mr. Shi:** No.

**Mr. Tascona:** Have you talked to any member of the government about this appointment since you've been chosen for selection?

**Mr. Shi:** No.

**Mr. Tascona:** Are you now or have you ever been a landlord?

**Mr. Shi:** No.

**Mr. Tascona:** Are you now or have you ever been a tenant?

**Mr. Shi:** Yes, I'm a tenant.

**Mr. Tascona:** You're a tenant now?

**Mr. Shi:** Yes.

**Mr. Tascona:** In your resumé, it says that you're the principal of AMA Consulting. What does AMA Consulting do?

**Mr. Shi:** I do event planning and Canada-China business consulting.

**Mr. Tascona:** So it's in the promotion business?

**Mr. Shi:** Not quite promotion; sometimes, yes.

**Mr. Tascona:** In terms of your education, do you have a legal background?

**Mr. Shi:** No. I studied human justice in school for some time, and I worked in the police service. During my work on the board of the College of Opticians, I received some training in conducting hearings and I also sat on panels for hearings.

**Mr. Tascona:** So you have no legal background, but obviously you're educated in the sciences, I see by your degrees.

**Mr. Shi:** Yes.

**Mr. Tascona:** I noticed from your resumé that the Ontario Rental Housing Tribunal is the only board you

expressed interest in serving on. What is it about this board that interests you?

**Mr. Shi:** There are several reasons. I am always interested in matters of the law. I'm interested in legal work, but I don't have a degree in law, so the only thing I can hope for is a quasi-judicial position. I became aware of the vacancy, so I applied. The other thing is that I deal with a lot of Chinese clients, and people have more respect for public service. That makes me want to apply for it. I looked at the vacancies, and this is the one I feel I am most qualified for and the most interested in.

**Mr. Tascona:** You feel you're qualified to be on the Ontario Rental Housing Tribunal. Can you tell me what your qualifications are?

**Mr. Shi:** I have a diverse range of experience. I have chaired a lot of board meetings and events. I've been a very effective chair, and I have received training from my other appointments. I have been a panel member for two hearings. I have gone through several levels of screening, and the Maytree Foundation selected me because I am one of the better qualified people among the entire pool of candidates. I went through the screening of the secretariat, and they accepted me—

**Mr. Tascona:** I hear you there. The fact of the matter is, have you been involved in any proceedings at the Ontario Rental Housing Tribunal?

**Mr. Shi:** No, but I did go through the interview and the test.

**Mr. Tascona:** I understand that, but you've never had any exposure to the Ontario Rental Housing Tribunal as a citizen?

**Mr. Shi:** No.

**Mr. Tascona:** You have no legal background. You've never been involved in an adjudicative board before, is that correct?

**Mr. Shi:** Not on an adjudicative board, but at the council of the College of Opticians, my experience sitting on the hearings board was very similar to this tribunal.

**Mr. Tascona:** In terms of this particular type of tribunal, which is to deal with landlords' and tenants' rights, do you think the government has been even-handed in its treatment of landlords and tenants to date?

**Mr. Shi:** I understand the mandate of the board is to interpret and apply the law. As to how the law has been enacted and everything else, I think that's the job of the Legislature. It wouldn't be appropriate for me to comment on that.

**Mr. Tascona:** So you don't have any opinion on how the Rental Housing Tribunal operates and how it has handled its cases.

**Mr. Shi:** I have some knowledge of how the tribunal works and hope I can have the opportunity to make a contribution to that process, but it wouldn't be appropriate for me to comment on that.

**Mr. Tascona:** Do you have any familiarity with the landlord and tenant act?

**Mr. Shi:** Yes, I read through the act, the Interpretation Act and the procedure act.

**Mr. Tascona:** When did you do that? Did you have any exposure to it prior to deciding you wanted to be on this board?

**Mr. Shi:** No.

**Mr. Tascona:** I'm still curious as to why you want to be on this board, why you're so interested in this board, when you've had no experience at all, never appeared before it, have no legal background, have never adjudicated up there. What does this position pay? Do you know?

**Mr. Shi:** I think \$67,000 or something.

**Mr. Tascona:** How many hours a week do you anticipate being involved? It says "full-time."

**Mr. Shi:** Well, as many as I'm required to.

**Mr. Tascona:** So it's going to be a full-time position; it pays \$67,000 a year. What's the term?

**Mr. Shi:** I understand it's a three-year time.

**Mr. Tascona:** In terms of your involvement with the provincial Liberal Party, besides being a member and a donor, do you have any other activity with the provincial Liberal Party?

**Mr. Shi:** No.

**Mr. Tascona:** How long have you been involved with the provincial Liberal Party?

**Mr. Shi:** About a year, I think.

**Mr. Tascona:** Just one year?

**Mr. Shi:** Yes.

**Mr. Tascona:** People often appear before the board without the benefit of legal counsel. What would you do to make sure that these individuals feel comfortable appearing before the tribunal, and how would you ensure that they receive a fair hearing?

**Mr. Shi:** I hope just my presence, being a visible minority person and the messenger—and the message itself would make a lot of people feel comfortable. I have a good way of making people feel at ease. I'm a very good listener and try to make people relax, and I think I have enough skills to go after the facts and to ask not leading but insightful questions to find out the facts and make a decision on them.

**Mr. Tascona:** You say you're currently a member of the council of the College of Opticians and you serve on the discipline committee. Have you been involved in any disciplinary hearings?

**Mr. Shi:** Yes. As I said before, I sit on two disciplinary hearing boards and I help the chair to write the decisions, as secretary.

**Mr. Tascona:** So you sat as a panel member.

**Mr. Shi:** Yes.

**Mr. Tascona:** As a member of the public.

**Mr. Shi:** No. The panel members are selected from the council. We form a panel, we hear the case and we make a decision.

**Mr. Tascona:** How many people sit on the panel?

**Mr. Shi:** Usually three or four.

**Mr. Tascona:** Is there a main person there in terms of the chairperson?

**Mr. Shi:** There is usually a chair. I haven't been the chair, but I was the key person to help the chair write the decisions.

**1050**

**Mr. Tascona:** So you've never been the chair and adjudicated on that panel. You sat on two cases.

Is there anything else you'd like to offer to the committee by way of why you're so interested in this position?

