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(Hansard)**

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A-27

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

2nd Session
41st Parliament

Tuesday 5 December 2017

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Mardi 5 décembre 2017

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 5 December 2017

Mardi 5 décembre 2017

The committee met at 0901 in committee room 2.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Cristina Martins): Good morning, everyone, and welcome to the Standing Committee on Government Agencies. Before we begin our intended appointments review, our first order of business is to consider four subcommittee reports.

For the subcommittee report dated Thursday, October 26, 2017, would someone please move the adoption of the report? Mr. Pettapiece.

Mr. Randy Pettapiece: I move adoption of the subcommittee report on intended appointments dated Thursday, October 26, 2017.

The Chair (Mrs. Cristina Martins): Discussion? All in favour? Opposed? The motion is carried.

The subcommittee report for Thursday, November 2, 2017: Mr. Pettapiece.

Mr. Randy Pettapiece: I move adoption of the subcommittee report on intended appointments dated Thursday, November 2, 2017.

The Chair (Mrs. Cristina Martins): Discussion? All in favour? Opposed? The motion is carried.

The subcommittee report for Thursday, November 9, 2017: Mr. Qaadri.

Mr. Shafiq Qaadri: I move adoption of the subcommittee report on intended appointments dated Thursday, November 9, 2017.

The Chair (Mrs. Cristina Martins): Discussion? All in favour? Opposed? The motion is carried.

The subcommittee report for Thursday, November 23, 2017: Mr. Qaadri.

Mr. Shafiq Qaadri: I move adoption of the subcommittee report on intended appointments dated Thursday, November 23, 2017.

The Chair (Mrs. Cristina Martins): Discussion? All in favour? Opposed? The motion is carried. Thank you.

INTENDED APPOINTMENTS

MS. MAUREEN HELT

Review of intended appointment, selected by official opposition party: Maureen Helt, intended appointee as vice-chair and member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario).

The Chair (Mrs. Cristina Martins): We will now move to the appointments review. We have two intended appointees to hear from. We'll consider the concurrences following the interviews.

Our first intended appointee today is Maureen Helt, who's nominated as vice-chair and member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario). Please come forward, Ms. Helt, and take a seat at the table. Welcome and thank you very much for being here today.

Ms. Maureen Helt: Thank you very much.

The Chair (Mrs. Cristina Martins): You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions, and when that time does come up, we will begin our questions with the third party.

Thank you, Ms. Helt. You have 10 minutes.

Ms. Maureen Helt: Good morning, Madam Chair and members of the committee. My name is Maureen Helt, and it is my privilege and pleasure to be nominated for the appointment as vice-chair to the Licence Appeal Tribunal, one of the five constituent tribunals of SLASTO, and cross-appointed to the other four tribunals in the cluster. I'm grateful for this opportunity to explain to you why I applied for the position, as well as why I believe my experience makes me well qualified.

First and foremost, I applied for this position as I have always believed in public service. As you can see from my resumé, I have not only worked full-time as discipline counsel at the Law Society of Upper Canada and legal counsel at the Ontario Energy Board over the last 15 years; I have also committed time and energy to serving the public interest through other avenues. These include being a member of the Animal Care Review Board, a director on the board of WoodGreen Community Services, a board member of the Aspen Valley Wildlife Sanctuary, and currently I am on the community advisory board of the Toronto South Detention Centre and a member of the greater Toronto area legal aid committee.

These latter positions have allowed me to develop a sensitivity and understanding of some of the issues and challenges facing various members of our community, including new immigrants, seniors, those who are homeless and who live in poverty, those battling mental illness

and those who are currently incarcerated. My commitment to serving the public and the public interest is part of who I am.

Professionally, I am experienced in the practice of administrative law and the principles governing tribunals. In my role at the Ontario Energy Board, I not only acted as counsel in the hearing room; I also participated in the various pre-hearing steps available to parties, including attending community hearing days, issues conferences, settlement conferences and experts conferences. All of these steps help to streamline issues for the parties and the panel and to ensure a full record is before the panel adjudicating a matter. In addition, I worked extensively with the OEB compliance staff on compliance and enforcement matters, providing day-to-day guidance to the compliance team.

While I recognize that I may not have much direct experience adjudicating on matters and writing decisions, my experience in the various hearing rooms and in the courts has taught me that one of the most important responsibilities of an adjudicator in a proceeding is to ensure accessibility and fairness in a proceeding. To successfully discharge this duty and this responsibility, an adjudicator must be both impartial and objective in his or her approach to any given set of facts, must be guided by the law and relevant regulations, and preside in a manner that is inclusive of all of the participants in the process. To do so would be to properly explain the process in a manner that is practical, accessible and understandable.

With respect to decision-writing, a decision should be conveyed in a clear and concise manner so that it can be easily understood by all of the relevant audiences. This, in turn, provides for consistent and credible regulation.

I hope this opening statement has given you some clarity with respect to who I am professionally and personally.

Before I answer any questions, it has been brought to my attention, or I noticed and I brought it to the attention of the SLASTO office, that on my summary of my relevant positions with both the Animal Care Review Board and the Toronto South Detention Centre, the dates in your packages are, I believe, incorrect. I actually started my term at the Toronto South Detention Centre in 2014, not 2016, as noted. I resigned from the Animal Care Review Board in 2014, not 2016, as I believe is stated in your packages.

The Chair (Mrs. Cristina Martins): Thank you very much, Ms. Helt. We will now begin questioning with the third party. Mr. Gates.

Mr. Wayne Gates: Good morning. How are you today?

Ms. Maureen Helt: Good morning, Mr. Gates. I'm well, thank you.

Mr. Wayne Gates: I can't wait till we're the second party or the first party. I hate that word "third party" first thing in the morning. It's like somebody's attacking you right off the hop—third party.

Interjection: I understand.

Mr. Wayne Gates: Do you guys understand that, how I could feel that way?

Interjection.

Mr. Wayne Gates: Anyways, that's a little off the subject, but I thought I'd say that.