**Mr. Shi:** I think I said it before. I'm interested in quasi-judicial work and in public service. It doesn't actually pay as much as I would make in the private sector, but I'm interested for the reasons I stated. I wrote the exam and had an extensive interview by the chair and the two vice-chairs, who I consider to be the experts on the tribunal. The exam consists of five scenarios. I was able to apply the law and my common sense and skills to write a decision which the board accepted. I think that by coming this far to appear here, my ability to adjudicate has been proven.

**Mr. Tascona:** OK. So apart from just recently having an interest in the Ontario Rental Housing Tribunal, you never had a prior burning interest to get involved in social issues with respect to landlords and tenants?

**Mr. Shi:** Not a burning issue, but I was the former executive director of the Chinese Professionals Association, and we received 200 phone calls every day for all kinds of questions, and some of them were about rental housing. So I've done the research and referred people to the tribunal. As a practice, we now have this referral service, and all the staff knows about it. Every time somebody calls, we refer them to the tribunal.

**Mr. Tascona:** Tenants or landlords?

**Mr. Shi:** Mostly tenants.

**The Vice-Chair:** Mr. Tascona, your time is completed. Thank you very much for those questions. Now I'm going to ask you again to take over the chair, if you don't mind.

**The Acting Chair:** OK, Ms. Horwath. Are you ready to question the witness?

**Ms. Horwath:** Thanks very much. Can I ask you, Mr. Shi: Mr. Tascona asked a question about when it was that you applied for this position. You said it was about a year ago when you put your name forward?

**Mr. Shi:** No. Last year I was approached for the other appointment to the Council of the College of Opticians. I applied early this year for this position.

**Ms. Horwath:** You were approached by the Council of the College of Opticians. By whom?

**Mr. Shi:** The Maytree Foundation.

**Ms. Horwath:** By the foundation you were talking about, which was looking for leadership potential within—

**Mr. Shi:** A candidate, yes.

**Ms. Horwath:** I just wanted to clarify that because I thought I heard you say it was about a year ago that you decided to apply for this, and it seemed to me that you had also said it was about a year ago that you started to be involved in the Liberal Party. I thought that was a bit of a coincidence and I needed to probe a little bit.

Just again on your involvement with the Liberal Party, have you acted as a volunteer, canvasser or someone who

goes out and tries to get more memberships for the Liberal Party in any way?

**Mr. Shi:** I think I did once during the last campaign for David Zimmer. I live in his riding, and somebody asked me to help them.

**Ms. Horwath:** So you helped out with that campaign?

**Mr. Shi:** For one day, I think.

**Ms. Horwath:** That's fine.

I wanted to ask a little bit more about your understanding of the housing issues that face people in Ontario. You're currently a tenant. Have you ever been a landlord?

**Mr. Shi:** No.

**Ms. Horwath:** OK. Could you list for me what you think the main issues are for tenants in Ontario right now? What are the main concerns that tenants would have in the province of Ontario?

**Mr. Shi:** The problem today is probably no different than ever. I guess the price is the major problem. There have been increases in the last few years. Nobody wants to spend more money on their rent.

**Ms. Horwath:** So affordability?

**Mr. Shi:** Yes, I guess so.

**Ms. Horwath:** Rents going up and that kind of thing?

**Mr. Shi:** Yes.

**Ms. Horwath:** Anything else that you think would be an issue that tenants face generally?

**Mr. Shi:** I can't think of any other major issue.

**Ms. Horwath:** OK. What about landlords? What do you think would be major issues that would be of concern to landlords in the province of Ontario?

**Mr. Shi:** I have seen tenants who don't pay rent and that type of thing.

**Ms. Horwath:** I'm sorry?

**Mr. Shi:** The thing I have seen that bothers me is people who are not good tenants. They do things not considered civil and respectful to their neighbours, that type of thing.

**Ms. Horwath:** So problem tenants?

**Mr. Shi:** Yes.

**Ms. Horwath:** All right. Is there anything else that you think is a concern facing landlords?

**Mr. Shi:** Not at this moment.

**Ms. Horwath:** Considering the appointment that you're seeking, can you then enlighten me as to what your opinion is as to whether the current Tenant Protection Act appropriately balances the interests of landlords and tenants in Ontario?

**Mr. Shi:** As I said earlier, I understand the mandate of the tribunal is to interpret the law and apply it. The role of improving the legislation lies with the Legislature and MPPs, so it wouldn't be appropriate for me to comment on that.

**Ms. Horwath:** So you have no opinion or you don't feel that it's appropriate to share your opinion?

**Mr. Shi:** I don't think it's appropriate to share it.

**Ms. Horwath:** That's part of why we have these hearings, to get an understanding of the perspective of the various people who are interested in serving the public.

Can I ask you what your experience was with the rent control system previously and whether you think that the current vacancy decontrol system is effective?

**Mr. Shi:** I haven't done any research on it. I really don't have any formal opinion.

**Ms. Horwath:** Do you know what vacancy decontrol is?

**Mr. Shi:** Yes.

**Ms. Horwath:** Can you explain to me what vacancy decontrol is?

**Mr. Shi:** When you move out and somebody moves in, the landlord can charge whatever amount he wants.

**Ms. Horwath:** You did say that from your perspective, one of the main issues facing tenants is the cost or the affordability of their housing. Do you think vacancy decontrol has had any impact on that?

**Mr. Shi:** Again, I don't feel comfortable commenting on that, as a person intended for the tribunal.

**Ms. Horwath:** Have you ever heard of a concept called "costs no longer borne"?

**Mr. Shi:** No.

**Ms. Horwath:** You're not aware of what that issue is. OK. I'm wondering—and I suspect what your answer might be—from a tenant's perspective, if there would be any advice that you would be interested in giving—not in your role. Let's say you're not here; you're just a tenant. Would there be any advice you would have for the government in terms of amendments to the Tenant Protection Act?

You may be aware that when the government was running for election, during the campaign they made some significant promises around overhauling the Tenant Protection Act and said they would do that within the first year of their mandate. Of course, we're now into the third year of their mandate and we haven't seen any amendments yet to the Tenant Protection Act. When I talk to my Liberal colleagues who sit near me in the Legislature, they tell me that it's too complicated, that things are changing all the time and they really haven't decided what they're going to do. I suspect that they're hearing different opinions from various tenants and landlords on the issues. So as a tenant, is there any advice that you would be able to give the government—not in your capacity as a member of the tribunal, but just as a tenant—on how the Tenant Protection Act can be changed?

**Mr. Shi:** I'm trained in the science field. I don't want to make any statement unless I thoroughly study the subject. I think if I do get appointed and you ask me that question in two or three years, I will have a very informed opinion on that. At this point, I really don't have a good answer for that.

**Ms. Horwath:** OK, and that's fair. Just following up, you figure it'll take probably about two or three years of being engrossed in this full-time position before you really have a good handle on all the issues and are able then to perhaps give advice, or at least have an understanding where you would feel more comfortable giving advice.

**Mr. Shi:** It wouldn't take that long for me to have a good understanding of the issues; it's just that to comment on a policy issue—I think that is a very important matter, and I don't want to say anything unless I understand it very thoroughly.

**Ms. Horwath:** You're aware of the act, you're a tenant so you have experienced that reality, but at this point, you don't feel that you have a good understanding of all of the details and issues that are going to be facing you as a member of this tribunal.

**Mr. Shi:** There are all kinds of issues facing the tribunal. I haven't been an adjudicator, and I don't have a grasp of all the issues.

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**The Acting Chair:** The time has expired for questions. Thank you, Ms. Horwath. It's now the government's turn.

**Mr. Parsons:** No questions, thank you.

**The Acting Chair:** Ms. Horwath, you're back in the chair.

**The Vice-Chair:** Thank you, Mr. Shi. You can take a seat now, if you like. You're welcome to stay for the remainder of the morning. At the end of the process here—we have, I think, one more person to interview, or two more—we will be making the decisions on the appointments. You're welcome to stay, or, if you decide to leave, the clerk can notify you of the decision of the committee. Thank you for attending.

#### PATRICIA VANDERDONK

Review of intended appointment, selected by official opposition party: Patricia Vanderdonk, intended appointee as member, Bradford West Gwillimbury/Innisfil Police Services Board.

**The Vice-Chair:** Now we have our third interview, with Patricia Vanderdonk, intended appointee as a member of the Bradford West Gwillimbury/Innisfil Police Services Board.

Welcome, Patricia. You've probably had a chance to observe how things go in this committee. You have an opportunity to make a few introductory comments and a statement about your interest in this position with the police services board. After that, there will be questions from the members of the different parties on a rotational basis, and of course any time that you take in your introductory remarks will be deducted from the government side. I believe we start with the third party this time around. So welcome, and go ahead.

**Ms. Patricia Vanderdonk:** I'd like to thank you for the opportunity to address your committee today concerning my potential appointment to the Bradford West Gwillimbury/Innisfil Police Services Board. I am honoured to be considered for this appointment and wanted to take a few moments to reiterate a few of the details contained in my resumé.

I have worked in the area of law for almost 20 years, and for the past 11 years I have worked for a law firm here in Toronto, known as Davies Ward Phillips &

Vineberg, first as a legal assistant to one of the senior partners and for the last two years as a corporate law clerk. I have been a member of the Institute of Law Clerks of Ontario for the past two years. My family and I have lived in Innisfil for the last 16 years, and over this period I have become active in various community-based organizations. Specifically, I have been a leader with Scouts Canada for the past four years, a member of the executive of the Innisfil Minor Softball League for the last two years and a member of the executive of the Gilford Mixed Three Pitch League for the last 10 years.

All that having been said, perhaps the best experience I have to offer to the position as provincial appointee to the Bradford West Gwillimbury/Innisfil Police Services Board is my term as the municipal appointee to that board in 1999-2000. During my one-year term, I assisted in the preparation and successful presentation of the annual budget to the town councils representing the two municipalities served by the police force. At the conclusion of my term on the board, I remained actively involved in various ways, and most recently was asked by Chief Bruce Davis to co-chair the chiefs' advisory committee, along with Mr. David Pratt, a past provincial appointee to the board. The committee was asked to determine the priorities in policing in our area. It is through this committee that I have remained current on the issues facing our towns with respect to policing.

There is no doubt that there are a number of interesting challenges ahead for that board. The force itself serves two municipalities, encompassing a rather large area. Both towns are quite unique in their composition and needs. Our force is required to police both land and water, as well as highways and rural streets. Maintaining a municipal police force capable of meeting these needs is demanding. I have been in attendance at council meetings in both Bradford West Gwillimbury and Innisfil. Both town councils have asked the board to review the police budget to try to find potential cost savings, and have asked for better fiscal management by the board on a going-forward basis. In fact, most recently the town of Innisfil considered entering into a costing process. I think this emphasizes the need for the board to consider where cost savings can be found. The councils have also asked for better communication between the board and themselves. The current chair of the board, Mr. Marty Toombs, is a former Bradford town councillor and has gone on record to say that he has made it his priority to open the lines of communication between both councils and the board.

I believe my business background as well as my community service and prior experience on this board will allow me to make a positive contribution to the Bradford West Gwillimbury/Innisfil Police Services Board.

**The Vice-Chair:** Thank you very much, Patricia. I'll turn the chair over to Mr. Tascona.

**The Acting Chair:** We'll start questions with the third party.

**Ms. Horwath:** I only have a couple of questions for you, and I wanted to start them out by asking some of the

routine ones around your affiliations. So are you a member of any political party?

**Ms. Vanderdonk:** I am. I'm a member of the PC Party.

**Ms. Horwath:** Do you contribute financially to the Conservative Party?

**Ms. Vanderdonk:** No.

**Ms. Horwath:** How did you hear about this position being available?

**Ms. Vanderdonk:** As I said, I originally was on the board as a municipal appointee. After my term was up, I inquired then about a provincial appointment because I knew the term was up for at least one of the appointees at that time and they were not seeking reappointment to the board. I applied at that time and was not selected, and mentally diarized the term and reapplied when it became available again.

**Ms. Horwath:** Did you consult with anybody in the process of reapplying?

**Ms. Vanderdonk:** This time around? No. I have had an interest, have tried to keep up on the issues and have always wanted to do another term after my municipal appointment.