I understand that you previously served as a legal counsel at the OEB. Is that correct?

Ms. Maureen Helt: Correct.

Mr. Wayne Gates: We all know that there are many issues facing the electricity system in Ontario. Would you agree with that?

Ms. Maureen Helt: Yes, that's correct.

Mr. Wayne Gates: I can imagine that there are particular interests in a difficult job; it's a pretty tough job. How would you use those skills as a board member for the Licence Appeal Tribunal, from what you learned there?

Ms. Maureen Helt: If I understand your question correctly, you're asking if the skills I obtained through my work at the OEB as counsel—how they would apply as a vice-chair and a board member.

While I was counsel at the OEB, as I noted in my opening statement, I participated in several pre-hearing processes, which I think are critically important in any tribunal in order to streamline the various issues to ensure that resources are used effectively and efficiently.

0910

I think it's also an opportunity, the pre-hearing process, to properly explain to parties the process that's involved in actually hearing a matter. Particularly for the Licence Appeal Tribunal and for some of the other tribunals in this cluster, there are a number of unrepresented litigants, so I think being able to communicate to those individuals in the pre-hearing process exactly how to access the process, utilize the tools available to them and give them an understanding of what to expect and where to find information is very a useful tool.

In addition, in my work at the OEB I participated on several consultations. I worked with external stakeholders on a number of matters, which was helpful. The board has over 100 employees. I worked with staff in all of our various groups—being the compliance group, the rates group, and the audit group—as a team member and sometimes as a team leader. I think that skill of working with people in a collegial atmosphere, moving things forward with a common objective, is also a very useful skill to have.

Mr. Wayne Gates: I'm a resident of Ontario—I'm just trying to figure out what you would do there—and I have an issue. I can't afford a lawyer. Maybe you could explain that process. You said you talked to a lot of them who were unrepresented.

Ms. Maureen Helt: Explain the process at the Ontario Energy Board or explain the process before that?

Mr. Wayne Gates: I would come in with a complaint and you would explain how the process works. I'm unrepresented. I wouldn't know, right? I'm not a lawyer.

Ms. Maureen Helt: Yes. The OEB has a very robust complaints process where people can actually file a

complaint online or write in to the board, but usually online is the most utilized form of filing complaints. Also on the webpage of the OEB, there is a detailed description of what is involved in the complaints process.

Normally, what would happen is the complaint is reviewed. It will be given to someone in the compliance group who will then initiate communications with the complainant and determine what the appropriate next steps are, all depending upon the subject matter of the complaint.

Mr. Wayne Gates: Would they have gotten a lot of complaints that they shouldn't have sold hydro?

Ms. Maureen Helt: That they shouldn't have sold—

Ms. Daiene Vernile: Point of order, Chair. This is way beyond the scope of what we're here to do, to talk about the appointment to—

Mr. Wayne Gates: I'm fine. I'll move on. It's okay.

Ms. Daiene Vernile: You're asking for a personal opinion.

Mr. Wayne Gates: I don't need her to answer the question. I could answer it for her.

I think it's important so that—I'll start on another question. There are numerous boards that are in clusters here, and we see cases on many different issues. Is there a common thread amongst the boards that will allow you to make informed decisions, and do you have any specific background on any of these particular issues that you feel will be beneficial?

Ms. Maureen Helt: I'm not sure I quite understand what you're getting at with the question.

Mr. Wayne Gates: Well, I'm trying to find out—like, there are a number of boards, a number of clusters. So, to bring your experience here, how does your background benefit with all the clusters? There are a number of clusters here and a lot of them are tough clusters.

Ms. Maureen Helt: Yes, and working for this particular cluster of tribunals, the SLASTO cluster, I already have experience with the Animal Care Review Board. I think the issues facing the Ontario Civilian Police Commission, the Ontario Parole Board, the Fire Safety Commission, as well as the LAT, are ones that I am personally interested in.

My work at the Toronto South Detention Centre has, I think, indicated my interest in matters concerning those individuals who are incarcerated. My experience with compliance and enforcement would be well suited to doing some of the investigative work that is required at the Ontario Civilian Police Commission.

Mr. Wayne Gates: Okay. So the tribunal has assumed responsibility for beer-in-grocery-stores licensing appeals. It's been a hot topic in the province for a few years. In your view, how can the tribunal handle these types of appeals?

Ms. Maureen Helt: I'm sorry. Which kinds of appeals?

Mr. Wayne Gates: The tribunal has assumed responsibility for beer-in-grocery-stores licensing appeals.

Ms. Maureen Helt: Oh, yes. Sorry. I just didn't hear that.

Mr. Wayne Gates: Okay.

Ms. Maureen Helt: How do I think the tribunal—

Mr. Wayne Gates: It's been a hot topic. How can the tribunal handle these types of appeals?

Ms. Maureen Helt: Well, I'm actually not yet sitting on the LAT, so that's a very difficult question. I can say that for the licensing appeal tribunal, by its very nature they have to deal with a number of matters that may come into their jurisdiction, including anything that is being licensed, such as beer and wine in grocery stores. It may be other matters in the future, such as cannabis. I don't know. But I don't think I'm in a position right now to indicate how the LAT could best handle that.

Mr. Wayne Gates: The other thing I wanted to ask you about was the Toronto South Detention Centre. What were some of the challenges there?

Ms. Maureen Helt: Sitting on the community advisory board, our mandate is really to report on the operations of the institution, meet regularly with the senior management, and then to write a report at the end of the year to the minister. Part of that report involves referring to our site visits that we do.

I think it's evident, and it certainly has been very prevalent in the media over the last number of months, the issue with respect to lockdowns. When the Toronto South first opened, there were staffing issues that contributed to the number of lockdowns. With any new institution, as well, there's always going to be a few growing pains. I think that was a challenge.

Mr. Wayne Gates: So when you say staffing issues, what would be the staffing issues?

Ms. Maureen Helt: Well, the staffing issues were that the Toronto South required more correctional officers in order to be able to operate at full capacity. My understanding is that over the last several months there have been maybe 200 new correctional officers who have begun working at the Toronto South.