**Ms. Horwath:** This isn't an issue specific to you, but last year we had chiefs of police around talking to the different caucuses about a number of different policing issues. One of the issues that came up in my discussions, because I'm from the municipal sector initially as well—I was a councillor in the city I come from for some time. One of the things that was identified by some of the chiefs was a concern that members who had initially been appointed as municipal representatives, and had finished their terms and then became provincial appointees—there were maybe some concerns around the extent to which a provincial perspective could be brought, and that if all the voices around the table were really de facto municipal ones and had a municipal perspective, was that an effective way of having a police services board that could conceive and deal with all the issues from both the municipal and the provincial perspectives? Could you comment on that concern?

**Ms. Vanderdonk:** I think with specific reference to the Bradford West Gwillimbury and Innisfil board—it's a very small board—they're two very small towns, I hesitate to say. They are serviced well by the board they have, and initially, when I was the municipal appointee to the board, the term was for one year. I know that from my own perspective I found the one year barely got me rolling in trying to make a difference or in trying to help them make a difference. You're just barely getting into the meat and potatoes and you're off the board again. I think becoming a provincial appointee after having been a municipal appointee may be a better opportunity for someone to hit the ground running.

**Ms. Horwath:** Thank you. You've been very involved, and you talked about your appointment to the committee that was set out by the chief to review services. Are you satisfied with the level of policing in your community?

**Ms. Vanderdonk:** Absolutely. They do a wonderful job. They've certainly got constraints on their numbers that may need to be looked at, but that's for the board as a whole to look at overall.

**Ms. Horwath:** Numbers in terms of staffing?

**Ms. Vanderdonk:** In terms of staffing.

**Ms. Horwath:** So if you were to say that there's something that needs to be changed, it's around budgeting—I heard you talk about budgeting; that's why I'm asking you that—and the ability to hire enough police to do the job that's required?

**Ms. Vanderdonk:** I think it needs to be looked at on an ongoing basis because of the growth within the town itself. The two municipalities served by the force are growing in huge numbers. They also have the problem where summertime hits and they have a lot more people in the town; there are a lot of people who cottage in our area. The policing level, albeit well enough to serve the communities that are regularly there, also then has to account for the added population that joins in. I think it's always easy to say, "We need more officers," but I think it's better to say that as a board, you could look at that and determine whether maybe there's a shift in the service that can happen to better allocate the resources, or perhaps it is just a case of hiring more people.

**Ms. Horwath:** You may be aware of some of the issues that are ongoing, particularly in this part of the province around gun crimes, and unfortunately, that's something that's bleeding into the community I represent, as well. What do you think the government should be doing about the gun crime problem?

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**Ms. Vanderdonk:** I think it's not specific to one area; that's for sure. I know in our community we aren't affected as much as some others. That being said, everything does make its way to the outlying areas. I'm not sure I have an opinion on what should be done, because it doesn't directly affect my area as much as some of the others. I'm not sure I have an opinion.

**Ms. Horwath:** I just have one other area that I wanted to explore with you. Did your force take advantage of the offer of new police officers? The government made this announcement that they were going to put 1,000 new police officers on the street. Have you seen any of those new officers in your community?

**Ms. Vanderdonk:** No, I have not. I'm not aware of any.

**Ms. Horwath:** Are you aware that although the new police officers were purported to be something that the province was going to take responsibility for financially, in fact three quarters of the cost of these would be borne by municipalities? Can you tell me whether or not your municipality or your police services board is in a position to be able to take advantage of this offer?

**Ms. Vanderdonk:** I'm certainly not in a position to speak on behalf of the board, but I have read in the local newspapers that they just cannot fiscally bear that. There was an article in the newspaper last week saying that despite the fact that it was in the budget to have two more officers, they could not afford to do that.

**Ms. Horwath:** Those all are my questions, Mr. Tascona. Thank you very much.

**The Acting Chair:** Thanks very much. You're back in the chair.

**The Vice-Chair:** Any questions from the government side?

**Mr. Parsons:** You're clearly bringing a passion to this role that certainly jumps out at us, and that involves, of course, getting the appointment to the board. Did you, anywhere through the process, talk to an MPP?

**Ms. Vanderdonk:** Initially when I was the municipal appointee, after the municipal appointment, I did speak with Mr. Tascona about provincial appointments and this board. Subsequent to that, I don't recall having any discussions with anyone.

**Ms. Monique M. Smith (Nipissing):** May I ask, what kind of law do you work in at Davies?

**Ms. Vanderdonk:** I work in corporate law.

**Ms. Smith:** I just wondered about your interest in the police services board. I know you developed an interest, having been there for a year. But originally, as a municipal appointee, what sparked an interest in becoming a municipal employee? What led to that appointment?

**Ms. Vanderdonk:** I'm not sure—it's so long ago now—exactly what the thrust of my interest was at the time. I believe it was that I love law and I like to be involved in the community. I was reading the newspaper one day and suddenly the two interests collided in an advertisement for the municipal position. I thought it was an opportunity to be proactive in my community in a way that would take me outside a comfort zone in the sports involvement that I've had. I applied and was successful.

**Ms. Smith:** In what year were you the municipal appointee?

**Ms. Vanderdonk:** In 1999-2000.

**The Vice-Chair:** Any further questions from the government side? Mr. Tascona.

**Mr. Tascona:** It's good to see you, Patricia. You're certainly qualified for this position, but I want to ask you a few questions in terms of some policing issues that are facing the boards and which you're going to have get involved in. Do you believe the police association should have any restrictions on it in terms of political activities?

**Ms. Vanderdonk:** It's difficult for a police association to come out in favour of one party or another, given that their members are all individuals and would not be able to come together as a voice, I don't think, for one of the parties specifically. I don't think it's effective to govern a great number of people within your force based on political affiliation. I don't think it has a connection.

**Mr. Tascona:** Are you familiar with the red light camera issue?

**Ms. Vanderdonk:** Yes.

**Mr. Tascona:** Do you have an opinion on that?

**Ms. Vanderdonk:** As it specifically relates to our communities, I'm not sure how effective it could be in some areas. I can see where it would be a good thing to have in the more urban areas. As you know, our area is

made up of a very huge rural-agricultural component. There are main centres. I think the community safety zones have effectively cut down some of the incidents, but maybe red light cameras could help in that aspect.