The Chair (Mrs. Cristina Martins): You have just under two minutes.

Mr. Wayne Gates: Thank you.

I understand the Safety, Licensing Appeals and Standards Tribunals Ontario has centralized their financial planning. Do you feel that would be a good idea, to centralize this, and do you feel it was necessary?

Ms. Maureen Helt: Again, I'm not intimately familiar with all of the details of their centralized financial planning. However, generally speaking, I think the purpose of clusters is to allow for greater cost effectiveness and efficiencies through the sharing of resources. If that involves centralized financial planning, then I would agree with it, based on the limited knowledge I have at this time.

Mr. Wayne Gates: Can you explain exactly what a lockdown is at the Toronto detention centre? What would that be?

Ms. Maureen Helt: Lockdown is essentially when all of the offenders/inmates are required to remain in their cells.

Mr. Wayne Gates: Are you aware of how often that would have happened there?

Ms. Maureen Helt: When it first opened, for the first couple of years, very often: most weekends and sometimes during the week.

Mr. Wayne Gates: Why would it happen more on weekends?

Ms. Maureen Helt: Well, that all depends. Most of the lockdowns, as a general statement, were as a result of staffing shortages. There are also lockdowns if there are certain incidents that happen at the institution, and a number of other administrative reasons.

Mr. Wayne Gates: And the last question I'll ask you, because I'm always fascinated with—I've done a lot of tours of jails even though it's not in my critic's job. I've seen some pretty nasty stuff that goes on in our jails. But what's equally disappointing to me is the number of young people that are showing up in our jails. Did you see that while you were on the board, or did you hear about that while you were on the board?

Ms. Maureen Helt: It's not something I heard about—

The Chair (Mrs. Cristina Martins): Thank you very much. Your time is up, Mr. Gates. Sorry.

Mr. Wayne Gates: No, that's great. Thank you.

The Chair (Mrs. Cristina Martins): We're now going to turn it over to the government side and Ms. Vernile.

Ms. Daiene Vernile: Thank you very much, Chair. Good morning, Ms. Helt. We're very happy to have you here this morning. Thank you for your very informative and very measured presentation this morning.

The first thing I want to do is to thank you for stepping forward in public service. It's important that you are doing that. We need more people like you. Looking at your resumé, we see that you have a great deal of experience that you are bringing to this position.

My question for you is, do you have any personal goals while sitting on this tribunal?

Ms. Maureen Helt: Well, being an adjudicator, first of all, is a personal goal. I think being in a position where I can work in the public interest and be part of a decision-making team that contributes to the jurisprudence of the various tribunals is a goal that I have looked at for quite some time. Really, it's just to participate. I've always wanted to work in a very collegial atmosphere. To be in a leadership role, I think, is something that's very important to me. I think my over 20 years of experience as being counsel and working in a leadership role with certain teams at the OEB or investigators and complaints resolution officers at the law society has provided me with a lot of opportunities to develop my leadership goals. That is another aspect of what I want to achieve while being part of the cluster, and being vice-chair specifically.

0920

Ms. Daiene Vernile: I'd like to add too that seeing a strong female aspiring to leadership is also very encouraging. Thank you very much.

I'm going to pass now, Chair, to my colleague, Dr. Qaadri.

The Chair (Mrs. Cristina Martins): Dr. Qaadri.

Mr. Shafiq Qaadri: Thanks again for coming forward. I was interested in your master's in health law. Can you tell me what that's all about? As a physician, I'm quite interested.

Ms. Maureen Helt: Yes. I know it seems sort of strange, a lawyer working as discipline counsel at the law society deciding to undertake a master's program part-time in health law, but I've always had a very strong interest in matters of health. Both my parents are physicians; two of my brothers are physicians. I did my degree in immunology and microbiology. I did actually apply to medical school at the same time I applied to law school, but unfortunately my MCAT score was not as good as my LSAT score. But I saw both of them—

Mr. Shafiq Qaadri: There's still time.

Ms. Maureen Helt: You know, it has crossed my mind, but if it were to be anything, it would probably be a vet.

But getting back to why I did the master's in health law, I love to learn. I've spent a lot of time in school. I've spent a lot of time doing workshops, conferences and volunteer work, which is also a wonderful opportunity to learn. So I just did it out of interest, and I met some wonderful people while doing it, and it satisfied some of my own personal goals at the time.

Mr. Shafiq Qaadri: Do you think any of those learnings might be importable, usable, applicable to some of these new portfolios you might have?

Ms. Maureen Helt: The specifics of the LLM, probably not. Certainly, the fact of having to balance work with doing a master's degree—and an LLM is no small feat, not in a self-congratulatory way but in terms of workload. There was a lot of required reading that had to be done, so I had to balance my work, my life and studying. I think my science background and understanding of medical issues at a level that I would say is a little higher than basic will certainly be helpful perhaps in reading medical reports and the like.

Mr. Shafiq Qaadri: Once again, on behalf of the government, members of this committee and the government of Ontario, we thank you for coming forward.

Ms. Maureen Helt: Thank you.

The Chair (Mrs. Cristina Martins): Any further questions from the government? Going once, twice, three times. Thank you very much.

We're now going to pass it over to Mr. Pettapiece.

Mr. Randy Pettapiece: Good morning.

Ms. Maureen Helt: Good morning.

Mr. Randy Pettapiece: What I wanted to ask—you've already given some answers to some of the questions I had here. But one of them was: There are five different roles that you're taking on here. How are you going to be able to spread your time amongst them? That's quite an ambitious undertaking that you're looking at here. I just wonder why you're seeking so many appointments all at once.

Ms. Maureen Helt: I don't think that cross-appointments are unusual for this cluster of tribunals. There have been a number of other cross-appointments, to my knowledge.

But besides that, personally, I think it is helpful to have people who are cross-appointed. It provides for some consistency both in the decision-making processes, as well as the ability to look at the various processes and procedures in place. There are common rules of practice I know that have recently been released for three of the tribunals in the cluster, which I think help to streamline the processes of being on all five tribunals.