**Mr. Tascona:** Like the Alcona Beach area?

**Ms. Vanderdonk:** Like in Alcona Beach and in some of the more heavily used intersections; on Gilford Road, for example, where the racetrack is, and perhaps down the first line at the 20th Side Road where people tend to pick up speed and carry on through.

**Mr. Tascona:** With respect to the public complaints process, which is the oversight of police officers, are you familiar with that issue?

**Ms. Vanderdonk:** Minimally, yes.

**Mr. Tascona:** The current process is that if an individual has a problem with policing, they would go to the police chief, and after that it would go to the provincial commission, OCCPS, for an appeal. The Attorney General has indicated that that is going to change. He commissioned a report from Justice LeSage. He hasn't acted on it at this point, but it's going to be a different process. It will probably be the process that was in effect when you initially served as a municipal representative. Do you have any thoughts on whether that's the right direction to go?

**Ms. Vanderdonk:** I'm not sure I have an opinion one way or the other. I think they're both effective ways of dealing with the complaint process. I think, specifically with bringing a complaint to Chief Davis, he's a very effective chief, he's a very fair chief and he seems to be able to resolve matters to the satisfaction of everyone he's had to deal with. I have to defer to: If it isn't broke, don't fix it.

**Mr. Tascona:** On the cost of policing, we've got some information that was provided to us by research. I'll just read it to you, if you want to comment on it. It states:

"As in many Ontario communities, the cost of policing in Bradford West Gwillimbury and Innisfil has been rising steadily. Budget increases over the last five years have totalled over 77%, with significant cost overruns in each year. The budget tabled in January 2005 proposed a 14.7% increase over the previous year.

"The police services board blames the rising costs on wage and benefit increases that are beyond its control. Other municipal officials, however, have called for a re-examination of the way police services are provided in the region. In the summer of 2004, the Innisfil council asked the South Simcoe Police Service to conduct a comprehensive audit and to consider the possibility of returning to a single police service or contracting out. Regarding this last option, it was suggested that the service obtain quotes from neighbouring police services, such as York region. The chair of the police services board, Marty Toombs, a former member of the Bradford West Gwillimbury council, is opposed to such a review. He says a full audit of police services would be costly, and points out that previous reviews concluded that the area is receiving good police services.

“In January 2005, after the board rejected a request to hire two additional police officers, the South Simcoe Police Association called for a provincial audit of the force. According to the association’s president, Brian Miller, the board should be taking into account the fact that the region is growing and becoming more urbanized.”

Do you have any comments on the cost of policing, which you’re going to face head on with respect to Innisfil and Bradford West Gwillimbury, which are slated for growth at some time?

**Ms. Vanderdonk:** As co-chair of the chief’s advisory committee, I was involved somewhat with the costing process requested by Innisfil council. The councillor who put forth the motion for the costing is the councillor for my riding, and she and I talked at length about it.

I made a presentation, along with my co-chair, to both councils, at which time we basically presented them with a petition of names of people supporting the existing force and not wanting to go forth with a costing process.

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When we made our presentation to the councils, we were told that the council in Bradford West Gwillimbury didn’t support the same motion and were quite adamant about the fact that it would be too disruptive to the town, to the police force, to the community itself. When those comments were relayed in Innisfil, the resolution or the motion was changed to seek a costing based on a level of service equal to or greater than that already existing in the current force. That, to me, indicated that council, albeit unhappy with the cost of the policing, was happy with the level of service they were getting, and a number of the councillors came out on record to say that.

Can there be savings? Absolutely; I’m sure there can be. But that’s a board decision and will have to be taken up as a collective unit. There is no way to anticipate how far the growth will go and how quickly. It seems like there are new subdivisions popping up every day.

**Mr. Tascona:** Yes, I want to ask you that question. The growth, the Big Bay Point development project, the projects over by Georgian racetrack and the general growth with respect to residential: Do you believe the police services boards are being adequately consulted, if at all, with respect to the costs of policing to deal with—Innisfil is a large area. It’s made up of nine separate communities, and now we’re talking about some fairly significant nodes of growth, in the thousands, that would probably double the population of Innisfil. It seems like that discussion is in a vacuum, that they’re not considering the services necessary to service the population. Any thoughts on that?

**Ms. Vanderdonk:** I’m not sure of your question, I’m sorry.

**Mr. Tascona:** The question is, should the police services board be consulted with respect to this growth?

**Ms. Vanderdonk:** To this growth? Absolutely. If they—

**Mr. Tascona:** Whether you can even function and handle it?

**Ms. Vanderdonk:** I think they should be. My personal opinion is that they should be. I think it’s a proactive way of dealing with growing the force to meet the needs of the community. Is it happening? I’m not sure.

**Mr. Tascona:** Is that something you think you should have a role in and would pursue?

**Ms. Vanderdonk:** If not me, somebody from the board, or at least somebody, should be making a presentation to the board to make sure that all the needs are being met and are coming up to speed at the same time as the community is. It’s very difficult. It’s very easy to sit down and say that you’re getting all these new communities and the population is going to double and there are thousands of houses going in. But unless you know what the time frame is and unless you can proactively see these things through budget-wise and just physically with more officers, I’m not sure how you could maintain the same level of service they enjoy.

**Mr. Tascona:** Innisfil has grown and so has Bradford West Gwillimbury, but there are no new police officers out on the force. Yet there doesn’t seem to be a model in terms of getting away from the fractious discussions that you have at budget time with respect to police costs. No one is looking at it and saying, “OK, here’s where we’re going and here’s how we’ll handle the growth,” and the police are not attacked at each budget process.

**Ms. Vanderdonk:** Absolutely, I agree. It’s very difficult for the board to make the budgetary presentations because, as you say, it is an attack because of the lack of communication. But I think the tone of the board has changed since the introduction of Mr. Toombs to the chair of the board. I think both councils have recognized that communication needs to be a two-way street, and maybe that’s where they’re going.

**The Vice-Chair:** Thank you, Ms. Vanderdonk. The time for questioning has elapsed. As you may have heard, we’ll be reviewing the appointments at the end of the process. We have one more person to interview. You’re welcome to stay, or you can go about your day and the clerk will let you know the results of the committee’s decision. Thank you very much for coming today.

#### ROY FILION

Review of intended appointment, selected by official opposition party: Roy C. Filion, intended appointee as member, Provincial Judges Remuneration Commission/Justices of the Peace Remuneration Commission.