Again, I am someone who is very used to taking on a large workload, balancing the priorities of that workload and doing a very efficient and effective job at what I take on.

Mr. Randy Pettapiece: I was reading in your community involvement here that you were—and maybe these dates are wrong. I didn't pick up on the dates you changed, but it said the Animal Care Review Board. You were on it for nine years?

Ms. Maureen Helt: I believe I was on the Animal Care Review Board for eight or nine years.

Mr. Randy Pettapiece: In your work with them, did you work primarily in the city, in the GTA?

Ms. Maureen Helt: Yes.

Mr. Randy Pettapiece: So you didn't travel outside into the country to handle any—

Ms. Maureen Helt: No. For most of the cases, because we had members in various communities, it wasn't necessary. If there was an occasion where it would be necessary to travel to an area outside of the GTA, then I would attend, but that did not happen very often.

Mr. Randy Pettapiece: It didn't happen at all?

Ms. Maureen Helt: No, it happened on a couple of occasions.

Mr. Randy Pettapiece: What were those cases? Can you recall why you were out there?

Ms. Maureen Helt: It was a long time ago, and no, I can't. I think one of the cases involved horses and whether or not they had appropriate shelter, because there was a concern that the bedding underneath was wet because there was leakage coming in from the roof. That is what the case involved.

Mr. Randy Pettapiece: Okay. In your capacity in that case, were you able to give an opinion as to whether the horses had wet bedding or dry bedding, or what?

Ms. Maureen Helt: Well, it wasn't a matter of giving an opinion. It was reviewing the particular evidence that was presented and determining what we thought was the correct decision in that matter. I can't honestly recall what the decision was. It was a long time ago.

Mr. Randy Pettapiece: Cruelty to animals is cruelty to animals, no matter where you are in the province. I fully believe that, but I am from a rural area. Sometimes we've had issues where inspectors or people who are involved in these types of things come in where we've been doing things for a lot of years called "normal farm practices," and then all of a sudden somebody comes in

who doesn't think that's right. It has caused quite a bit of concern in the country as to why all of a sudden we aren't doing things right, according to somebody who we don't believe is even qualified to make those decisions. That's kind of where I'm going.

Ms. Maureen Helt: Yes. I take your point, and I understand what you're saying. I think that the Animal Care Review Board is there to hear appeals of individuals who have either had a removal order of an animal from the OSPCA or a bill for veterinary care, or whatever it may be. But the OSPCA is separate, and the actual investigation and laying the charges is outside of the purview of the Animal Care Review Board. In my personal view, I think that whatever comes before the Animal Care Review Board is considered, and it is considered without bias towards either farm owners or to the OSPCA.

Mr. Randy Pettapiece: We've had a number of cases where I'm from where farmers have just paid the fine, because to go into the legal system was just going to cost way too much money, so they gave up on it. Really, that's not fair, in my opinion.

Anybody who is going to be appointed to these types of boards or involved in this type of business, in my opinion, should have at least a background or some knowledge of what goes on in different parts of the province, because things aren't always the same depending on where you are.

The Chair (Mrs. Cristina Martins): Mr. Oosterhoff.

Mr. Sam Oosterhoff: Thank you very much for coming in this morning. I appreciate it. Very nice to meet you. You have a very impressive resumé, so it's an honour to be able to speak with someone of your pedigree. My great-uncle actually taught at Western: Albert Oosterhoff, in family law. I don't know if you ever ran into him, but whenever I meet people from the legal profession, they look at me funny and seem to think they might know me from that.

I have a couple of questions about your recent work experience. You've been at the OEB for 10 years, and now you're entering these appointments. What would you say to someone who might bring up the appearance—let's say I had a constituent who came to me and said, "It seems a little strange to me that someone who worked at the OEB for 10 years is now getting five appointments by the government." What would your response be to that?

Ms. Maureen Helt: That's an interesting question. I don't really know if it's unusual or not. I think, certainly, that someone who has worked for over 20 years as legal counsel often seeks to make a change at this point in their career. I will probably work for 10 or 12 more years, so I think that making a move now to change my career is one that is appropriate and is one that I am very much looking forward to.

0930

Also, moving from being counsel to being an adjudicator, I think, is not an unusual step. A lot of people who are lawyers also apply to be judges, for example. So I don't think the move is unusual.

And then, with respect to the five appointments, as I answered previously, I think that being cross-appointed in a cluster of tribunals is not unusual. I think it's actually very beneficial to the tribunal.

Mr. Sam Oosterhoff: So you don't think it looks a little bit strange to get those five appointments after working at the OEB for 10 years?

Ms. Maureen Helt: No.

Mr. Sam Oosterhoff: Okay. I was just curious. You also mentioned that you provided advice to the OEB on policy matters and participated in policy consultations, including the rates group, facilities audit and compliance and investigations.

The rates group is the bit I'm curious about. I'm sure you know that Ontario Hydro is asking for a 4.8% increase in their rate right now, before the OEB. If you were participating in that type of—

Ms. Daiene Vernile: Point of order, Chair.

The Chair (Mrs. Cristina Martins): Yes?

Ms. Daiene Vernile: What Mr. Oosterhoff is asking is beyond the scope of what we're here to do: to talk about Ms. Helt's appointment to a tribunal.

The Chair (Mrs. Cristina Martins): Can we just try to continue? Continue on, Mr. Oosterhoff.

Mr. Sam Oosterhoff: Point of order, Chair.

The Chair (Mrs. Cristina Martins): Yes?

Mr. Sam Oosterhoff: I disagree with her point of order. Is that allowed?

The Chair (Mrs. Cristina Martins): Can you just continue?

Mr. Sam Oosterhoff: Okay.

The Chair (Mrs. Cristina Martins): Thank you.

Mr. Sam Oosterhoff: All right. So if you were still with the OEB, what type of advice would you provide on that?