**The Vice-Chair:** Our fourth interview is with Roy C. Filion, intended appointee as member of the Provincial Judges Remuneration Commission/Justices of the Peace Remuneration Commission.

Mr. Filion, welcome. You now have an opportunity, as you have seen, to make a few comments, make a statement, tell us why it is that you are interested in this position. Then we’ll go through the process that you’ve probably observed, which is that each of the caucuses will have an opportunity to ask you a few questions. Any

time that you take in your initial statement will come from the government's allotted 10 minutes. The floor is yours.

**Mr. Roy Filion:** Thank you, Madam Chair and members of the committee. Thanks for the opportunity to appear before you today.

Just by way of background, I think you have a copy of my professional resumé—I've been practising law for 35 years, and for the most part, certainly for the last 30 years or more, I've been practising exclusively in the area of labour and employment law on the management side. I say that with the caveat that those of us who practise on the management side or on the union side or employee side don't do so necessarily because of any philosophical reason; it's simply because unions don't retain lawyers who practise on the management side, and companies and employers don't hire lawyers who practise on the union side. So the labour bar tends to be divided between those who practise on one side or the other.

I've done a lot of work for the Ontario government over the last 25 or 30 years from a representational point of view, including having represented the Ontario government as counsel in both the third and fourth provincial judges' triennial commissions with respect to their remuneration. At the moment I'm the managing partner of a boutique firm called Filion Wakely Thorup Angeletti that has offices in Toronto and in London, Ontario. The firm's practice is consistent with my own.

I was called a few months ago by somebody on behalf of Management Board Secretariat, asking me if I would be interested in being appointed as the government's appointee to the Provincial Judges Remuneration Commission and the Justices of the Peace Remuneration Commission. I was later asked to fill out an application, which I was quite happy to do. I'm assuming that I was asked by MBS to apply because they were aware of my experience, particularly having served as counsel to the government in the third and fourth triennial commissions, and also probably because I think it would be fair to say it's a quasi-judicial-type appointment. It's not the same as, but similar to, being a member of an interest-arbitration board. For instance, when police officers or firefighters or hospital workers can't resolve their collective agreements, they go to interest arbitration: The employer appoints a nominee, the union appoints a nominee and the parties select a chair for the tribunal. From my experience, the commission is not an interest-arbitration board, but it operates very much in the same manner as an interest-arbitration board does.

I've had a lot of experience sitting as a management nominee on interest-arbitration boards. Most recently, in 2005, I sat on two interest-arbitration boards for the Ontario Hospital Association involving the collective agreements for the nurses in the province of Ontario, and another one on behalf of the OHA for the OPSEU employees who work in hospitals as registered technologists and paramedical employees, and that sort of thing. I'm assuming that was another reason why I was asked to apply, because that experience lends itself to the kind of appointment that's anticipated here, I believe.

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**The Vice-Chair:** Thank you very much. There's about five minutes for the government side to ask any questions, if they have any of Mr. Filion.

**Mr. Parsons:** Again, we are very satisfied with the presenter's qualifications. We have no questions.

**The Vice-Chair:** Thank you, Mr. Parsons. Mr. Tascona.

**Mr. Tascona:** Thank you, Mr. Filion, for appearing here today. I have a few questions to ask you. Just to confirm, you're a senior partner in Filion Wakely Thorup Angeletti, and your resumé indicates that your firm appears regularly before courts and federal and provincial labour relations boards, etc. As you're aware, the appointment that you're being reviewed for has to do with provincial judges' remuneration and justices of the peace remuneration, which of course your firm would appear in front of, as it probably does occupational health and safety work and other matters.

I don't take issue with respect to your qualifications; you're a fairly esteemed member of the labour bar. I have to take question with respect to the government's judgment in terms of whether they are going to put you at a level of comfort with respect to your own professional practice, because you still practise. Your firm appears in front of judges and justices of the peace when in fact one of their members is deciding or making recommendations on their compensation. Have you discussed that potential issue at all?

**Mr. Filion:** No, I haven't discussed it.

**Mr. Tascona:** Do you have any comments to make on that?

**Mr. Filion:** I don't think it creates any kind of difficulty. Most of our appearances are before administrative tribunals like labour relations tribunals and arbitration boards. I just finished a trial yesterday in front of the Ontario Superior Court. Most of our court appearances are before the Ontario Superior Court. The Provincial Court judges and justices of the peace deal primarily with criminal law matters, and we don't do criminal law.

As you pointed out, provincial judges and justices of the peace here preside over trials relating to charges under the Occupational Health and Safety Act. From time to time, members of our firm, and I personally, appear before provincial judges and occasionally before justices of the peace. The major trials are usually handled by provincial judges. Other members of our firm, from time to time, appear before justices of the peace, and I have as well. I don't really see how that presents any kind of a problem.

Just looking back over the composition of these commissions over the last few years—as I indicated, I was counsel to the government on the third and fourth triennial commissions. I'm aware of the composition of the commission the last time around, the fifth triennial commission. I think that individuals who have been appointed to sit on the commission have been in the same position as I am, in the sense of their backgrounds. Nobody has ever raised an issue about potential discom-

fort or suggested any reason why a person in a similarly situated position should not be on the commission. If the counsel for the judges, or the judges themselves, felt there was anything inappropriate about a person with my background and my practice being appointed to the commission, they would of course say so.

**Mr. Tascona:** That's a fair comment, but I think the issue has to do with the role that you would play in the compensation of the people that you're in fact hearing in front of. That's the point I'm making. I think you've responded in a fair way. It's obviously for the people who are going to be hearing this to conduct themselves in a manner that they won't be influenced by that, in terms of how they conduct themselves in any proceeding.

In that regard, there are just a couple of issues with respect to the judges—we've looked at this in our research—if you want to offer an opinion on this. Ontario and Nova Scotia are the only provinces that are bound by the salary recommendations of judicial compensation commissions. How would the witness respond to those who say that the government has surrendered its responsibility to oversee the expenditure of public funds?