Ms. Daiene Vernile: Point of order, Chair. We're not here to talk about the OEB; we're here to talk about an appointment.

Mr. Sam Oosterhoff: It's in her resumé as one of the issues.

Ms. Daiene Vernile: Let's talk about her appointment to this tribunal. It's not about what she would do if she were still on the OEB.

Mr. Randy Pettapiece: Let's let the Chair make the decision.

Ms. Daiene Vernile: She's not still on the OEB. She's moving forward. Let's talk about that.

Mr. Sam Oosterhoff: It's put down as relevant experience.

Ms. Daiene Vernile: Let's talk about why she's here.

Mr. Randy Pettapiece: You don't want to talk about it, do you?

The Chair (Mrs. Cristina Martins): Excuse me.

Ms. Daiene Vernile: You asked her if it was too much work for her to do this job. Would you have asked that question had it been a man sitting here? Shame on you. You should apologize for asking that question.

Mr. Randy Pettapiece: Oh, no. Wow.

Mr. Sam Oosterhoff: Wow.

Ms. Daiene Vernile: Yes, "wow" on you.

The Chair (Mrs. Cristina Martins): Can we just bring things to order, please? I'm just going to ask Mr. Oosterhoff to continue with the questions, please.

Mr. Sam Oosterhoff: Thank you. Sorry.

All right. I'm going to back up a little bit, then. In your work at the OEB, you worked with the rates group as well?

Ms. Maureen Helt: Yes.

Mr. Sam Oosterhoff: What type of advice did you provide to the OEB on policy issues, and how do you feel that's going to be relevant to your experience today, since it's included in your job experience?

Ms. Maureen Helt: Any advice that I gave to the OEB would be considered solicitor-client privilege. In my work with the rates group, it would be with respect to rates—

The Chair (Mrs. Cristina Martins): Thank you very much, Ms. Helt. That brings our interview to an end. I'm going to ask you to step down. We will consider concurrences following all interviews today. Thank you.

Ms. Maureen Helt: Thank you so much.

MR. CRAIG MAZEROLLE

Review of intended appointment, selected by official opposition party: Craig Mazerolle, intended appointee as member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario).

The Chair (Mrs. Cristina Martins): Our next intended appointee is Mr. Craig Mazerolle—I hope I pronounced that correctly—who is nominated as member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario).

Thank you very much, Mr. Mazerolle, for being here today. Welcome. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questioning. When we do begin questions, it will be with the government. I'm going to ask you to begin. You have 10 minutes. Thank you.

Mr. Craig Mazerolle: Thank you. Good morning, Madam Chair, and good morning to the members of the committee.

It is my pleasure to have this opportunity to speak about my candidacy as a member of the Licence Appeal Tribunal. Briefly, I believe that my diverse and unique experience within adjudicative settings, and the public sector more generally, makes me an ideal candidate for this position. I therefore intend to use my time to tell the committee a bit about myself, and then to explain why I believe my experience and background make me a suitable candidate for membership on this administrative tribunal. I will then, of course, be more than happy to answer any questions that the committee may have.

Before I begin, though, I would like to make a correction to information that was distributed about my candidacy. If I am successful in being appointed to the

Licence Appeal Tribunal, it will be my first term as a member. However, information you received states that I am currently a member of the tribunal. I believe this discrepancy arises from the biography I submitted during the application process. My understanding from reviewing other biographies through the Public Appointments Secretariat is that these biographies are meant to be written with the view that they would eventually be placed directly onto the secretariat's website after one is successful at being appointed. So while I certainly do hope to be appointed to the Licence Appeal Tribunal, I apologize for any confusion that my oversight may have caused.

To start, I was born and raised in Halifax, Nova Scotia, though my family and I have lived all over this country, from Calgary to Markham. My family has deep roots in the Maritimes—in particular, Halifax and rural New Brunswick. I completed my undergraduate education at St. Thomas University in Fredericton, New Brunswick. My program of studies was a bachelor of arts with honours in psychology. In addition to winning several of the university's top prizes in psychology, my honours project was awarded the Ray and Lorain Irving Prize for Best Thesis.

After completing this program, I moved to Toronto in 2012 to attend Osgoode Hall Law School at York University. Of relevance to this position, I focused my legal training and study on the application of administrative law. This focus resulted in receiving the award for the highest mark in administrative law, the publication of an article discussing the challenges of single parents in the administrative context, and the distinction of being named one of the top students of my graduating class.

I also satisfied the requirements for the Osgoode Hall labour and employment law curricular stream, an optional designation that demonstrates my proficiency with the particular challenges and themes of these areas of law.

Finally, I spent a semester working as a student caseworker at a community legal clinic in downtown Toronto, where my files addressed the concerns of marginalized communities before a number of provincial and federal employment standards tribunals and programs.

During this period, I also began my legal career in the public sector. First, I spent a summer working at the Ministry of Community and Social Services within the Family Responsibility Office. Tasked with the role of enforcing the province's family support orders, this high-volume legal practice honed my skill for quick yet exact drafting. This attention to detail in fast-paced environments will help me to address the increasing caseloads and strict timelines that the tribunal is experiencing.

Furthermore, as the Family Responsibility Office must make sure that both support recipients and support payers are treated in a fair and even-handed manner, this was the first of several professional settings where I was trained in the practice of objective oversight. That is, as opposed to the zealous advocacy that often characterizes legal practice, this more removed kind of work is a common

thread throughout much of my professional background, and it is an experience that will serve me well in an adjudicative role.

After graduating from Osgoode Hall in 2015, I then completed my articles by clerking with the Ontario Superior Court of Justice. I was one of three clerks seconded to the Divisional Court branch, the branch where the province's applications for judicial review and statutory appeals, such as those from the Licence Appeal Tribunal, are heard.

By assisting my team of judges in their review of decisions from Ontario's various government agencies and administrative tribunals, I believe that I possess a unique viewpoint on the core aspects of procedural fairness and sound adjudicative practices. I would also note that a major aspect of this assistance involved preparing summaries of party submissions, and I was encouraged and sometimes expected to attend hearings. These experiences will serve me well when I am, too, presented with oral submissions and volumes of documentary evidence in my adjudicative capacity.

Finally, after completing my time with the courts in July 2016, I then joined the Office of the Ombudsman of Ontario. I have worked in three different capacities within this office. First, I spent time as an early resolution officer, where I conducted intake interviews with residents from across Ontario and then communicated with government agencies to try to resolve these complaints. I was then selected to lead a team of five to six early resolution officers as an acting manager, and I am currently an investigator with the office.

The Chair (Mrs. Cristina Martins): You have five minutes.

Mr. Craig Mazerolle: With my remaining time, I just want to highlight two aspects of why I believe my recent experience with the Ombudsman makes me a unique candidate for this role.

First, the recent expansion of the Ombudsman's jurisdiction means that the office now oversees the province's school boards and universities, as well as over 440 municipalities. Therefore, just as the Licence Appeal Tribunal is now administering the Automobile Accident Benefits Service and a number of additional statutory appeals, the Ombudsman's new jurisdiction has required all of us at the office to learn how to build relationships with stakeholders who are unfamiliar with our practices.

The second aspect is that the Ombudsman's office addresses many complaints from self-represented parties. That is, anyone in Ontario can pick up the phone or email our office with a concern, and we will work with individuals to understand what the underlying issue is. However, I have also learned that when providing this assistance, we must maintain the necessary level of objectivity to ensure that we can still effectively conduct our oversight role. With the growing number of self-represented parties bringing their disputes to administrative tribunals, these skills will be another tool that I will bring to the Licence Appeal Tribunal as I balance the interests of self-represented litigants and the interests of affording objective adjudication.

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Thank you for your time, and I invite any questions that the committee may have about my potential appointment.

The Chair (Mrs. Cristina Martins): Thank you very much. We will now begin with the government side. Ms. Vernile.

Ms. Daiene Vernile: Good morning. My first question to you is, how do I properly pronounce your surname?

Mr. Craig Mazerolle: It's "Mazerolle."

Ms. Daiene Vernile: What's the origin of that?

Mr. Craig Mazerolle: It's Acadian.

Ms. Daiene Vernile: Acadian. Okay. Well, welcome.

Mr. Craig Mazerolle: Thank you.

Ms. Daiene Vernile: The first thing I want to do is to thank you for stepping forward in public service. We're very glad to see you here today. Congratulations on your top marks at school. Looking at your recent working background, I think you're going to bring a lot to this position.

Mr. Craig Mazerolle: Thank you.

Ms. Daiene Vernile: Do you have any personal goals when serving on this tribunal?

Mr. Craig Mazerolle: I think as my experience demonstrates, public service is the reason I got into the legal profession. It's what I see as my career goals moving forward, and working in adjudication is something that I had wanted to do for a while, since before entering law school. So the opportunity to be able to follow through with that in the Licence Appeal Tribunal is something that is a privilege that I don't take lightly.

Ms. Daiene Vernile: Thank you very much.

Mr. Craig Mazerolle: Thank you.

The Chair (Mrs. Cristina Martins): Are there any further questions from the government side? You've got two minutes and a half. Going once. Twice. Gone.

We're now going to move it over to Mr. Pettapiece.

Mr. Randy Pettapiece: Good morning, Mr. Mazerolle.

Mr. Craig Mazerolle: Good morning.

Mr. Randy Pettapiece: I have an interest in the horse racing industry in Ontario, and I think you are well aware of what happened to it. Or are you aware of what happened to it in the last number of years, where the government almost destroyed the whole thing? They are having an awful time getting back on their feet right now because of a budget that was passed in 2012.

You have a particular interest in this type of thing, I see here by your resumé. What is your interest in the horse racing industry?

Mr. Craig Mazerolle: As I noted in my application, I have an interest in the province's liquor, gaming and horse racing legislation that comes from experiences with Divisional Court where we would oversee the administrative tribunals throughout the province. I can't speak to the individual cases I worked on, but these are certainly topics that we addressed through the Divisional Court, and I just found that these were interesting cases that

affected everyday individuals. They weren't the big bankruptcy cases or the big civil suits. They were, rather, cases that addressed the interests of ordinary individuals, and I found them to be quite interesting.

Mr. Randy Pettapiece: Without going into too many details, what kind of cases were they? You say they dealt with ordinary individuals. Are they cases of licensing with horse owners or—

Mr. Craig Mazerolle: These would be appeals from the Ontario Racing Commission, as it then was at the time.

Mr. Randy Pettapiece: So did you handle quite a few of these things? Did you get to know the racing industry a little bit over—

Mr. Craig Mazerolle: I wouldn't say that I'm an expert on it, but there is a statutory appeal—at least I believe there was at the time—for decisions of the Ontario Racing Commission. Working within the court, you gain a familiarity in a variety of the different topics that come before court. Again, I can't speak to the individual cases, but—

Mr. Randy Pettapiece: No, I wouldn't expect that. I just wondered what tweaked your interest in the horse racing business. That's what I'm trying to get at.

Mr. Craig Mazerolle: Right. I would also say that in Fredericton, New Brunswick, it's one of the oldest horse racing tracks in the country, and so there's definitely a history in this country with horse racing.

Mr. Randy Pettapiece: A friend of mine races his horses on Prince Edward Island just because he can. He can't do it here very much, and he went down there because of what happened a few years ago. The race dates were all cut back and everything else. Actually, they're not making any money here, so he went down there. His horse races quite a bit, and he's done well. So he moved out of the province, which was really too bad, when this all happened.

Do you believe there will be any conflict, real or perceived, between your role with the Ontario Ombudsman and receiving two government patronage appointments?

Mr. Craig Mazerolle: I don't believe so. I believe that my experience with the Ombudsman's office will be a service to the tribunal. I believe it will be of great assistance, especially since much of the work that we do is dealing with such a variety of different organizations, much as the Licence Appeal Tribunal deals with over 25 different statutes; I believe we're up to 27 now with appeals to the Licence Appeal Tribunal. To be able to address the particular issues and concerns of an organization that you might not have encountered in your professional career yet, in learning how to deal with these various organizations in the same fair and even-handed manner, I believe, will be an important service that I will bring to the tribunal, and I think it speaks to why my candidacy has been put before you.