**Mr. Filion:** It's difficult to answer that question. I know it's controversial. It's been a while since I've read some of the judicial decisions concerning the manner in which the government should respond to recommendations of remuneration commissions. But the general rule, I believe, is that the government has to give careful consideration to the recommendations of these commissions. Ontario and Nova Scotia, for reasons known only to the legislators of the day, decided to make portions of the commission's recommendations binding. It certainly removes any suggestion that the commission isn't totally independent, and it lends itself to the notion of the independence of the judiciary. That's my understanding of the rationale for it.

As an applicant for appointment to these commissions, I don't think it really would be appropriate for me to give my opinion on whether it was wise for the government to make the salary recommendations of the commission binding or otherwise. That's a matter for the courts.

**Mr. Tascona:** Let's go to the opposite end of the spectrum with respect to JPs, justices of the peace. Do you believe that the independence of Ontario JPs is threatened because the recommendations of the Justices of the Peace Remuneration Commission are not binding on the government?

**Mr. Filion:** I haven't thought about that very much, and I have not had previous experience with the JPs' remuneration commission, either as counsel or as a member of the commission. I must say that at this point I don't have very much information about the duties and responsibilities of JPs. In our practice, the only time we ever come across JPs is in occupational health and safety trials. Generally speaking, the lesser offences tend to be heard by JPs and the more significant offences tend to be heard by provincial judges.

I'm afraid I can't really offer an opinion at this point on whether or not the non-binding nature of the recom-

mendations has any impact on the independence of the justices of the peace. That's a matter for the legislators to decide, based on submissions presumably made on behalf of the justices of the peace by their advocates and the government.

**Mr. Tascona:** Right now there are presiding and non-presiding JPs and they receive different remuneration. If the government does introduce a new class of JPs, and the Attorney General has expressed some interest in this issue but hasn't acted on it, do you believe that they should receive the same remuneration as either of the existing groups, or should there be a third level? He's looking at a process which will be similar to the judges' appointment process in terms of independence but also minimum levels of qualifications, as opposed to the process right now.

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**Mr. Filion:** I'm afraid I can't comment on that either, firstly because I'm receiving information that I didn't have before about the third level of JPs. That may be something which the commission will be called upon to determine and make a recommendation on. So before being able to form an opinion on that subject, presumably, if appointed, as a member of the commission I would have to listen to the evidence and the submissions and collaborate with the other members of the commission in arriving at a decision, if it's going to affect the remuneration of yet a third class of JPs.

**The Vice-Chair:** Thank you. That's actually the conclusion of your time, Mr. Tascona. If I can ask you to take the chair, I have a few questions myself.

**The Acting Chair:** Ms. Horwath, do you have any questions of Mr. Filion?

**Ms. Horwath:** I do. Thank you very much. I think Mr. Tascona did a really thorough job of laying out some of the issues that might be facing you with this appointment. Since we have someone of your experience before us, I wanted to actually take some time to ask some broader, systemic questions about our system. Do you feel that currently the courts are working well in Ontario?

**Mr. Filion:** Reasonably well.

**Ms. Horwath:** Do you feel there's anything that can be done to clear up any backlogs that are occurring, while at the same time ensuring that due process is followed?

**Mr. Filion:** I can't really speak for the provincial court, or what's known as the Ontario Court now, because we don't appear regularly before that court, and only on OHSA cases. Our experience there is that there's no problem in getting hearings relatively quickly, the same with our experience with the Superior Court. A few years ago there was a serious backlog problem. In the Court of Appeal there was a serious backlog problem. In Toronto, at least, where most of our trials are conducted, there was a serious problem as well. I think the Court of Appeal has resolved the backlog problems completely. The Superior Court has, to a large extent, as well. It still takes a long time to get a long trial on. I think a long trial is a trial which is expected to last three weeks or longer, or perhaps longer than two weeks. I'm told there's a

serious backlog on the long trial list in Toronto right now.

The backlog problems have been alleviated to some extent by the popularity of ADR, or private arbitration. It's not unusual for the parties to complicated, complex and lengthy commercial proceedings to opt to leave the court system and go into a private arbitration system. There are lots of retired judges and others who spend all or most of their professional time now presiding over arbitrations and other types of ADR proceedings, which has removed a large number of complicated cases from the court process.

**Ms. Horwath:** You might be interested to know that in Hamilton we're quite backlogged with provincial offences courts. We only operate there one day a month. We have a serious backlog. We're very short of justices of the peace. I raised this question, actually, in the Legislature just yesterday. In fact, it's up to two years' waiting time to get a landlord/tenant or a Tenant Protection Act offence of a landlord heard in front of a justice of the peace. It's a very frustrating situation. Do you have any ideas or suggestions that might help the government figure out how to clear up some of these problems?

**Mr. Filion:** I'm afraid I don't. If appointed, I'll learn a lot more about the work done by justices of the peace than I know right now. That's one area of my professional background that I really haven't touched on at all.

**Ms. Horwath:** That's fair. Can I ask your overall opinion of the level of remuneration that exists right now for justices of the peace and for judges?

**Mr. Filion:** I'm reluctant to answer that question simply because, if appointed, I will be sitting in a quasi-judicial capacity relating to the salaries and other remuneration of justices and justices of the peace. With all due respect, it would be quite inappropriate of me to be rendering an opinion which would create the incorrect impression that there was some kind of pre-judging of the matter on my part.

**Ms. Horwath:** That's fair and I respect that. Maybe you could then help me with what kind of benchmarks you would use in making your decisions and your recommendations. What kinds of things would you look to to inform your decisions around your recommendations?

**Mr. Filion:** In interest arbitrations—the commission isn't an interest arbitration, but commissions are similar—generally, the arbitration boards look at comparators. It's very difficult to find comparators for judges. Judges in different courts compare themselves with each other. Judges in Ontario compare themselves with judges in other provinces. They also compare themselves with federally appointed judges. The JPs—I don't know; I haven't been involved in JP remuneration cases. I expect they compare themselves to some extent with members of the judiciary. It's really up to the members of the commission to determine to what extent, if any, those comparators should play a role in their deliberation and in their recommendations. Again, my views on those questions would have to be made in the context of the decision-making process of the commission. I would

have an obligation to embark on the appointment without any bias.

**Ms. Horwath:** Can I ask—and I understand the comparators issue—are there any other factors that you think are significant; for example, trends in per capita income in the province or those kinds of things?