The Chair (Mrs. Cristina Martins): Thank you. Mr. Oosterhoff, please.

Mr. Sam Oosterhoff: Good morning. Welcome. You've been working as an early resolutions officer with

the Office of the Ombudsman since July 2016, and now you're applying for these two positions, a full-time and part-time. How are you going to be balancing that with the workload, and how are you going to be able to—I don't want to appear impolite here—retain impartiality with government issues, as well as working with the Ombudsman and also working with the Licence Appeal Tribunal?

Mr. Craig Mazerolle: Sorry. I was wondering if I could get some clarification. Are you wondering whether or not my past position will affect the—

Mr. Sam Oosterhoff: So you're not currently working—

Mr. Craig Mazerolle: I am currently working for the office as an investigator.

Mr. Sam Oosterhoff: Right. So how is that experience that you have working with the Ombudsman going to be helping you in this position, and how are you going to be balancing those two when it comes to just workload? It's a full-time position and a part-time position.

Mr. Craig Mazerolle: Right. My intention would be, if I'm successful in the appointment, that I would no longer be working with the Ombudsman's office. That's how I would address the workload issue there.

Once again, I believe that the experience through the Ombudsman's office will be of a great service to the tribunal. Dealing with issues of procedural fairness on a regular basis is something that illuminates all administrative tribunals, and ensuring that individuals are able to participate in the process, that they understand why decisions are made, really goes to the core of what parliamentary ombudsmen do all over the world, including here in Ontario.

Mr. Sam Oosterhoff: I can tell you're very hard-working, and you have a lot of awards to back up your involvement in the legal profession. I'm just curious, though: What sort of challenges do you think you may face in this position? What are some of the areas that you feel you're going to need to grow in, and what are areas you're maybe curious about that you're going to face challenges in?

Mr. Craig Mazerolle: Well, certainly, the Licence Appeal Tribunal deals with statutory appeals from a number of different statutes, some of which I have some familiarity with and some of which I don't have familiarity with. I know that that will be a process that I will have to get up to speed with, but I believe that my past work experience, especially working with the courts, demonstrates my ability for quickly being able to learn about an area of the law that I might not be familiar with and be able to apply it in a fair and even-handed manner. It certainly will be a challenge, but a challenge I'm certainly up to.

The Chair (Mrs. Cristina Martins): Any further questions? No? Thank you very much.

We're now going to turn it over, then, to Mr. Gates, please.

Mr. Wayne Gates: Good morning, sir. How are you?

Mr. Craig Mazerolle: Good morning. I'm good.

Mr. Wayne Gates: I just want to start by saying that your opening comment on your statement—I think it's important to say this. The information that comes to the MPPs as we prepare to ask questions: We've got to make sure it's accurate. I do a fair amount of work on my questions, and a lot of the questions that I put together for you, sir, were based on the fact that you are already part of the process. That makes it difficult when I've got my 10 minutes and I'm trying to ask you what I feel are fair and balanced questions, so some of this stuff that I may say to you, you might not know anything about. I just thought I'd say that.

One thing that I'll follow up from my PC colleagues with is the horse racing industry. My opinion may differ from the PC Party's on what exactly is destroying the horse racing industry today. The decisions that were made in 2012 were certainly a direct attack on rural Ontario, in my humble opinion.

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Today, the Fort Erie Race Track that I have down in my riding—you talked about out east and your horse racing on one of the oldest racetracks. Well, my Fort Erie Race Track is 120 years old. It has an incredible history in the community—a lot of community pride. It's being attacked—not by the province, I believe, quite frankly. It's being attacked by Woodbine as they try to destroy horse racing in the province of Ontario. We are fighting to keep our track open.

Maybe you could answer this, with the relationship you have around horse racing: How important is it for small communities to make sure that their local racetrack survives? Rather than me putting words in your mouth, tell me—you seem to really like horse racing. I'll be honest with you: I don't think I've picked a winner in the last five years. But I do enjoy the racetrack and that atmosphere, and the jobs that go with it. Maybe you could tell me your pride around the horse racing industry. I have a lot of pride around the horse racing industry. I don't own horses, but I do enjoy it.

Mr. Craig Mazerolle: It certainly has a connection to the local communities that have these tracks. These are ordinary people who often are involved in this industry. I would say that recognition of the issues that are faced by rural communities is something that I do hope to bring to my time on the Licence Appeal Tribunal.

I have lived in smaller communities on the east coast, though they are relatively large, I guess, for the east coast. Fredericton, at about 50,000 people, is quite big for New Brunswick.

Mr. Wayne Gates: Sorry; what was the number?

Mr. Craig Mazerolle: There are about 50,000 people in Fredericton, New Brunswick.

I hope to bring that recognition to the work that I do, while at the same time, of course, being objective and even-handed in the decisions that I reach.

As adjudicators, we are not advocates for either side. We have to be able to step back and fairly weigh the evidence. But I do hope to bring a recognition of some of the challenges that rural communities may face.

Mr. Wayne Gates: That's what it has to look at: What are the challenges if you suck a racetrack out of a community? What effect does that have on the community? It's happening all over Ontario, for whatever reason.

In our particular case, it seems like it was a blatant attack, starting in 2012, when they took the slots program away from us. Then, over the last year and a half or two years—in particular, in the last year—Woodbine attacked our track around its stabling policy, which cut the flow of horses down to Fort Erie. They're trying to cut our race dates. I think they want a monopoly when it comes to thoroughbred racing. It's really sad, when you see that happening.

I will say that the Liberal government, under Premier Wynne, has tried to help us out the best they can, but at some point in time, somebody has to tell Woodbine that they don't run the province of Ontario. That's just my opinion. I know you don't have to have one.