**Mr. Filion:** The factors that the commission has to take into account are set out in the legislation. There are six or seven factors which the commission is required to consider in its deliberation. I can't recall all of them at the moment, but the state of the economy is one of them. There are legislative criteria which the commission has to take into account.

**Ms. Horwath:** It's a matter of weighing those criteria to come to a final decision, I would imagine.

**Mr. Filion:** That's correct.

**Ms. Horwath:** I wanted to ask a question around the extent to which—and this is really not specific around your role on the commission; it's more getting back to the issue of a concern over backlogs, particularly at provincial offences court. I'm just curious about whether you are aware of the Askov decision and whether you think that has any implications or if that has had any cause and effect on what we're seeing in the backlog?

**Mr. Filion:** Well, the Askov decision—and I don't practise criminal law, but it sometimes comes up in the OHSA cases that we have, especially if there's an individual accused as opposed to a corporate accused. Sometimes the corporation as well as an individual or individuals will be charged, and the crown attorneys tend to be much more concerned about Askov with respect to the individuals than about corporations. Not having practised criminal law, we don't have much experience with having cases dismissed because they've taken too long to get to court. Askov, I understand, was a decision of the courts that determined that it was a denial of justice for a trial to take too long to commence. There was a flurry of cases at the time, and from time to time there have been other cases since then where charges have been dismissed because they've taken too long to get to court, as a result of Askov.

#### 1150

I don't recall that issue ever having become prominent in any way in the commission's deliberations. In the two commissions I was involved in as counsel, the judges and their advocates placed a lot of emphasis on the workload of the provincial judges and on the changes in the workload over the years as a result of changes in the Criminal Code and procedural practices.

I'd certainly be willing to listen, if appointed, to whatever anybody had to say about the link between the number of judges and remuneration. Usually it tends to translate itself into submissions concerning workload.

**Ms. Horwath:** Thank you. Those are my questions, Mr. Chair.

**The Acting Chair:** Thank you. I'll give it back to Andrea.

**The Vice-Chair:** Thanks very much. That concludes all of the questioning. You're welcome to take your seat and stay for the next few minutes. We're going to go

through the process of concurrence on the various appointees. Thank you very much for coming. If you do decide to stay, you'll find out very soon whether your appointment has been approved. If not, the clerk will let you know.

**Mr. Filion:** Thank you, Madam Chair.

**The Vice-Chair:** We're now going to consider the intended appointment of Peter O'Brian, intended appointee as chair, Ontario Educational Communications Authority. Can I have a member move concurrence.

**Mr. Parsons:** I would move concurrence.

**The Vice-Chair:** Any discussion? All those in favour? Anybody opposed? That carries.

We're now going to consider the intended appointment of Andi Shi, intended appointee as member, Ontario Rental Housing Tribunal.

**Mr. Parsons:** I move concurrence.

**The Vice-Chair:** Any discussion?

**Mr. Tascona:** I would only comment that I'm not going to support this appointment, as opposed to the previous selection and the other two, Patricia Vanderdonk and Roy Filion, who are eminently qualified for their appointments. I don't believe, with respect, that Andi Shi is. He's obviously quite affiliated with the Liberal Party and is being promptly rewarded, so I won't support it.

**The Vice-Chair:** Any further discussion? Concurrence has been moved.

**Mr. Tascona:** Recorded vote.

#### Ayes

Berardinetti, Delaney, Oraziotti, Parsons, Smith.

#### Nays

Tascona.

**The Vice-Chair:** The motion carries.

We're now going to consider the intended appointment of Patricia Vanderdonk.

**Mr. Parsons:** I move concurrence.

**The Vice-Chair:** Is there any discussion? All those in favour? Any opposed? That carries.

We'll now consider the intended appointment of Roy C. Filion, intended appointee as member, Provincial Judges Remuneration Commission and Justices of the Peace Remuneration Commission.

**Mr. Parsons:** I move concurrence.

**The Vice-Chair:** Is there any discussion? All those in favour? Any opposed? That carries as well.

Thank you all very much. Congratulations, Mr. Filion and Ms. Vanderdonk, you've been appointed officially.

#### COMMITTEE BUSINESS

**The Vice-Chair:** I don't know that there's anything else on the agenda, so is there any other business that anybody wanted to raise today?

**Mr. Tascona:** Yes. I wanted to go back to the standing committee on government agencies' ruling by the Chair. I just had a question or two.

First of all, it says in the decision that the Greenbelt Foundation is a non-profit corporation that was created in June 2005 by the government. How was it created? Was it created by statute? If you don't have that answer, you can perhaps find out.

**The Vice-Chair:** It was created by letters patent, and I just need to clarify that. Although there's no debate on this ruling, I'll entertain one or two questions of clarification. But it's not appropriate to go into any debate.

**Mr. Tascona:** I understand that a non-profit corporation is created by letters patent, but the government created this commission. I'm just trying to find out whether it was by statute or order in council. How was it created? That's my first question.

The second one: Is it possible to get a copy of the letter from the minister with respect to the appointments of the interim board? It says it was via a ministerial letter. Can we get a copy of that?

**The Vice-Chair:** We could probably request a copy of that letter if the committee wanted us to. We could probably send a request out and see if we can get it just through a simple request. I'd certainly be prepared to undertake that.

**Mr. Tascona:** If I have to make a motion—or is there any objection to getting a copy of that letter?

**Mr. Parsons:** I don't think that these appointments fall within the purview of this board. The Chair's decision was clear on that. We're debating the decision when we would pursue that.

**Mr. Tascona:** We're not debating anything. I'm just asking for information.

**The Vice-Chair:** I think Mr. Parsons's point is well taken. That's why I was a little nervous about getting down the road of having questions for clarification. I would think that if you want those letters, since that's not in the purview of this committee—and that's what the ruling indicated—then it might be appropriate for you to FOI them, Mr. Tascona. Since it's not in the purview of this committee, we should probably simply follow the decision that was—

**Mr. Tascona:** What I'll do is put a question on the order paper, since I consider this is an unbelievable end run around this committee. But what's new with the Liberal government? Thank you very much.

**The Vice-Chair:** Thank you, Mr. Tascona.

Is there any other business? No. Is there a motion of adjournment?

**Mr. Parsons:** I move adjournment, reluctantly.

**The Vice-Chair:** OK. That's great. Thank you all very much for your time today.

*The committee adjourned at 1158.*



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