I understand that the tribunal has recently been hearing appeals related to horse racing licences. I'm talking about Fort Erie. Fort Erie has one of the oldest tracks in the province. I know there are a lot of issues surrounding horse racing in Ontario. Are there any particular issues or challenges that you believe the industry may face with licence appeals?

Mr. Craig Mazerolle: As I had said at the beginning, I'm not currently a member and I apologize again for that oversight—

Mr. Wayne Gates: So my first questions were wrong.

Mr. Craig Mazerolle: Right.

Mr. Wayne Gates: But I got the Fort Erie stuff out because I have some passion around that.

Mr. Craig Mazerolle: Certainly. I can't speak to the particulars that might be faced on the tribunal, but I can say that I recognize the importance of making sure that parties are able to understand the process when they do approach various tribunals, making sure that legal concepts are explained in language that all parties can understand, not just those with legal backgrounds. That's a recognition I hope to bring to the work that I do.

Mr. Wayne Gates: I appreciate that. Your other passion seems to be gaming.

Mr. Craig Mazerolle: I don't know if it's so much of a personal passion, but I did enjoy working in these areas of administrative law with the courts.

I find that, again, they are issues that face everyday people. They're not the big issues that you might see on the front page of the newspaper, but they do affect individuals in very real ways. I enjoyed working on those cases.

Mr. Wayne Gates: Really, gaming came into my particular riding for jobs. When we decided 20 years ago to put gaming into Niagara Falls, it was all about economic growth and development, all that kind of stuff, but the key issue was jobs. I think in the gaming industry today, they've lost why they were brought into the province of Ontario. I believe it's more about profit rather than making sure that the jobs are still there, and they're good-paying jobs. So interesting—I just saw that you do that.

Two of the passions that you have, I actually have. I think gaming is important, particularly around keeping jobs.

You may not know anything about this but I'm going to ask it anyway to get it on the record. It's my understanding that the OSPCA had some concerns previously with the scope of cases that the Animal Care Review Board was hearing. This was in 2013. The OSPCA claimed the Animal Care Review Board was hearing cases that involved constitutional matters. Can you comment on what you believe is the appropriate scope for the Animal Care Review Board?

Mr. Craig Mazerolle: Once again, I wouldn't be able to comment on it without being a member. But again, sitting on these committees, I will certainly use the experience that I have to get up to speed as quickly as possible on the issues facing the tribunals.

Mr. Wayne Gates: How much time do I have?

The Chair (Mrs. Cristina Martins): I'll have to put my glasses on to check. Hold on. Two minutes and 45 seconds.

Mr. Wayne Gates: Perfect, thank you. You're timing it well.

With the Ombudsman—you talked about the province's school boards. I think you have a little bit of knowledge around that, being a lawyer, so I'm going to ask you a question. You don't have to answer it but I'm going to ask it anyway. Do you believe that the province's school boards should have the right, when they're selling land to a city or a town, to put conditions on the selling of the land? In other words, I'm from a community, we want to buy the school, the board has decided to close the school, move out of the community or not participate with that land anymore, so now the town wants to purchase it back. Do you believe that a school board has the right, legally, to put conditions on a town or a city on the selling of that particular land?

Mr. Craig Mazerolle: What I would say is that the Ombudsman's role is not so much to set public policy but rather to ensure that there is policy compliance and procedural fairness for all the parties involved. So I wouldn't be able to speak in a hypothetical about these public policy issues.

Mr. Wayne Gates: I appreciate that, but that's what is going on. I think it's absolutely wrong. If a town wants to keep a particular school in the community, as a community hub, which is exactly the way the Liberal government wants to do it, I believe they should have that opportunity. I don't think school boards in the province of Ontario should have the right, once they have the asking price that is fair under the law that was put in place, actually, by the Harris government, the highest amount that the land is used for, that they then put conditions on a town that they left. It doesn't make sense to me.

I appreciate you being honest about it but I wanted to make sure. I thought, you being a lawyer, you could help me out here. You kind of skirted that question pretty quickly. Maybe I can talk to you out in the hall and you could help me out.

The last thing was on the housing part. Are you familiar with Tarion at all?

Mr. Craig Mazerolle: I do have a bit of familiarity, yes.

Mr. Wayne Gates: There's a bill coming forward, a bill that we're having clause-by-clause—and I have to do 40 minutes on it tomorrow. But I wanted to say to you: Do you believe that Tarion should be representing the home builder rather than the people who are buying the houses? I think that's what was put in—are you familiar around that at all, around Tarion?

Interjection.

Mr. Wayne Gates: It's not out of order; it's fine. Just let him answer the question.

Ms. Daiene Vernile: This isn't even what we're talking about.

Mr. Wayne Gates: It's in what he's done. It's one of the things that he's done. I read it here. That's where I got it because I had to put these questions together.

I'm just asking about Tarion. How much do you know about it?

The Chair (Mrs. Cristina Martins): Thank you very much. The time is now expired. Thank you, Mr. Gates.

That concludes the time allocated for this interview. Thank you very much. You may step down.

Mr. Craig Mazerolle: Thank you.

The Chair (Mrs. Cristina Martins): We will now consider the concurrence for Ms. Maureen Helt, nominat-

ed as vice-chair and member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario). Would someone please move the concurrence? Mr. Qaadri.

Mr. Shafiq Qaadri: Thank you, Madam Chair. I move concurrence in the intended appointment of Maureen Helt, nominated as vice-chair and member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario).

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Opposed? The motion is carried. Congratulations, Ms. Helt.

We will now consider the concurrence for Mr. Craig Mazerolle, nominated as member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario). Would someone please move the concurrence? Thank you, Mr. Qaadri.

Mr. Shafiq Qaadri: I move concurrence in the intended appointment of Craig Mazerolle, nominated as member, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario).

The Chair (Mrs. Cristina Martins): Any discussion? All in favour? Opposed? The motion is carried.

Congratulations, Mr. Mazerolle.

Thank you very much. We will see you all next week. Adjourned.

The committee adjourned at 1000.

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